

**CITY OF WOODLAND
300 FIRST STREET
WOODLAND, CALIFORNIA**

**CITY COUNCIL
CLOSED SESSION AGENDA**

OCTOBER 18, 2011

5:00 P.M.

- A. CALL TO ORDER
- B. CLOSED SESSION
 - B.1 Conference with Legal Counsel - Existing Litigation, Pursuant to Section 54956.9(a)
Name of Case: California Clean Energy Committee v.
City of Woodland et al
 - B.2 Conference with Real Property Negotiators, Pursuant to Section 54956.8
Property: 801 Main Street
Agency Negotiator: City Manager
Negotiating Parties: Kevin O'Rourke and Woodland Development Company, LLC
Under Negotiation: Price and Terms of Payment
 - B.3 Public Employee Performance Evaluation, Pursuant to Section 54957
Title: Interim City Manager

**JOINT REGULAR CITY COUNCIL /
WOODLAND FINANCE AUTHORITY**

6:00 P.M.

- A. CALL TO ORDER



All times are
approximate

updated a/o 10/4/2018



B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. COMMUNICATIONS-PUBLIC COMMENT

This is an opportunity for the public to speak to the Council on any item other than those listed for public hearing on this agenda. Speakers are requested to use the microphone in front of the Council and to begin by stating their name, whether they reside in Woodland and the name of the organization they represent if any. The Mayor may impose a time limit on any speaker depending on the number of people wanting to speak and time available for the rest of the agenda. In the event comments are related to an item scheduled on the agenda, speakers may be required to wait to make their comments until that item is considered.

E. COMMUNICATIONS-COUNCIL/STAFF STATEMENTS AND REQUESTS

This is an opportunity for the Council Members and Staff to make comments and announcements, to express concerns, or to request Council's consideration of any items a Council Member would like to have discussed at a future Council meeting.

F. COMMITTEE REPORTS

F.1 Receive the Minutes of the Water Resources Association Board of Directors Meeting of June 20, 2011

F.2 Receive the Minutes of the Woodland-Davis Clean Water Agency Board of Directors Meeting of June 30, 2011

G. PRESENTATIONS

1. Proclaim October 9-15, 2011 as Fire Prevention Week

2. Proclaim November 2, 2011 as Law Enforcement Records & Support Personnel Day

H. CONSENT CALENDAR

3. Receive the Fire Department Monthly Status Report for August 2011



4. Receive the Public Works Department Monthly Status Report for August 2011
5. Adopt Resolution Approving Fiscal Year 2011/2012 Appropriations Limit of \$51,499,262
6. Accept the Local Agency and Special Tax Bond Accountability Report for CFD 2004-1 for the Year ended June 30, 2011
7. Accept the Fiscal Year 2012 Avoid the 8 DUI Campaign Grant Award; Authorize Police Chief to Sign the Inter-agency Memorandum of Understanding
8. Adopt Resolution No. _____ The Preferred Air Quality Control Measures that Include Planting Agreed Species Mix Percentages and Utilizing a Tree List to Guide Species Composition and Diversity
9. Approve Project Design and Bid Package for Well 1 Replacement Project No. 10-08 (Phase II); Authorize Bid Advertisement

I. REPORTS OF THE CITY MANAGER

10. Appoint New Nominating Committee for the Community Service Awards in February 2012
11. Receive League of California Cities 2011 Annual Conference Resolutions Final Report
12. Adopt Resolution Authorizing a New Fee for the Procurement and Installation of Automatic Meter Reader Units for new Residential Units; Add Fee to Comprehensive Fee Program
13. Appoint Members to Board and Commission Vacancies
14. Waive First Reading; Read by Title Only an Ordinance Amending Chapter 5A of and Adding Chapter 5B to the Woodland Municipal Code Relating to Bingo Games
15. Approve Resolution Adopting the Revised Public Facilities Fee Program Administrative Guidelines; Direct Staff to Develop a Separate Automotive Sales Land Use Category in the 2012 MPFP Nexus Study Update



16. Receive Brief Summary of California Voting Rights Act; Give Direction to City Attorney and Staff
17. Receive Report on Reassessing Transportation Funding Priorities and Defer Funding for the I-5/113 Project

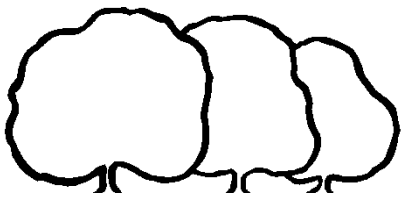
J. ADJOURN

I declare under penalty of perjury that the foregoing Agenda for the Joint Regular City Council/Woodland Finance Authority/Redevelopment Agency Board of the City of Woodland scheduled for Tuesday, October 18, 2011 was posted on October 14, , 2011 in the outside display case at City Hall, 300 First Street, Woodland, CA, and was available to the public during normal business hours.

Ana B. Gonzalez, City Clerk

Upon request, agendas and documents in the agenda packet will be made available in appropriate alternative formats to persons with a disability, as required by law. Any such request must be made in writing to the Office of the City Clerk of the City of Woodland. Requests will be valid for the calendar year in which the request is received, and must be renewed prior to January 1st.

Persons needing disability-related modifications or accommodations in order to participate in public meetings, including persons requiring auxiliary aids or services, may request such modifications or accommodations by calling the Office of the City Clerk (530-661-5806) at least 48 hours prior to the meeting.



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: October 18, 2011

SUBJECT: Water Resources Association Board of Directors Meeting Minutes for
June 2011

Report in Brief

Attached are the June 20, 2011 Water Resources Association Board of Directors Meeting Minutes. These minutes were approved at the September 19, 2011 meeting.

Background

The Water Resources Association meets quarterly and submits meeting minutes to all jurisdictions attending the meeting. Meeting Minutes are then shared with Council.

Recommendation for Action

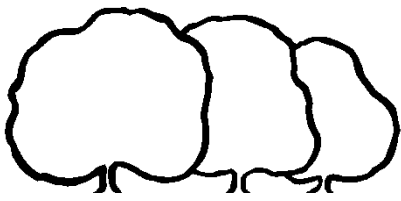
No action required. For information only.

Prepared by: Johanna Currie
Senior Management Analyst

Reviewed by: Gregor G. Meyer
Public Works Director

Kevin O'Rourke
Interim City Manager

Attachments: June 20, 2011 Water Resources Association Board of Directors Meeting Minutes



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: October 18, 2011

SUBJECT: Woodland-Davis Clean Water Agency Board of Directors Meeting
Minutes for June 30, 2011

Report in Brief

Attached are meeting minutes from the Woodland-Davis Clean Water Agency Board of Directors' special meeting held June 30, 2011. These minutes have been approved by the Agency Board of Directors.

Background

The Woodland-Davis Clean Water Agency holds regular quarterly meetings and schedules special meetings as necessary to timely address important matters affecting the Davis Woodland surface water supply project. After the Agency Board takes action to approve the minutes, they are then shared with the City Councils and governing boards of Partner and Participating Agencies and interested stakeholders. These minutes and all previous Board agendas and minutes are available for review or download from the Agency website at: www.wdcwa.com.

Recommendation for Action

No action required. For information only.

Prepared by: Liz Houck
Senior Engineering Assistant

Reviewed by: Doug Baxter
Principal Engineer

Reviewed by: Nicholas J. Ponticello
CDD Director

SUBJECT: Woodland-Davis Clean Water Agency Board of Directors Meeting
Minutes for June 30, 2011

PAGE: 2
ITEM:

Kevin O'Rourke
Interim City Manager

Attachments: Approved Woodland-Davis Clean Water Agency Board of Directors Meeting
Minutes from June 30, 2011



Board of Directors

Minutes of the June 30, 2011 Special Board Meeting

The Board of Directors of the Woodland-Davis Clean Water Agency (WDCWA) met in a special meeting beginning at 3:00 p.m. in the Woodland City Hall Council Chambers, 300 First Street, Woodland, California.

1. Call to Order and roll call

The meeting was called to order by Chair William Marble at 3:03 p.m. Vice-Chair Stephen Souza, Director Joe Krovoza and Director Martie Dote were present. David Phillips, participating agency representative to the Board from U.C. Davis and Don Saylor, participating agency representative of the Yolo County Board of Supervisors were in attendance to participate as non-voting agency representatives.

2. Approval of Special Meeting Agenda

Vice-Chair Souza moved approval of the Special Meeting Agenda. Director Dote seconded the motion. The motion carried 4 to 0.

3. Public Comment

There were no public comments.

4. Comments from Ken Landau, Assistant Executive Officer of the Central Valley Regional Water Quality Control Board, concerning project-related water quality issues.

Eric Mische, General Manager, introduced Ken Landau, Assistant Executive Officer of the Central Valley Regional Water Quality Control Board, to present comments concerning the relationship of the project to city wastewater and water quality issues and answer questions from Board members.

Ken Landau, Central Valley Regional Water Quality Control Board, responded to questions and made the following statements:

- The cities are required to comply with their Regional board waste discharge requirements by 2016 (Woodland) and 2017 (Davis) or face enforcement and time schedule orders (fines and a timeline for compliance).
- An extension for compliance may be granted if the cities could demonstrate due diligence toward compliance (i.e. the cities must show continued progress on the project(s) that will achieve compliance).
- Fines for non-compliance may include mandatory minimum penalties of \$3,000/violation and discretionary fines of as much as \$10,000/day and \$10/per gallon discharged. If a city is not diligently pursuing a project to comply with its WDRs, then the Regional Board is more likely to impose higher fines. If a city suspended or abandoned work on a project to come into compliance with its WDRs, the fines typically would be at least equal to the money saved by the city by not implementing the project.
- The City of Tracy's situation has no relevance to Davis and Woodland because Tracy is south of the Delta and has fewer options for improving its source water.

- Even if future salinity/EC limits are reduced, the amount in Davis and Woodland's effluent will still be above any limit allowed by the state.
- Failure to comply with the regulations could open the cities to third-party lawsuits.
- Mr. Landau cautioned the Board that if they didn't continue moving forward with the project, its newly acquired water rights from the State Water Resources Control Board could be in jeopardy.

5. Consent Items

- a. Approval of Special Meeting Minutes of June 7, 2011

Director Dote moved approval of the consent items. Vice-Chair Souza seconded the motion. The motion passed 4 to 0.

6. Correspondence of interest to the Board – Letter from U.S. Bureau of Reclamation concerning funding for joint intake design and permitting.

Eric Mische, General Manager, summarized the letter from the Bureau of Reclamation as committing to funding the 100% final design of the Joint Intake with RD 2035 to the amount of \$1.165 million. The letter stated Reclamation's Acquisition Services Division expects to approve the Purchase Requisition by mid-to late July 2011.

7. Peer review report on project water quality goals and benchmark water treatment processes

Eric Mische explained that the Board had requested an independent evaluation by experts of the benchmark water treatment process and objectives. He introduced Dr. Ed Schroeder, U.C. Davis Professor Emeritus, one of the consultants who wrote the peer review report.

Dr. Schroeder gave a power point presentation of the report that he and Dr. George Tchobanoglous wrote on April 18, 2011. The evaluation covered Sacramento River quality, the proposed benchmark system, impacts on wastewater treatment, possible approaches to alleviating shortfalls, and the rationale for a D-B-O procurement system. In summary, he stated the work done has been very professional and the benchmark system will be innovative and a very good system for both communities.

Director Saylor suggested there be some type of shadow testing on the costs of the D-B-O program so the Agency has the information on whether the cost assumptions are valid.

Jim Yost, West Yost Associates, said they are compiling costs for all the comparable treatment plants that have been built in the last three years so that they can compare what reasonable prices/costs are in the marketplace. He also said the Agency will receive three very competitive proposals which will give a real test of the marketplace.

8. Update on Facilities Procurement Committee – Summary and status update of the Draft Request for Proposal for design-build-operate contract procurement.

Eric Mische said the draft RFP should be going out sometime in early September after it is presented at an August Board meeting.

Jerry Gilbert, Chair of the Facilities Procurement Committee, presented a power point overview of the RFP process. He summarized the RFP evaluation factors and highlighted the requirement for the DBO contractor to provide a plan and method for maximizing opportunities for local employment, subcontracting and the evaluation of corporate ethics of the competing respondents and their guarantor(s).

Chair Marble surveyed the Board to check their availability for an August 18th Board meeting. The Board was in consensus to have a special Board meeting in Davis on August 18th at 1:30 p.m.

9. Presentation on membership in Regional Water Authority (RWA)

Director Dote left the meeting at 4:45 p.m.

John Woodling of the Regional Water Authority gave a power point presentation on why the Agency should consider joining the RWA organization as either an associate member or a full member.

Chair Marble requested that staff bring back to the Board at the next meeting an evaluation on whether to join the organization and at what level.

Director Saylor endorsed the concept of regional engagement with water issues which include the Delta issues.

Vice-Chair Souza agreed with being a part of a regional structure and joining as a beginning water provider; he moved to ask staff to come back at the August meeting with an evaluation of joining RWA. Director Krovoza asked that staff quantify the economic benefits of what a typical member does or receives by becoming a member.

The Board agreed by consensus to direct staff to bring back a recommendation at the next Board meeting as to whether or not the Agency should join RWA and the Agency's level of participation and benefits at each level of membership.

10. Discussion and possible action concerning process to recruit for new General Manager, which may include direction to the Technical Committee and ad hoc committee

Chair Marble explained that Eric Mische, General Manager, has taken a position in the Bay Area and would be leaving the Agency in the near future. He said an Ad Hoc Committee met and would like to consider hiring a full-time General Manager. He suggested to the Board that in the advertising for the position, people applying could recommend to the Agency how they could be a full time general manager and produce a cost savings and benefits to the Agency with a full time salary.

Vice-Chair Souza said the position would go through the Human Resources Department of one of the City's and the position would be made a city employee.

Director Krovoza stated he wanted to be sure the Agency has flexibility in who is hired because the Agency has private firms who are doing some of the work at a lesser cost such as West Yost Associates. The Board needs to factor in the total comp cost of a full time position as a city employee as well as make sure there is sufficient work for a full time position.

Greg Meyer, City of Woodland Public Works Director, said a full time general manager would be an “at-will” employee and serve at the pleasure of the Board. He said the Agency is at a milestone now in the project so the Agency can make some changes to the position. Staff could come back with a proposal that highlights exactly what a full-time general manager could do and present that at the next Board meeting.

Chair Marble suggested that the Board give the Ad Hoc Committee permission to release the advertising of the position to the public as soon as possible since there will not be a July Board meeting.

Director Krovoza moved to authorize an Ad Hoc Committee of Directors Marble and Souza to proceed to recruit for a full time general manager and review and update the job description as appropriate and that as part of the recruitment process, candidates should propose how to structure the work load and tasks of the general manager to minimize the additional costs to the Agency. When the Ad Hoc Committee brings back to the Board the recommended candidate(s), it should lay out to the Board the specific reductions or sharing of costs in proceeding with a full-time general manager position for the Agency.

Vice-Chair Souza seconded the motion.

Chair Marble asked for public comments; there were no comments.

The motion carried 3 to 0; (Director Dote was absent).

Director Saylor left the meeting at 5:30 p.m.

Chair Marble asked the Technical Committee to send to all Board members the general manager job description and the list of water agency general manager salary comparisons.

11. Board Member comments

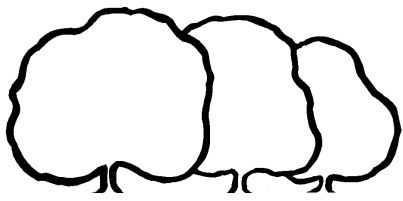
Vice-Chair Souza said one benefit that may have been overlooked on the project is the environmental benefit of removing the largest unscreened intake structure on the Sacramento River. The environmental benefit is probably underestimated by people and it is a huge benefit when you consider how many fish have been killed by that facility and how this project will be helping to remove it.

12. Adjournment

Chair Marble adjourned the meeting at 5:40 p.m.

Respectfully submitted,

Lynanne Mehlhaff
Board Secretary



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: October 18, 2011

SUBJECT: Proclaim October 9-15, 2011 as Fire Prevention Week

Report in Brief

Fire Prevention Week is dedicated to raising awareness about the dangers of fire and how to prevent it. The City Council has annually recognized Fire Prevention Week in Woodland and the Woodland Fire Department has coordinated this recognition with community education and awareness activities. Staff recommends that the City Council join the National Fire Protection Association (NFPA) in proclaiming October 9-15, 2011 as Fire Prevention Week and dedicate this year to raising public awareness of value of having working smoke detectors in the home.

Background

The history of Fire Prevention Week has its roots in the Great Chicago Fire, which began on October 8, 1871, and lasted 27 hours. In the end, the Great Chicago Fire killed more than 250 people, left 100,000 homeless, destroyed more than 17,400 structures and burned more than 2,000 acres.

This year's theme is **Protect Your Family From Fire**. This week is the perfect time to educate our community and empower our citizens to have a hand in preventing home fires and protecting their families with life-saving technologies and planning.

Here are some startling statistics gathered by the NFPA are:

- One home structure fire was reported every 87 seconds in 2009.
- On average, seven people died in home fires every day. Adults 65 and over face the highest risk of fire death.
- In 2009, U.S. fire departments responded to 362,500 home structure fires. These fires caused 12,650 civilian injuries, 2,565 civilian deaths and \$7.6 billion in direct damage.
- Unattended cooking was by far the leading cause of these fires, followed by heating equipment failure, home electrical fires and candle fires.

Discussion

The celebration of Fire Prevention Week has been a long standing tradition in the community. It gives the Fire Department personnel the chance to introduce themselves to our community's youth in a casual, learning environment. Through this interaction, Fire Department staff teaches youth, teachers and parents the importance of fire safety and fire prevention.

This year, we have added the First Grade Program back into our Public Education schedule. The Fire Department uses this program in conjunction with fire station tours and community events to teach the public about fire safety.

Public Contact

Posting of the City Council agenda.

Recommendation for Action

Staff recommends that the City Council join the National Fire Protection Association in proclaiming October 9-15, 2011 as Fire Prevention Week and dedicate this year to raising public awareness of the value of having working smoke detectors in the home.

Prepared by: Shannon Collins
Management Analyst

Reviewed By: Rick Sander
Deputy Fire Chief

Kevin O'Rourke
Interim City Manager

Attachment

City of Woodland

PROCLAMATION

Fire Prevention Week – October 9 – 15, 2011

WHEREAS, the Fire Department celebrates the annual Fire Prevention Week in Woodland during October to educate the community about the importance of smoke alarms; and

WHEREAS, each year nearly 3,000 people die in U.S. homes fires; more than half were the result of having either no smoke alarm or non-working smoke alarms because the smoke alarms were battery operated with missing or disconnected batteries; and

WHEREAS, smoke alarms cut the risk of dying in a reported fires by half; and

WHEREAS, the Fire Prevention Week 2011 theme, “**Protect Your Family From Fire**” focuses on encouraging everyone to take the steps necessary to update and maintain their home smoke alarm protection; and

WHEREAS, the mission of the Woodland Fire Department is to preserve and improve the safety and welfare for all by providing quality fire prevention and emergency services at a level defined by and supported by the community, promoting community involvement on an individual and organizational level, providing an emphasis on partnerships for training, education and service delivery, and planning for the City’s future emergency service needs.

NOW, THEREFORE, the City Council of the City of Woodland does hereby proclaim the week of October 9 through 15, 2011 as Fire Prevention Week in Woodland, and calls upon all citizens and civic organizations in Woodland to participate in fire prevention activities at home, work an school, and to take the steps needed to make their homes and families safe from the leading causes of home fires, which include cooking, heating and electrical.

DATED: October 18, 2011

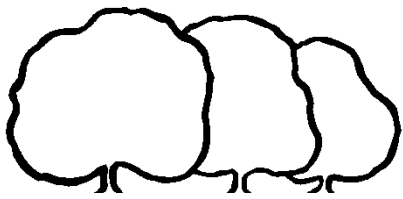
Artemio Pimentel, Mayor

Marlin H. Davies, Vice Mayor

Martie L. Dote, Council Member

William L. Marble, Council Member

Tom Stallard, Council Member



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: October 18, 2011

SUBJECT: Proclamation to make November 2, 2011, "Law Enforcement
Records & Support Personnel Day"

Report in Brief:

The City Council is asked to proclaim November 2, 2011 as California Law Enforcement Records & Support Personnel Day in Woodland to honor the men and women whose diligence and professionalism are crucial in helping law enforcement agencies and personnel identify, pursue, capture, and process individuals suspected of breaking the law.

Staff recommends that the City Council proclaim November 2, 2011, California Law Enforcement Records & Support Personnel Day.

Background Information:

Each year, the first Wednesday of November is dedicated statewide to the men and women who serve as law enforcement records and support personnel. It was originally introduced to Governor of the State of California in 1999 by the California Law Enforcement Association of Records Supervisors (CLEARS) to acknowledge records and support personnel who assist law enforcement agencies and personnel identify, pursue, capture and process individuals suspected of breaking the law. Records and support personnel are skilled professionals who continually use their expertise and experience to assist in tracking criminals; maintaining criminal information, records and statistics; and improving apprehension strategies. The records and support personnel of the Woodland Police Department have contributed significantly not only to the City of Woodland but also the State of California law enforcement system. They have done so with compassion, knowledge and proficiency.

Fiscal Impact:

This action has no fiscal impact.

SUBJECT: Proclamation to make November 2, 2011, “Law Enforcement Records & Support Personnel Day”

PAGE: 2
ITEM:

Public Contact:

This action was coordinated with the California Law Enforcement Association of Records Supervisors (CLEARS) of the State of California.

Posting of the City Council agenda.

Recommendation for Action:

Staff recommends that the City Council proclaim November 2, 2011, California Law Enforcement Records & Support Personnel Day.

Prepared by: Dan Bellini
Chief of Police

Kevin O’Rourke
City Manager

Attachment

CITY OF WOODLAND PROCLAMATION OF APPRECIATION OF LAW ENFORCEMENT RECORDS AND SUPPORT PERSONNEL

- WHEREAS,** law enforcement agencies throughout the State depend upon law enforcement records and support personnel to provide them with vital services; and
- WHEREAS,** law enforcement records and support personnel are crucial to helping law enforcement agencies identify, pursue, capture, and process suspected law violators; and
- WHEREAS,** these professionals continually use their expertise and experience to assist in tracking felons, maintaining criminal statistics, and improving apprehension strategies; and
- WHEREAS,** it is important to recognize California's law enforcement records and support personnel for their valuable contributions to our law enforcement system; and
- NOW THEREFORE,** be it resolved the City Council of the City of Woodland hereby adopts this Proclamation of Appreciation honoring law enforcement records and support personnel for outstanding service to the City of Woodland and does hereby proclaim November 2, 2011 as "Law Enforcement Records and Support Personnel Day."

PASSED AND ADOPTED this _____ day of _____, 2011

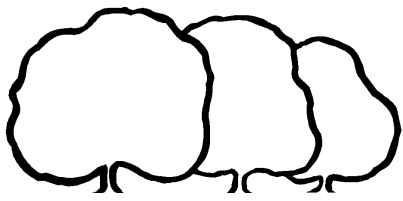
Marlin "Skip" Davies, Vice Mayor

Thomas Stallard, Council Member

Martie Dote, Council Member

William L. Marble, Council Member

Art Pimentel, Mayor



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: October 18, 2011

SUBJECT: Fire Department Monthly Report for August 2011

Report in Brief

The Woodland Fire Department's Monthly Status Report includes a wide variety of information in an effort to better inform the public and the City Council. This report summarizes four specific areas of the Fire Department's operation: Overtime, Incident Response, Fire Prevention and Training. This year, the Fire Department updated its Monthly Status Report format to include a wider variety of information. The report is formatted by division (Administration, Operations, Fire Prevention and Training) and covers the key projects and/or activities for the month.

Attached for the City Council's review is the Fire Department's Monthly Report for August 2011.

Prepared by: Shannon Collins
Management Analyst

Reviewed by: Rick Sander
Deputy Fire Chief

Kevin O'Rourke
Interim City Manager

Attachment



Woodland Fire Department Monthly Status Report Summary – August 2011



(The Woodland Fire Department Monthly Status Report includes a wide variety of information in an effort to better inform the public and the City Council.)

	Previous Month	Current Month	Difference (+ increase/- decrease)
Cost of Overtime			
(Staffing Costs are attributed to a reduction of 16 Line Staff: (see Overtime Summary))			
Maintain Minimum Staffing	\$72,457.38	\$93,443.05	\$20,985.67
Call Back Staffing	<u>485.88</u>	<u>\$126.04</u>	\$359.84
Total	\$72,943.26	\$93,569.09	\$20,625.83
Strike Team (reimbursable, and <u>not</u> included above)	N/A		
Total Incident Responses			
Fire	16	29	+13
EMS/Rescue	285	309	+24
Hazardous Condition	11	12	+1
Public Service	56	51	-5
Good Intentions	61	47	-14
False Alarms	<u>22</u>	<u>21</u>	-1
Total	451	469	+18
Mutual/Auto-Aid/Strike Team	13	26	+13
Concurrent Incidents	144	175	+31
Fire Prevention			
Commercial Inspections	14	16	+2
Plan Reviews	6	6	0
Business License Inspections	13	22	+9
Permitted Inspections	63	87	+24
Residential Inspections	13	18	+5
Resale Inspections	25	19	-6
Engine Company Inspections	<u>49</u>	<u>55</u>	+6
Total	183	223	+40
Weed Abatement	5 hours	2.5 hours	-2.5
Fire Investigations	0 hours	27 hours	+27 hours
Pub Ed Events	4	3	-1
Training Hours	646.5	1277	+630.5

Department Highlights:

The Woodland Fire Department hosted a Command 1B class, participated with Woodland Police Department in SWAT Tower Training, and held an 80-hour New Firefighter Academy/Orientation.

DIVISIONS

ADMINISTRATION:

Emergency Management

- *There were no activities in the month of August.*

OPERATIONS:

Incident Activity

The WFD responded to a total of **469** incidents in August. They included:

- **29 Fires**, for a current annual total of **118**. The **29 fires** included:
 - o **6** building/cooking fire, chimney, fire other
 - o **14** grass, brush fire
 - o **4** dumpster, outside rubbish, trash fires
 - o **5** passenger, off-road vehicle or heavy equipment fire
- **309 EMS/Rescues**, for a current annual total of **2,185**. The EMS/Rescues included:
 - o **17** Calls requiring medical assistance
 - o **39** EMS calls, cancelled en route or on scene
 - o **225** EMS Calls for people with injuries
 - o **10** vehicle accidents with injuries
 - o **18** motor vehicle/pedestrian accidents with or without injuries
- **12 Hazardous Conditions**, for a current annual total to **88**. The Hazardous Conditions included:
 - o **8** toxic conditions, oil or chemical spills, gas leak, hazardous conditions, other
 - o **3** electrical wiring, arcing, shorted electrical equipment
 - o **1** accident, potential accident, other
- **51 Public Service Calls**, for a current annual total of **336**. The Public Services Calls included:
 - o **2** calls to assist police or other governmental agencies
 - o **7** calls for public service
 - o **7** invalid public assistance calls
 - o **34** cover assignment, standby, move up, water evacuation
 - o **1** lock-out, person in distress, other
- **47 Good Intentions** calls, for a current annual total of **327**. The calls included:
 - o **23** calls that were cancelled en route or CAD error
 - o **18** no incident found on arrivals
 - o **4** Steam, smoke, odor of smoke, barbeque, authorized burning
 - o **2** good intent call, other
- **21 False Alarm** calls, for a current annual total of **168**.

Concurrent Incidents:

These are incidents that come in simultaneously where apparatus and companies (a crew consisting of a Fire Captain, Engineer, and Firefighter) are either all committed to the same incident, or committed to separate incidents at the same time called **concurrent incidents**. Concurrent incidents occur as:

- **Single-engine calls**, (i.e., medical aids, investigation of a fire alarm sounding, lift assists, etc)
- **Multi-company calls** where more than one engine is committed to the same incident (i.e., high hazard calls such as structure fires, vegetation fires, highway incidents, rescues, hazardous materials releases, traffic accidents requiring extrication, or mass casualty incidents).

This month, our response time average for getting an initial fire engine on-scene is **5:50 Minutes** for fires and **4:51** for emergency medical services (EMS) calls.

NOTE: *Delays in response times occur when we don't have fire stations located within a 1.5 mile driving distance from all locations within the City (i.e., Spring Lake development), and when concurrent incidents occur where the primary response engine to a particular location is already committed to an incident and another unit farther away must be dispatched to the call.*

The breakdown of **concurrent incidents** for August is:

2 companies committed simultaneously =	106 times
3 companies committed simultaneously =	43 times
4 companies committed simultaneously =	15 times
5 companies committed simultaneously =	10 times
6 companies committed simultaneously =	1 time

¹ *The Woodland FD staffs four companies so any incident requiring more than 4 companies must include neighboring fire departments through automatic-aid or mutual-aid agreements.*

The Woodland FD received **469** calls for service in August with **175** being Concurrent Alarms = **37.6%** of the time. There were **1,011** concurrent alarms in 2011 out of **3,222** total calls meaning .30%, or almost 1 out of every 3 calls would commit two or more fire units simultaneously.

Concurrent alarms prevent the fire department from responding all on-duty firefighters adequate staffing and resources to a structure fire or other major incident that would be heavily dependent on firefighter manpower at the scene to accomplish required tasks. We must then rely on recalling off-duty Firefighters and/or requesting allied agencies to assist us with additional calls (both of which are slow) and then we fail to meet our 4-minute response time standard. In the meantime our strategy and tactics must change to maximize firefighter safety at the risk of public safety and property conservation.

Automatic or Mutual Aid:

Automatic Aid is provided to another agency through formal agreement and occurs automatically on **significant events** without any special request. The agencies we participate in automatic aid with are Davis, Dixon, UC Davis, West Sacramento, Rumsey Rancheria and the volunteer fire departments of Willow Oak, Yolo, and West Plainfield.

Mutual aid occurs when fire departments provide help to one another upon special request when a **significant event(s)** (large incident or multiple small incidents) take place. Every fire agency in Yolo County is a signatory to this agreement.

Total Number of Aid Given/Received Incidents in August: 26

Aid Received: 16

- **7** Davis Fire Department
- **8** Willow Oak Fire Protection District
- **1** Yolo Fire Protection District

Aid Given: 10

- **7** Elkhorn Fire Protection District
- **1** Davis Fire Department
- **1** Dunnigan Fire Protection District
- **1** Willow Oak Fire Protection District

- Current annual total is **78**.

Note: Our Automatic Aid and Mutual Aid agreements with neighboring agencies are based on our deployment of three fire engines, one ladder truck and one Battalion Chief. Any change in this deployment model will negatively impact our ability to provide assistance through these agreements and, consequently, to receive aid. "You have to give to get" is the foundation of these agreements.

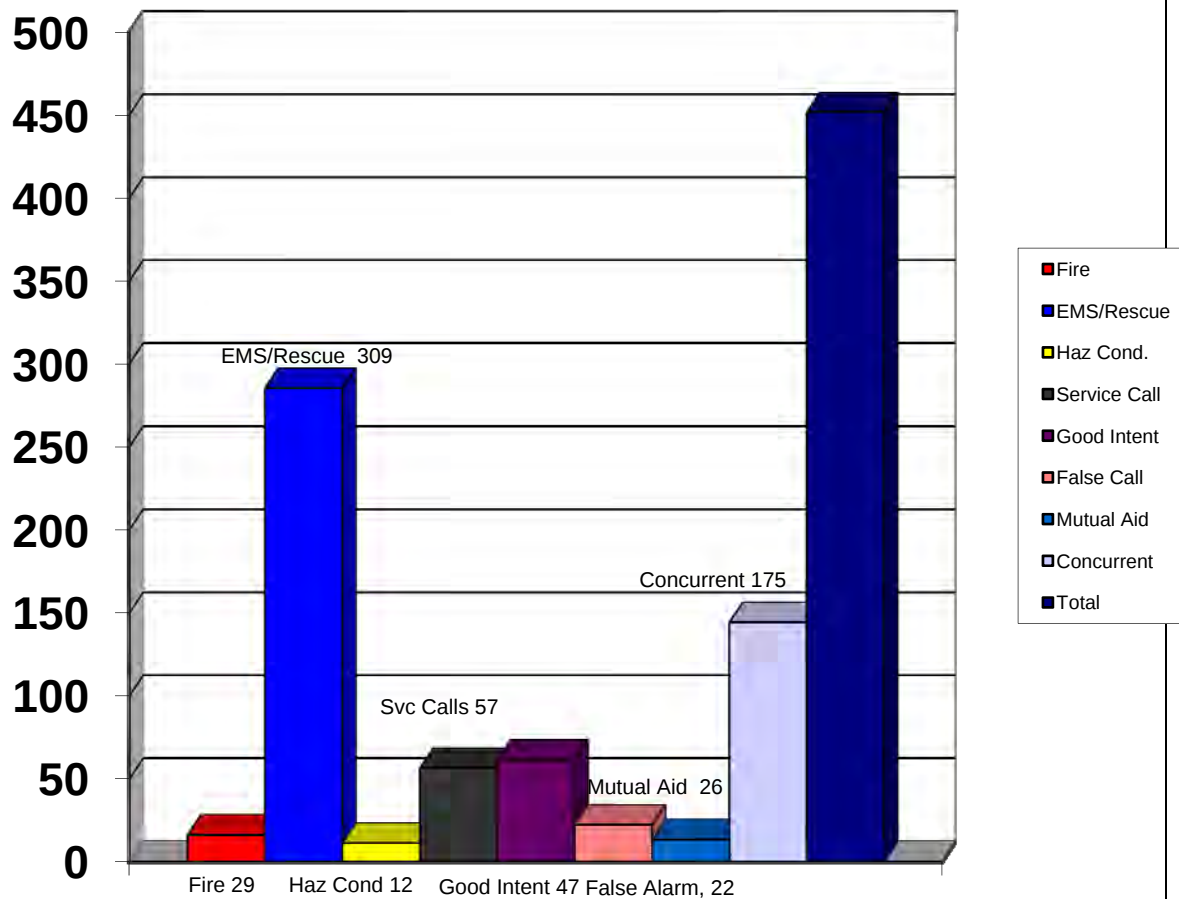
Overtime Summary

Our overtime expenses are in direct correlation to the filling of the two(2) Line Battalion Chief positions, along with daily staffing requirements and emergency call-backs for large events. As our staffing has been drastically reduced, mainly due to attrition (currently 16 total positions), our ability to absorb vacancies resulting from illness, vacation, and injury with on-duty relief staffing has been completely eliminated. Now instead of using on-duty staffing when a vacancy occurs, we must hire back off-duty personnel on overtime to cover the vacancies. Also, having reduced on-duty staffing each day has caused an increased reliance on **call-back staffing** when large events or multiple small events occur. This too has caused a drain our on-duty resources, increasing the chance for illness and injury.

There were a total of **2,406** overtime hours worked during the month of August for a total cost of **\$98,799.03**. (1.0 FTE of an entry level Firefighter, wages and benefits) This includes:

- **2,273** hours of **Minimum Staffing** at a cost of **\$93,443.05** for the month of August 2010. ***This includes 504 hours of coverage for two Line Battalion Chief's vacancies.*** This also included unusual circumstances, including 8 shifts to cover for workers comp, 10 shifts to cover for FMLA/FSL, 5 shifts of sick leave and 50 hrs for firefighter academy orientation backfill and 128 hours of academy orientation instruction.
 - o The average hours of overtime used for the period August 2010 to August 2011 was **1970.17** hours at a cost of **\$79,960.68**.
- **4** hours were needed for **Call-Back Staffing** at a total cost of **\$126.04** for the month of August 2010. (*Call Back Staffing is necessary to backfill the stations when a major incident occurs that depletes the minimum staffing levels*).
 - o There was an average of **51.79** hours per month used to provide Call Back Staffing at a cost of **\$2,177.91** for the period August 2010 to August 2011.

Current Month By Incident Type



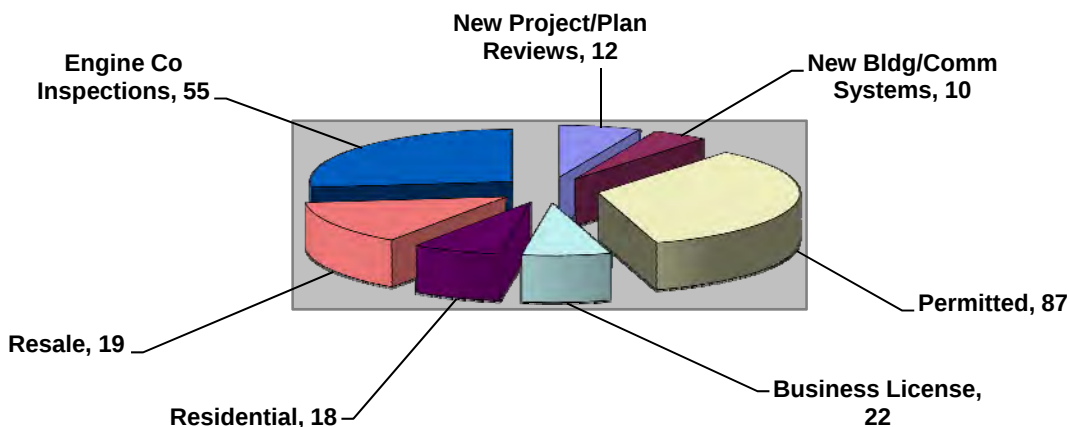
The graph above is a visual summary of the number of incidents that the Fire Department responded to during the weeks August 1, through August 31, 2011.

Total Incidents to Date for 2011 - 3,222

Average Response Time for First Due Units: Fire: 5:50 EMS: 4:51

FIRE PREVENTION:

The Fire Prevention Bureau conducts several types of inspections and plan reviews. The Bureau concentrates on New Project Development, Civil Drawing Plan Reviews, Building Inspections, On Site Water Systems, Commercial Fire Sprinklers, Residential Fire Sprinklers, Fire Alarm Inspections, Specialized Fire Protection Systems, Fire Permits, Licensed Care Facilities, Business License Inspections, Resale Inspections, Fire Investigation and Code Enforcement, Public Education and Weed Abatement.



For the month of August 2011 the Fire Prevention Specialists conducted the following inspections and plan reviews:

Commercial	
6	New Project Development Reviews
5	Plan Reviews
2	New Building Inspections
8	Commercial Fire Protection Systems
Permit	
87	Fire Permitted Annual Inspections
Business License	
22	Business License Inspections
Residential	
1	Residential Automatic Sprinkler System Plan Reviews
18	Residential Automatic Sprinkler System Inspections
19	Resale Residential Sprinkler Inspections
Engine Company	
55	Business and Mercantile Inspections

The Fire Prevention Division inspects new businesses and changes of ownership for occupancy usage and compliance of the Fire Codes. **Plan reviews** are what generate initial commercial and residential inspections. The fees for these inspections are included in the plan review fees. Inspections for commercial projects include the initial plan review, 4 inspections & 1 re-submittal of plans at a cost of **\$717.00/riser + \$2.00/sprinkler head**. Commercial Tenant Improvements are **\$421.00/riser + \$2.00/sprinkler head**. Residential plan review inspections include the initial plan review, 2 inspections & 1 re-submittal of plans at a cost of **\$354.00/riser**. Residential Tenant Improvement plan reviews are **\$284.00/riser**.

Permitted inspections occur when any occupancy has activities that are either hazardous or considered special. (An example of a hazardous activity is a business that houses or manufactures chemicals, or combustibles such as repair shops, chemical warehouses, or airport hangers. Special activities include places of assembly, tents, and high-pile storage facilities.) The average permitted inspection is **\$150.00/ea**.

Lastly, the Fire Prevention Division handles **Business License Inspection**, which carries a fee of **\$165.00/ea** for all new businesses. However, this fee is presently under review. The current amount being collected for Business License Inspections is **\$13.00/ea**.

Weed Abatement

- **2.5** hours were spent on weed abatement activities in the month of August.

Note: Due to the rainfall this year, we are seeing a much bigger problem with weeds. We believe that the Department will have to commit more staff time to this in the coming months, and that we will have to hire contractors to abate some properties **for which we have no funds**. The process to abate property requires Council approval.

Fire Investigation

- **27 hours** of investigation were performed in the month of August.

Public Education

- Woodland Police Department (8/2/11) National Night Out
- Holy Rosary Preschool (8/2/11) Fire Safety
- Mom's Club (8/8/11) Station 1 Tour

Note: Funding for public education was eliminated in FY10/11 thereby cancelling our 1st Grade school program. The WFD will still visit schools and classrooms, conduct station tours, and attend public events upon request.

Maps

- There were no activities in the month of August.

TRAINING:

The following is a summary of training activities conducted in the Fire Training Division during the weeks of August 1 through August 31, 2011. During the month of August the following activities occurred at the Woodland Fire Department Training Division:

Training conducted at the Training Center including:

- 12 hours of Multi-Company Drills
- 24 hours of EMS Respiratory and Environmental Emergencies
- 10 + hours Engine Company Inspections
- 28 hours of Wildland Refresher
- 12 hours of Firefighting Tactics and Strategy
- 80+ hours of Firefighter Academy
- 12 hours of RIC training

During the month of August, career staff reported a total of **1,190.5** hours of training, resulting in an average of **33.1** hours of training per person.

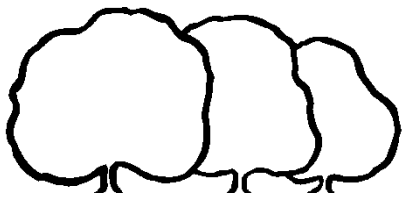
The reserve staff completed **7.5** hours of training in Hose Evolutions.

Battalion Chiefs had a total of **30** hours of training, and the Fire Prevention Staff had a total of **49** hours of training.

Highlights for the month of July: The Woodland Fire Department hosted a Command 1B class, participated with Woodland Police Department in SWAT Tower Training, and held an 80-hour New Firefighter Academy/Orientation.

August~ 2011 Training Hour(s):

Line staff	1190.5
Battalion Chiefs	30.0
Fire Prevention	49.0
Reserves	7.5



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: October 18, 2011

SUBJECT: Public Works Monthly Status Report

Report in Brief

The Public Works Department Monthly Status Report includes an executive summary of the monthly activity of all divisions within the Department. This report also includes information regarding key projects and/or activities throughout the months.

Highlights

- o Staff completed 107.5 hours of training in the month of August.
- o Service Requests for the month of August increased 37% (382 calls) from August 2010.
- o The Public Works Department has 8 Vacancies as of July 31, 2011.
- o Beginning August 2011, the Utility Engineering Project Updates will be included as part of the Community Development Department CIP Monthly Status Report.

The operations detail contained in these reports are for the month of August 2011; all project related information is current as of September 27, 2011.

Prepared by: Stephanie Frank
Administrative Secretary

Reviewed by: Gregor G. Meyer
Public Works Director

Kevin O'Rourke
Interim City Manager

Attachment



Public Works Department.
Monthly Status Report
Summary – August 2011

For the Month of August 2011		
Division	Service Requests	Work Orders
Administration	763	
Electrical	48	71
Environmental Services		51
Facilities	65	71
Fleet		238
Parks	23	110
Pretreatment		1
Sewer	11	56
Signs & Markings	4	106
Storm Drain	4	40
Streets	31	52
Urban Forestry	69	40
WPCF		5
Water	388	201
Grand Total	1,406	1,042

Service Request – Every time a request for Public Works services is made by phone call, written request, emailed request, or an actual one-on-one request to a PW employee, a ‘Service Request’ is generated. This builds a computerized record of all requests made.

Work Order – A ‘work order’ is created each time a work crew or individual is assigned a task as a result of either service requests, pre-planned maintenance projects, or by other situations as they arise. This produces a database of work accomplished and the time and materials it took to do the work.

Total for Calendar Year 2011 Through 8/31/2011	
Service Requests 11,315	Work Orders Complete 7,799

58 Requests for Service per Business Day (Average)

With **1,406 Service Requests received**, Public Works crews handled **1,042 Work Orders** for the month of August. They included:

Operations & Maintenance

Administration:

- The administration team received 1,406 Service Requests; 763 of which were handled through the front desk, and the other 643 requests were distributed to the appropriate division. (see chart above)
 - ♦ 27 Backflow Notifications were mailed to responsible parties regarding testing requirements
 - ♦ 447 Underground Service Alert (USA's) requests processed
 - ♦ 128 Delinquent Water Shut-Off's
 - 121 Residential Accounts
 - 7 Commercial Accounts

Electrical:

- 3 Lift Station Work Orders
- 15 Street Light Work Orders
 - ♦ Asset Management
 - ♦ Concrete Work
 - ♦ 1 Inspection
 - ♦ 6 Street Light Services
 - ♦ 1 Vandalism Repair
- 11 Traffic Signal Repairs
 - ♦ Annual Loop Testing
 - ♦ Bi-Monthly Check
 - ♦ Inspection
 - ♦ 1 Installation/Upgrade
 - ♦ 4 Signal Repair
 - ♦ 1 Timing Check
- 3 Facility Service Request
- 9 Park Facility Service Requests
- 1 Lift Station Service Request
- 15 Water Pollution Control Facility Service Requests
- 9 Well Site Services (Install/Upgrade, Testing, Data Retrieval, SCADA Modification)
- Received/marked 447 Underground Service Alerts (USA's)

Environmental Services:

- 46 Green Waste Investigations
- 5 Water Conservation Service Requests
 - ♦ 1 Metered Consumption Investigation
 - ♦ 5 Water Conservation Investigations

Facilities:

- 16 Repairs to City Hall
- 4 Repairs to Fire Stations 1, 2 &3
- 12 Repairs to the Library
- 14 Repairs to the Municipal Service Center
- 22 Repairs to the Police Department
- 3 Repairs to the Water Pollution Control Facility

Facilities has a backlog of 49 Service Requests

Fleet:

- 238 Work Order Repairs to 120 different units (vehicles, apparatus & equipment)

Parks:

- 138 Work Orders
 - ♦ 1 Internment
 - ♦ 2 Chemical Testing/Calibrations
 - ♦ 3 Equipment Repair/Replace Services
 - ♦ 1 Graffiti Removal
 - ♦ 4 Irrigation Repair/Replace Services
 - ♦ 29 Litter/Garbage Pickup Services

- ♦ 28 Miscellaneous Services
- ♦ 1 Mowing Service
- ♦ 3 New Installations
- ♦ 7 Playground Inspections
- ♦ 1 Pool Cleaning Service
- ♦ 1 Pool Event Setup
- ♦ 19 Restroom Cleaning Services
- ♦ Restroom Lock/Unlock Services
- ♦ 2 Sports Field Preparation Services
- ♦ 1 String Trimming Service
- ♦ 2 Vandalism Repair Services
- ♦ 4 Weed Control Services

Sewer:

- 12 Sewer Cleanout Services
 - ♦ 1 Inspection
 - ♦ 1 Preventive Maintenance Service - Installation
 - ♦ 8 Reactive Maintenance Services - Installation
 - ♦ 2 Repairs
- 16 Gravity Main Services
 - ♦ 1 Blockage Cleared
 - ♦ 6 Inspections
 - ♦ 2 Preventive Maintenance Service Utilizing the CCTV (Closed Circuit Television)
 - 117 Events
 - o 632 Linear Feet Inspected
 - ♦ 8 Preventive Maintenance service utilizing the HVVC (High Velocity Vacuum Truck)
 - 46,825 Linear Feet Cleaned
- 18 Sewer Lateral Services
 - ♦ 2 Blockages Cleared
 - ♦ 2 Service Location Requests
 - ♦ 5 Preventive Maintenance Services Utilizing the CCTV (Closed Circuit Television)
 - 50 Lines
 - o 1,421 Linear Feet Inspected
 - ♦ 1 Root Control Service
 - ♦ 3 Lateral Line Replacements
 - ♦ 4 Sanitary Sewer Overflow Events (SSOs)
- 11 Manhole Services (flushing/repair/inspection)
- 1 Pressurized Main Repair
- Received/marked 447 Underground Service Alerts (USA's)

Signs & Markings:

- 3 Departmental Duty Services
 - ♦ 2 Banner Services
 - ♦ 1 Community Billboard Service
- 16 Guide Sign Services
 - ♦ 1 Cleaning Service
 - ♦ 3 Signs Made

- ♦ 10 Routine Maintenance Services
 - 15 Signs
 - ♦ 2 Vandalism Repairs
- 6 Object Marker Services
 - ♦ 2 Knockdowns
 - ♦ 4 Routine Maintenance Services
- 2 Raised Pavement Marker Services
 - ♦ 1 Repair/Replace Services
 - 142 Markers
 - ♦ Surveying
- 35 Regulatory Sign Services
 - ♦ 6 Sign Cleaning Services
 - 11 Signs
 - ♦ 2 Sign Installations
 - ♦ 1 Knockdown Repair
 - ♦ 23 Routine Maintenance Services
 - 69 Signs
 - ♦ Surveying
 - ♦ 1 Vandalism Repair
- 34 Street Marking Services
 - ♦ 10 Pressure Washing Services
 - 19,390 Square Feet
 - ♦ Routine Maintenance
 - ♦ Surveying
 - ♦ Traffic Line Striping
- 8 Warning Sign Services
 - ♦ 4 Sign Cleaning Service
 - ♦ 1 Installation
 - ♦ 3 Routine Maintenance Services

Storm Drain:

- 3 Inspections
- 11 Preventive Maintenance Service Utilizing the CCTV (Closed Circuit Television)
 - ♦ 58 Events
 - 2,699.5 Linear Feet Inspected
- 5 Gutter Services
 - ♦ 4 Illicit Discharges
 - ♦ 1 Flooded Street/Mud Clean Up
- 13 Inlet Point Services
 - ♦ 11 Drain Cleaning Services Utilizing the HVVC (High Velocity Vacuum Truck)
 - ♦ 2 Inspections
- 3 Lift Station Services
 - ♦ Routine Maintenance
- Open Channel Maintenance/Inspection
- Final Inspection
- Manhole Repair
- Accident Clean-up
- Sample Station Quarterly Inspection

Streets:

- 1 Damage Fixture Repair – Street Light
- 1 Vandalism Repair
- 2 Road Edge Services
 - ♦ Curb & Gutter Spot Repair
 - ♦ Weed Abatement
- 13 Sidewalk Path Services
 - ♦ 1 Repair
 - ♦ 8 Spot Repair Service Requests
 - 81.5 Square Feet
 - ♦ Trash & Debris Clean-Up
- 30 Road Services
 - ♦ 1 Accident Clean Up
 - ♦ 4 Base Failure Repairs
 - 27,213 Square Feet
 - ♦ Pot Hole Patching
 - 16 Pot Holes Patched
 - ♦ 1 Skin Patch Service
 - 180 Square Feet
 - ♦ 1 Slurry Seal Service
 - 4,816 Square Feet
 - ♦ 2 Spill Responses
 - ♦ Surveying
 - ♦ Traffic Control
 - ♦ Trash & Debris Clean-Up
 - ♦ Trench Repair
 - 215 Square Feet
 - ♦ Railroad Crossing Repair

Urban Forestry:

- 4 Abatements
- 7 Hazardous Situation Responses
- 1 Inspection
- 5 Tree Plantings
 - ♦ 27 Trees
- Tree Pruning's
 - ♦ 12 Trees
- Tree Removal Program
 - ♦ 4 Locations
- Small Tree Care
- Right of Way Clearing
- Stump Grinding Services
- 3 Tree Rebates Processed

Water:

- Produced 534,696,268 gallons of drinking water in August
- Received/marked 447 Underground Service Alerts (USA's)
- 2 Backflow Investigations

- 13 Control Valve Services (exercise, locate, repair, replace, water turn off/on)
- 1 Enclosed Storage Facility Services
 - ♦ 1 Pressure Reading
- 15 Hydrant Services
 - ♦ 3 Hydrant Flushing Services
 - ♦ 7 Maintenance Services
 - ♦ 4 Repair Services
 - ♦ 1 Replacement
- 37 Lateral Valve Services
 - ♦ 2 Valve Abandonments
 - ♦ 23 Leak Detection Services
 - ♦ 3 Locate Services
 - ♦ 6 Water On/Off Services (Finance, Contractor, Homeowner Request)
- 29 Meter Services
 - ♦ 20 Meter Investigations
 - ♦ 3 Maintenance Services
 - ♦ 2 Meter Repairs
 - ♦ 1 Meter Box Replacement
 - ♦ 1 Meter Replacements
- 29 Pressurized Main Services
 - ♦ 7 Pressurized Mains Abandoned
 - ♦ 13 Investigations
 - ♦ 9 Repairs
- 74 Production Well Services
 - ♦ 1 Auto dialer Alarm Callout
 - ♦ 19 Inspections
 - ♦ 48 Maintenance Services
 - ♦ No3 Monitoring
 - ♦ Security Services

Environmental Services

General Outreach

- Yolo County Fair:
 - Fair Booth – Provided information on recycling, water conservation, energy, stormwater, and sewer (fats, oils, and grease). Gave away can lids and 1,775 products made of recycled materials, such as sunglasses and Frisbees.
 - Radio Disney – With Yolo County, co-sponsored Radio Disney Team Green performance and conservation activities.

Solid Waste/Recycling

- C&D Recycling: Monitored 67 project units. Opened 5 new projects and closed out 2.
- Green Waste: Issued 233 green waste violations, conducted 43 code compliance follow-ups, and issued one citation and fine. In August, 85% (729 tons) of green waste was collected in carts and 15% (125 tons) in street piles.
- Public Outreach and Assistance:
 - Setting up Woodland Polytechnic recycling and Dingle School composting.
 - Processed 10 compost bin rebates.
- Special Projects:

- *Public Events* – Planning pharmaceutical collection event and oil filter exchange.
- *Ordinances/City Code* – Drafting extensive updates.
- *Commercial Recycling* – Drafting local guidelines to complement upcoming state requirements.
- *Closure of Old Woodland Landfill* – Draft report to RWQCB received from Kleinfelder.
- *Environmentally Preferred Purchasing Policy* – Drafted policy and obtained staff input; policy is with the city attorney for review.
- *Waste Advisory Committee* – Conducting five-year review of the City's Source Reduction & Recycling and Household Hazardous Waste Elements for the Yolo County Integrated Waste Management Plan update.

Water Conservation

- Water Waste Complaints: Investigated and addressed 3 water leak/hazard complaints.
- Public Outreach and Assistance:
 - Presented information at Spring Lake Neighborhood Action Group meeting.
 - Prepared water conservation tip sheet for October utility bill.
 - Developing water and energy use brochure.
 - Developing rain barrel rebate.
- Special Projects:
 - *Public Events* – Planning fall conservation workshop.
 - *Ordinances/City Code* – Drafting revisions to water conservation and drought declaration ordinances.
 - *Infrastructure Leak Audit* – Completed contracting, conducting internal coordination.

Stormwater Pollution Prevention

- Special Projects:
 - *Draft MS4 Permit* – Reviewing permit and preparing comments with California Stormwater Quality Association and State Stormwater Coalition, and on behalf of City. Attended SWRCB, CASQA, and regional administrators' meetings to discuss permit requirements.

Energy Conservation

- Special Projects:
 - *Public Events* – Planning for booth at League of Women Voters' Moving Planet Day at Sept. 24 Farmers Market and assisting Valley Vision with planning for October 5 Energy Upgrade California workshop.
 - *Annual GHG Inventory* – Completed inventory, currently contracting for third-party verification.
 - *Climate Action Plan* – With PG&E funding, going forward with planning for CAP preparation by UCD group led by Deb Niemeier. Waiting for Proposition 84 Sustainable Communities Planning Grant application process to open; will apply for additional funding for CAP, related General Plan, and standards/code updates.
 - *Yolo Energy Watch/PG&E On-Bill Financing* – Coordinating energy audit and consideration of zero-interest energy improvements for eligible City facilities.

- *Commercial Property-Assessed Clean Energy (PACE)* – Yolo sustainability managers have referred questions to city managers/county administrator for direction.

Water Pollution Control Facility

Laboratory

- Collected samples and performed over 300 process control and National Pollutant Discharge Elimination System (NPDES) permit compliance tests for the wastewater treatment plant.
- Collected monthly influent, effluent and receiving water monitoring samples; submitted to contract laboratories.
- Collected samples and performed 45 tests on treatment plant storage ponds.
- Collaborated with Plant Operations Staff on pilot-testing of new chemical for the treatment process. Collected additional samples and performed numerous additional tests
- Kept Regional Board staff up to date on our efforts to resolve issues with UV disinfection system.
- Continued to work with Regional Board staff on obtaining a Time Schedule Order (TSO) in order to gain regulatory relief from penalties related to selenium in our treated effluent. The TSO is scheduled for adoption in October.
- Prepared response packet to Site visit/audit findings for a July inspection by the CA Environmental Laboratory Accreditation Program.
- Prepared monthly Discharge Monitoring Reports and electronic Self-Monitoring Reports; submitted to the Regional Water Quality Control Board (RWQCB).

Pretreatment

- Inspections
 - ♦ Auto Related Businesses – 6
 - ♦ Food Service Business – 25
 - ♦ Business of Concern – 1
 - ♦ Significant Industrial Users – 0
- Plan review for Building/CDD - 5
- Permit applications or permits - 20
- Public education & outreach visits – 15
 - o Including over 3000 FOG brochures sent to 33 Woodland apartment complexes and staffing the County Fair Recycling/Pollution Prevention booth.
- Updates and refinements to Pollution Prevention Program web page on City website
- Local Limits Sampling for 3rd Quarter completed
- Call-outs for spills/illicit discharges: 3
- Violation Notifications Issued: 1
- Development Review Committee meeting
- WPCF Safety Committee meeting

Public Works Project Updates

Project: Wastewater Treatment Plant/NPDES Permit (5 Year Renewal) (MS)

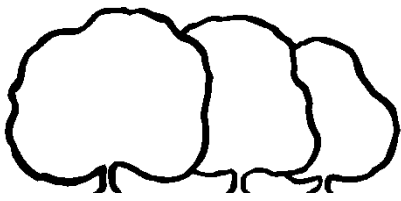
Status: In February 2009 the final NPDES permit was issued by the RWQCB. The new permit requires the City of Woodland to move to an improved source water supply. It also requires significantly more testing and studies that will substantially increase operating costs.

On April 12, 2010, Mayor Skip Davies, Councilmember Bill Marble, City Staff and City's permit writing consultant Dan Rich met with senior staff from the Regional Water Quality Control Board (RWQCB). The purpose of this City requested meeting was to verify that boron, salt and selenium final limits will be in our waste discharge permit, and that these limits will cause the City to move to an improved water quality supply or other substantially more expensive treatment processes. We discussed all the conceivable alternatives and why improving our water quality supply is the least costly viable option. RWQCB made it clear that boron, salt and selenium final limits will be in our permit. RWQCB also said that they would enforce these limits with fines to eliminate all incentives to delay moving forward and that fines could be as high as \$10 per gallon per day of wastewater not in compliance (at current flows the fines would be up to \$60,000,000 per day). Under our current permit each year we have to submit compliance reports on moving to an improved source water supply. If we delay for example 2 years and saved \$11,000,000 in interest, the fines would exceed that amount to eliminate any incentive to delay implementation of salt reduction.

On 1/5/2011, we met with Board staff to discuss the Time Schedule Order. We presented a sample TSO and they indicated their plan to prepare an administrative draft based on that document. They requested additional data on selenium and salinity to help with setting performance based limits for both constituents. We were advised that the board had made a change to how they handle TSOs; there is now a provision for extending the 5 years for up to an additional 5 years in the event the discharger is unable to be in full compliance by the end date of the order but has shown due diligence and has tried to meet the milestones set in the original order. The TSO is scheduled to be adopted at the Board's October 2011 meeting. Until then we are still susceptible to MMPs of up to \$12K per month, but will then be on target to be in full Permit compliance until the completion of the surface water treatment plant.

The City of Woodland and the City of Davis evaluated the feasibility of combining treatment into a regional facility. The City of Davis is pursuing their own treatment facility. Both cities will continue to look for ways to work together when in the mutual interest of both cities.

What's Next: The surface water project will continue to be pursued. Fiscal impacts of the permit will continue to be evaluated. Staff is looking into long-term planning options. Wastewater treatment long-term planning is underway.



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: October 18, 2011

SUBJECT: Annual Appropriations Limit

Report in Brief:

As required by State law, the City Council must adopt an annual appropriation limit, otherwise known as the Gann Limit. This limit is calculated in accordance with Proposition 4 and the subsequent Proposition 111, and it limits the amount of tax revenue an entity may collect in any fiscal year.

Staff recommends that City Council adopts Resolution No. _____ approving the City of Woodland's fiscal year 2011/2012 Appropriations Limit of \$51,499,262.

Background:

In November 1979, California voters approved Proposition 4, commonly known as the Gann Initiative. The Proposition created Article XIII B of the State Constitution, a state law that requires the state and local governments to adopt an annual appropriation limit. The appropriation limit, also referred to as the "Gann Limit", establishes a limit on the proceeds of taxes that may be appropriated for spending in a given fiscal year. The limit is based on actual appropriations during the 1978/79 fiscal year, as adjusted each year using specified population and inflation factors.

In June 1990, Proposition 111 was adopted, which imposed changes on the calculation of the limit by providing a choice of methodologies for determining the annual inflation factor and for population growth, providing exclusions of certain types of expenditures, and revision to the processes required for refunding taxes collected in excess of the limit.

Discussion:

Revenues restricted by the Limit are only those that are defined as "proceeds of taxes". Many of the major General Fund revenue sources (sales tax, property tax, motor vehicle in-lieu) are classified as proceeds of taxes and are, therefore, subject to the Limit. Additionally, certain types of expenditures (voter approved debt, interfund transfers, capital outlay, and costs of complying with court orders or federal mandates) are excludable categories that do not count against the Limit.

As a result of Proposition 111, the City must choose between two annual inflation factors and two population growth factors.

The choice offered for the annual inflation factor is the greater of (1) the change in California per capita income or (2) the growth in non-residential assessed valuation due to new construction within the City. The data necessary to calculate the increase in non-residential assessed valuation is not currently available from the County; therefore the City has elected to use the change in California per capita income.

The choice offered for the annual population growth factor is the greater of the growth in the City or County population. The California State Department of Finance provided the 2011 population growth rates for both the City of Woodland and Yolo County at 0.34% and 0.64%, respectively. Based on these growth rates, it is recommended that the City Council approve the appropriations limit using the County's population growth factor.

Using the prior year GANN limit of \$49,902,385, the 2012 Limit is calculated by applying the 0.64% population change in Yolo County and the 2.51% increase in California per capita personal income. Please see calculation worksheet attached to the Resolution. The resulting appropriation limit of \$51,499,262 is \$23,292,162 higher than our expected tax revenue for fiscal 2011/2012. The City should remain substantially below the Appropriations Limit in the foreseeable future.

Fiscal Impact

Because the calculated appropriations limit for FY2012 is well below the expected tax revenues, no fiscal impact will result from this item.

Public Contact

Posting of the City Council agenda.

Recommendation for Action

Staff recommends that City Council adopts Resolution No. _____ approving the City of Woodland's fiscal year 2011/2012 Appropriations Limit of \$51,499,262.

Prepared By: Kim McKinney
Finance Officer

Kevin O'Rourke
Interim City Manager

RESOLUTION NO: _____

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF WOODLAND
TO SET THE APPROPRIATION LIMIT, IN ACCORDANCE WITH ARTICLE
XIII-B OF THE STATE CONSTITUTION FOR FISCAL YEAR 2011/12**

WHEREAS, the voters of the State of California added Article XIII-B to the Constitution limiting the state and local governments' ability to appropriate the proceeds of taxes; and,

WHEREAS, California legislation (SB 1352) has implemented the provisions of Article XIII-B, effective January 1, 1981; and modified these provisions with the passage of Proposition 111 in June 1990; and,

WHEREAS, the City of Woodland has calculated its appropriation limitation in accordance with Government Code Section 7910; and,

WHEREAS, the City Council of the City of Woodland selected the County of Yolo's population factor and State of California's inflation factor for calculating the appropriations limit.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Woodland, California, does hereby resolve to set the Appropriation Limit for the City of Woodland for fiscal year 2011/12 at \$51,499,262.

PASSED, APPROVED, AND ADOPTED this 18th day of October 2011 by the following vote:

AYES: Council members: _____

NOES: Council members: _____

ABSENT: Council members: _____

ABSTAIN: Council members: _____

Artemio Pimentel, Mayor

Attest:

_____,
Ana B. Gonzalez, City Clerk

Appropriation Limit Calculation for Fiscal Year ending 6/30/2012

Fiscal Year 10/11 Appropriation Limit \$ 49,902,385

Factors:

Per Capita Personal Income		
(a) % change	2.510%	
Annual % Change In		
(a) population	0.640%	(The higher % increase should be used - Woodland's population increase or Yolo County's population increase)

Factors converted to Ratios:

Per Capita Ratio	1.0251
Population Converted To Ratio	1.0064

Calculation of the City of Woodland's Factor

1.0251 X 1.0064 1.03

Fiscal Year 10/11 Appropriation Limit

\$ 49,902,385 x 1.03 \$ 51,499,262

(a) Information provided by the State Department of Finance. Annual price and population informtaion



DEPARTMENT OF FINANCE

EDMUND G. BROWN JR. • GOVERNOR

915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

May 2011

Dear Fiscal Officer:

Subject: Price and Population Information

Appropriations Limit

The California Revenue and Taxation Code, Section 2227, mandates the Department of Finance (Finance) to transmit an estimate of the percentage change in population to local governments. Each local jurisdiction must use their percentage change in population factor for January 1, 2011, in conjunction with a change in the cost of living, or price factor, to calculate their appropriations limit for fiscal year 2011-2012. Enclosure I provides the change in California's per capita personal income and an example for utilizing the price factor and population percentage change factor to calculate the 2011-2012 appropriations limit. Enclosure II provides city and unincorporated county population percentage changes, and Enclosure IIA provides county's and incorporated area's summed population percentage changes. The population percentage change data excludes federal and state institutionalized populations and military populations.

Population Percent Change for Special Districts

Some special districts must establish an annual appropriations limit. Consult the Revenue and Taxation Code, Section 2228 for further information regarding the appropriation limit. You can access the Code from the following website: "<http://www.leginfo.ca.gov/calaw.html>" check box: "Revenue and Taxation Code" and enter 2228 for the search term to learn more about the various population change factors available to special districts to calculate their appropriations limit. Article XIII B, Section 9(C), of the State Constitution exempts certain special districts from the appropriations limit calculation mandate. Consult the following website: "http://www.leginfo.ca.gov/const/article_13B" for additional information. Special districts required by law to calculate their appropriations limit must present the calculation as part of their annual audit. Any questions special districts have on this issue should be referred to their respective county for clarification, or to their legal representation, or to the law itself. No State agency reviews the local appropriations limits.

Population Certification

The population certification program applies only to cities and counties. The Federal 2010 Census population counts for cities and counties have been certified to the State Controller's Office. Revenue and Taxation Code Section 11005.6 mandates Finance to automatically certify any population estimate that exceeds the current certified population with the State Controller's Office. **Finance will certify the higher estimate to the State Controller by June 1, 2011.**

Please Note: The population estimates provided in this report incorporate 2010 Census numbers as benchmarks. Therefore, the population estimates for 2010 and 2011 published in this report for your jurisdiction may be noticeably different from the previous year estimates.

If you have any questions regarding this data, please contact the Demographic Research Unit at (916) 323-4086.

May 2011

Enclosure I

- A. **Price Factor:** Article XIII B specifies that local jurisdictions select their cost-of-living factor to compute their appropriation limit by a vote of their governing body. The cost-of-living factor provided here is per capita personal income. If the percentage change in per capita personal income is selected, the percentage change to be used in setting the 2011-2012 appropriation limit is:

Per Capita Personal Income

Fiscal Year (FY)	Percentage change over prior year
2011-2012	2.51

- B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2011-2012 appropriation limit.

2011-2012:

Per Capita Cost of Living Change = 2.51 percent
Population Change = 0.77 percent

Per Capita Cost of Living converted to a ratio: $\frac{2.51 + 100}{100} = 1.0251$

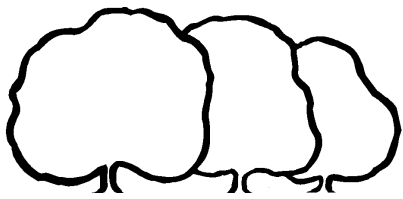
Population converted to a ratio: $\frac{0.77 + 100}{100} = 1.0077$

Calculation of factor for FY 2011-2012: $1.0251 \times 1.0077 = 1.0330$

Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2010 to January 1, 2011 and Total Population, January 1, 2011

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2010-2011	1-1-10	1-1-11	1-1-2011
Yolo				
Davis	0.56	65,547	65,915	65,915
West Sacramento	1.16	48,597	49,160	49,160
Winters	0.09	6,618	6,624	6,624
Woodland	0.34	55,362	55,549	55,549
Unincorporated	0.62	24,360	24,511	24,511
County Total	0.64	200,484	201,759	201,759

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: October 18, 2011

SUBJECT: Spring Lake Bond Accountability Report

Report in Brief

Specific sections of the California Government Code require annual reporting for voter-approved special taxes issued subsequent to January 2001. The Spring Lake Community Facilities District (CFD) series 2004-1 bonds were issued in 2004. Each year staff prepares a report summarizing the financial activity of the CFD and certifying that the use of the funds is consistent with the purpose of the CFD. The report is required to be accepted by the City Council.

Staff recommends that the City Council accept the attached Local Agency and Special Tax Bond Accountability Report for CFD 2004-1 for the year ended June 30, 2011.

Background

The Spring Lake Specific Plan (SLSP) was adopted by Council in December 2001. The cost to build the required infrastructure for the first phase of development (the Initial Facilities Requirement, or IFR) was estimated to be approximately \$47 million. In order to help fund this obligation, the property owners within the SLSP voted in favor of issuing bonds and levying a special tax on their properties in June 2004.

The Local Agency Special Tax and Bond Accountability Act ("Accountability Act") was enacted by California State Legislature through Senate Bill 165 to provide accountability measures for any local special tax and/or bond measure subject to voter approval on or after January 2001. According to the requirements of the Accountability Act (*Sections 50075.1 and 53410 of the Government Code of the State of California*), an annual report must be filed by the local agency levying the special tax and/or issuing a bond measure and shall contain a description of the following:

1. A statement indicating the specific purposes of the special tax/and or bond measure.
2. A requirement that the proceeds of the special tax and/or bond measure be applied only to the specific purpose intended.
3. The creation of an account into which proceeds of the special tax or bond be deposited.
4. The amount of funds collected and expended.

This report (“Accountability Report”) is being prepared for the Spring Lake Community Facilities District 2004-1 (“CFD”) of the City of Woodland (“City”) for the fiscal year ended June 30, 2011 pursuant to and in accordance with the requirements outlined in the Accountability Act.

Discussion

In September 2004, the City Council established the CFD pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982 (the “Act”). The CFD is authorized to levy a special tax generally to provide for construction of backbone infrastructure for the first phase of development, known as the Initial Facilities Requirement (“IFR”) in the Spring Lake Specific Plan area. The authorized costs include construction of capital facilities and costs of administration.

Total bond proceeds of \$27,674,441 were received and deposited into the construction fund. As of June 30, 2011 all bond proceeds have been expended on capital construction costs.

A separate fund is held by the City for the deposit of special taxes levied by the CFD and for the disbursement of authorized expenditures

Fiscal Impact

The table below provides a description of the collection of special taxes and the funds disbursed for authorized expenditures in fiscal year 2010/2011.

Description	Amount
Beginning Balance	\$166,896
Special Tax Collections	
Special Tax Deposits	\$2,413,732
Expenditures	
Administrative Expenses	\$32,235
Bond Payments	\$2,380,270
Balance as of June 30, 2010	\$168,123

The total proceeds of the CFD bonds discussed in this report are not sufficient to fund the infrastructure in the Spring Lake Specific Plan. Additional sources of funding include cash advances from developers and Spring Lake Infrastructure Fees (SLIF).

Public Contact

Posting of the City Council agenda.

Recommendation for Action

Staff recommends that the City Council accept the attached Local Agency and Special Tax Bond Accountability Report for CFD 2004-1 for the year ended June 30, 2011.

Prepared by: Kim McKinney
Finance Officer

Kevin O'Rourke
Interim City Manager

Attachment

City of Woodland

Spring Lake Community Facilities District 2004-1

Local Agency Special Tax and Bond Accountability Report

Fiscal Year Ended June 30, 2011

Background

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Summary

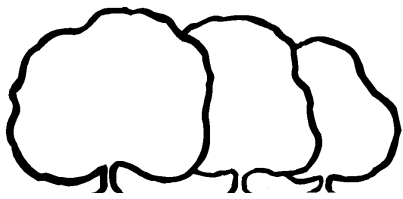
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Special Tax Collections and Expenditures

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REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: October 18, 2011

SUBJECT: FY12 OTS Avoid the 8 DUI Campaign Grant

Report in Brief

The Woodland Police Department applied for the FY12 Avoid the 8 DUI Campaign Grant and was successfully awarded \$80,000 for use to fund costs resulting from conducting operations in support of the grant goals and objectives. The Woodland Police Department will serve as the host agency for a regional DUI effort in Yolo County to reduce alcohol-involved fatalities and injuries and raise general public awareness regarding the problems associated with drinking and driving. The eight participating regional agencies include Davis, UC Davis Woodland, West Sacramento and Winters Police Departments, Yolo County Sheriff & Probation Departments and the California Highway Patrol. Also participating are the Yolo Emergency Communications Agency and the Alcohol Beverage Control. This participation will be formalized via an inter-agency memorandum of understanding.

Staff recommends the City Council accept the FY12 Avoid the 8 DUI Campaign Grant award in the amount of \$80,000 and authorize the Police Chief to sign the inter-agency memorandum of understanding.

Background

An annual review of fatal driving under the influence (DUI) collisions reveals that DUI incidents are typically at their highest during the winter holiday period (Christmas and New Years), the end of summer vacation/Labor Day period, and also Memorial Day and Independence Day weekends. Other times with high incident of DUI crimes and collisions include Halloween, Super Bowl Sunday, Cinco de Mayo and local festivals/events (UC Davis Picnic Day, Capay/Esparto Almond Festival, Yolo County Fair). Significant progress has been made in reducing the frequency of fatal DUI collisions when law enforcement agencies coordinate awareness campaigns and enforcement efforts with local, regional and national efforts. Nationwide, traffic deaths have declined dramatically; however, DUI deaths have not dropped at the same rate which indicates the ongoing need to coordinate efforts between law enforcement, community-based organizations and media outreach.

Activities will include DUI Checkpoints, DUI Saturation Patrol, Multi-Agency DUI Task Force Operations, Warrant/Probation Sweeps, and Court Sting Operations for repeat DUI offenders during the period of high incidence mentioned above.

Discussion

The Davis Police Department served as host agency for the FY09 Avoid the 8 DUI grant which expired September 30, 2011. The Woodland Police Department spearheaded the one-year renewal of that grant with the award period of October 1, 2011 through September 30, 2012. The original grant application totaled \$188,951.18 to cover the following costs:

<u>Budget Area</u>	<u>Cost</u>
Personnel (Overtime Hours)	\$ 176,701.18
Travel (OTS conference - required)	\$ 5,200.00
Equipment (DUI checkpoint supplies and portable light tower)	\$ 7,050.00
TOTAL	\$ 188,951.18

However, due to the state budget cuts, OTS was only able to award \$80,000 of the requested amount. OTS revised the requested line items as follows:

<u>Budget Area</u>	<u>Cost</u>
Personnel (Overtime Hours)	\$ 71,174.92
Travel (OTS conference - required)	\$ 1,500.00
Equipment (DUI checkpoint supplies and portable light tower)	\$ 7,325.08
TOTAL	\$ 80,000.00

Despite the considerable reduction in funding, staff expects to fulfill the following stated goals of the grant:

1. Reduce the number of persons killed in traffic collisions
2. Reduce the number of persons injured in traffic collisions

The Police Department and its partner agencies identified several objectives in support of these goals. A majority of these objectives will be carried out in the form of the following operations:

- Four (4) DUI/driver's license checkpoints
- Twenty-six (26) saturation patrols
- Two (2) taskforce operations
- Two (2) warrant probation/sweep operations
- Two (2) court sting operations

As the host agency, the Woodland Police Department will be responsible for coordination among the participating agencies in conducting these operations. The department will also be responsible for

fiscal management which includes requesting reimbursements from OTS and disbursing to the partner agencies, data collection for grant reporting and monthly fund reconciliation.

Fiscal Impact

The FY12 Avoid the 8 DUI Campaign Grant will provide \$80,000 to the Woodland Police Department and all participating partner agencies to cover overtime and other direct costs incurred in operations supporting the grant goals. As the host agency, the estimated share to cover overtime costs for the department is \$35,153.78.

Public Contact

Public notice of this agenda item occurred with the posting of the City Council agenda.

Alternative Courses of Action

1. Staff recommends the City Council accept the FY12 Avoid the 8 DUI Campaign Grant award in the amount of \$80,000 and authorize the Police Chief to sign the inter-agency memorandum of understanding.
2. Direct staff to seek alternatives for the reduction of deaths and injuries resulting from traffic collisions

Recommendation for Action

Staff recommends the City Council accept the FY12 Avoid the 8 DUI Campaign Grant award in the amount of \$80,000 and authorize the Police Chief to sign the inter-agency memorandum of understanding (alternative # 1).

Prepared by: Don Beal
Traffic Sergeant

Elle Murphy
Management Analyst

Reviewed by: Dan Bellini
Chief of Police

Kevin O'Rourke
Interim City Manager

Attachment: Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING

BETWEEN

**THE CITY OF WOODLAND POLICE DEPARTMENT AND THE
PARTICIPATING YOLO COUNTY CITY LAW ENFORCEMENT AGENCIES**

DRIVING UNDER THE INFLUENCE CAMPAIGN – AVOID THE 8

FUNDED BY

THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY

THIS MEMORANDUM OF UNDERSTANDING, entered into this 1st day of October 2011, by and between the CITY OF WOODLAND POLICE DEPARTMENT, hereinafter called “WOODLAND” and the participating Yolo County City Law Enforcement Agencies and Yolo Emergency Communications Agency (“YECA”), hereinafter called “City LEAs,” related to the Driving Under the Influence Campaign – Avoid the 8 Program hereinafter called “Avoid the 8 Program” funded by the State Office of Traffic Safety, hereinafter called “OTS.”

WHEREAS, it is necessary and desirable that City LEAs be retained for the purpose of performing professional services for the Avoid the 8 Program; the City LEAs participating include the California Highway Patrol, city of Davis, city of West Sacramento, city of Winters, and city of Woodland, University of California Davis Police, Yolo County Probation Department and Yolo County Sheriff’s Department. The ninth participating agency YECA provides Yolo County dispatch services and is not a direct law enforcement provider.

WHEREAS, WOODLAND is one of the participating City LEAs in the Avoid the 8 Program;

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO AS FOLLOWS:

1. Services to be Performed by Woodland and all City LEAs.

During the term of October 01, 2011 through September 30, 2012, all City LEAs participating in the Avoid the 8 Program shall provide DUI enforcement staff on an overtime basis as staffing levels allow for the Avoid the 8 Program during the holiday enforcement period of October 01, 2011 through September 30, 2012. All City LEAs commit to participate in the annual campaigns as staffing levels allow and to encourage officers to emphasize DUI enforcement during all phases of the grant. WOODLAND agrees to adhere to the OTS grant programmatic, financial and statistical reporting and understands that adhering to the requirements is necessary to be reimbursed for DUI enforcement activities

conducted during the time period of October 01, 2011 through September 30, 2012.

2. Payment.

- A. Maximum Amount. In full consideration of the services provided during holiday enforcement periods, the amount that WOODLAND shall be obligated to pay for services rendered under this Memorandum of Understanding shall not exceed the dollar amounts set forth in the Avoid the 8 grant for the term of this Memorandum of Understanding. Funds are to be used solely for reimbursement of officer overtime incurred while staffing DUI Enforcement activities in support of the Avoid the 8 Program during the time period of October 01, 2011 through September 30, 2012.
- B. Rate of Payment. All City LEAs will receive reimbursement for officer overtime through the Avoid the 8 Program for a total sum not to exceed the dollar amounts set forth in the Avoid the 8 grant \$80,000.00 for the term of this Memorandum of Understanding. The amount all participating City LEAs will receive will be based on actual staff hours worked on DUI enforcement for the Avoid the 8 Program and as invoiced in accordance with Paragraph C, Invoice Requirements as stated below. Funding is solely for reimbursement of officer overtime incurred during DUI enforcement activities conducted during the Avoid the 8 enforcement period.
- C. Invoice Requirements. Invoices shall include dates and hours worked, officer's name, officer's overtime salary rate with allowable benefits, number of hours worked, and total dollars requested for overtime reimbursement. The only benefit costs that OTS will reimburse are OASDI (Social Security), State Worker's Compensation and Medicare. County, City and/or City LEAs overhead costs will not be reimbursed. Invoices shall also include the statistics required by OTS as outlined in Item 3, Statistical Reporting.
- D. Time Limit for Submitting Invoices. All City LEAs shall submit an invoice for services to WOODLAND. WOODLAND shall not be obligated to pay City LEAs for the services covered by any invoice if any City LEAs present the invoice to WOODLAND more than forty-five

(45) days after the date City LEAs render the services, or more than forty-five (45) days after this Memorandum of Understanding terminates, whichever is earlier.

E. All City LEAs will respond in a timely manner when operational schedules are being planned or they will not be included in the operation. City LEAs who do not confirm participating personnel prior to the operation acknowledge that their personnel may be called off with no reimbursement.

F. All LEAs acknowledge that OTS will not reimburse backfilling for officers who attend FST training, or for officer overtime when attending Court for an AVOID-related DUI arrest.

3. Statistical Reporting

All City LEAs shall collect and report to WOODLAND, the number of DUI Checkpoints paid with funds from this MOU. For each checkpoint, the following information must be collected and reported: number of vehicles passing through checkpoint, number of vehicles screened, number of field sobriety tests conducted, number of DUI arrests, number of criminal arrests, and number of vehicles impounded.

4. Availability of Funds.

Payment of all services provided pursuant to this Memorandum of Understanding is contingent upon OTS funding the Avoid the 8 Grant with WOODLAND. In the event that OTS does not fund WOODLAND's grant, WOODLAND shall not be liable for any payment whatsoever. WOODLAND may terminate this Memorandum of Understanding in accordance with the provisions of Section 8 below for unavailability of OTS funds.

5. Alteration of Memorandum of Understanding.

This Memorandum of Understanding is entire and contains all of the terms and conditions agreed upon by the parties. No alteration or variation shall be valid unless made in writing and signed by the parties hereto, and no oral understanding or agreement shall be binding on the parties hereto.

6. Records.

- A. Access. City LEAs agree to provide to WOODLAND, to any Federal or State department having monitoring or reviewing authority, to authorized representatives and/or their appropriate audit agencies upon reasonable notice, access to and the right to examine and audit all records and documents necessary to determine compliance with relevant Federal, State and local statutes, rules and regulations and this Memorandum of Understanding, and to evaluate the quality, appropriateness and timeliness of services performed, for a period of at least three (3) years from the termination date of this Memorandum of Understanding, or until audit findings are resolved, whichever is greater.
- B. Retention. WOODLAND shall maintain and preserve in its possession all records relating to this Memorandum of Understanding for a period of at least three (3) years from the termination date of this Memorandum of Understanding, or until audit findings are resolved, whichever is greater.

7. Compliance with Applicable Laws.

All services to be performed by WOODLAND and all City LEAs pursuant to this Memorandum of Understanding shall be performed in accordance with all applicable Federal, State, County and Municipal laws, ordinances and regulations.

8. Term of the Agreement.

Subject to compliance with the terms and conditions of this Memorandum of Understanding, the term of this Memorandum of Understanding shall be from of October 01, 2011 through September 30, 2012. This Memorandum of Understanding may be terminated by WOODLAND or any City LEAs at any time upon seven (7) days written notice to the other party.

In witness whereof, the parties have executed this Memorandum of Understanding on the day and year last written below.

**CITY OF WOODLAND
POLICE CHIEF**

Dan Bellini
Chief of Police

Date

**CITY OF WINTERS
POLICE CHIEF**

Bruce Muramoto
Chief of Police

Date

**WOODLAND CHP OFFICE
COMMANDER**

Dale Cannon
Captain

CITY OF DAVIS
POLICE CHIEF

Landy Black
Chief of Police

Date

**CITY OF WEST SACRAMENTO
POLICE CHIEF**

Dan Drummond
Chief of Police

Date

**YOLO COUNTY PROBATION
DEPARTMENT CHIEF**

Marjorie Rist
Chief Probation Officer

Date

UC DAVIS POLICE CHIEF

Annette M. Spicuzza
Chief of Police

YOLO COUNTY SHERIFF

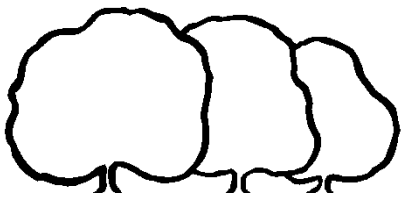
Ed Prieto
Sheriff

Date

YOLO EMERGENCY COMMUNICATIONS AGENCY DIRECTOR

Patricia Williams
Executive Director

Date



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: October 18, 2011

SUBJECT: Adopt Resolution No. _____ the Preferred Air Quality Control Measure that includes Planting Agree Species Mix Percentages and Utilizing Tree List to Guide Species Composition and Diversity

Report in Brief

The regional air quality board has included trees in the State Implementation Plan as a control measure to improve air quality. The City of Woodland has been requested to adopt measures recommended by the Sacramento Tree Foundation to contribute to the overall improvement of the region's air quality.

By managing the number and types of trees planted in our jurisdiction, we can help reduce the formation of ozone and improve air quality. Minimum participation includes adopting a preferred tree list for our jurisdiction and agreeing to quantifiable mixed tree species planting goals.

Staff recommends that the City Council of the City of Woodland adopt Resolution No. _____ the preferred air quality control measures that include planting agreed species mix percentages and utilizing a tree list to guide species composition and diversity as described herein.

Background

The regional urban forest is populated by approximately 6.9 million trees from 99 different species (STF 2009). Each of these tree species emit biogenic volatile organic compounds (BVOCs) at rates that can differ by more than three orders of magnitude between species. This control measure proposes a targeted urban forest management program to reduce total urban forest BVOC emissions by favoring the planting of lower emitting trees rather than high emitting trees in the next 9 years.

Through a combination of community education and governmental policy change over the next 9 years, this control measure advocates for a gradual shift in the species mix of the regional urban forest to lower emitting trees, while still adhering to the urban forest philosophy of "the right tree in the right place". This control measure calls for a minimum of 86,000 lower emitting trees to be planted that otherwise would have been high emitting trees, a shift of 30% to lower emitting species for replacement trees. This tree planting strategy change will reduce BVOC emissions by up to 0.27

tons per day (TPD). The total estimated project cost is \$1.1 million. Although the duration of the project is 9 years, the actual benefit will last many years. To be conservative we assume a 25 year planning period and the cost effectiveness of the BVOC reduction is \$2,620 per ton or \$1.31 per pound.

Discussion

Our region is remarkably well suited to capture the benefits trees provide. Our hot summers and cool winters enable us to maximize the benefits of shade trees through energy savings, air quality improvement, storm water runoff retention, and community enhancement.

One key objective of the Greenprint is to reduce the costs and increase the benefits of tree ownership by strategically placing trees that are well-suited to our climate, soil and site conditions in locations where they can best reduce energy consumption, shade infrastructure, and improve water quality.

Our region has the challenge of unhealthy levels of ozone pollution. The U.S. Forest Service Center of Urban Forest Research (CUFR) and Sacramento Tree Foundation (Tree Foundation) conducted a study about the effects of trees on ozone air pollution and found that urban forestry can be an important part of our air quality attainment strategy. This study was sponsored by the regional Air Quality Districts and funded with the grant from Sacramento Area Council of Governments (SACOG) and California Department of Transportation (CalTrans).

The scientific community generally agrees that trees improve air quality. It has been measured that some trees, because of leaf canopy size, pollen, amount of time leaves are present on the trees and levels of BVOC's provide more benefits than others. The net effect depends on the species, location and ultimate size of the trees chosen. For this reason, our jurisdiction can encourage the planting of the best suited trees for our climate combined with the best air quality characteristics to improve local and regional air quality.

In several important ways, air quality attainment plans are predictive. In adopting the plans, the air districts, and by extension the member jurisdictions, must estimate the air quality improvement steps that will be taken in the future. These estimates are then used to predict air quality progress. In areas where continued air quality improvement has been difficult, the estimates tend to evolve into goals and in situations with severe air quality, may evolve into mandates. To know the net effect of the new trees on regional air quality, accurate estimates of number and type of trees planted in our jurisdiction must be known.

Our jurisdiction is being asked to commit to planting a specific ratio of trees based on the preferred tree lists for any public tree planting projects (oak mitigation projects exempted) and development projects over which the City of Woodland has oversight during the next decade. Our jurisdiction is also being asked to encourage residents to consult the preferred tree lists when selecting trees for their property. As this commitment will become part of a federally mandated regional air quality attainment plan, regional partners agreeing to the ratio are expected to be successful.

To prepare for this planting program, the City Council of the City of Woodland authorization is requested to participate with our regional partners and adopt the list of tree species that will grow well in our jurisdiction and be the most capable of air quality improvement. This list will serve as our preferred tree list to be used by staff for making decisions on species selection where trees within the City of Woodland are specified. As always, the urban forest philosophy of “the right tree in the right place” still pertains to tree selection.

Staff and the Tree Foundation have estimated that the managed planting of trees within the jurisdiction over the next ten years will allow us to meet the air quality control measure target. The preferred trees list may be amended as appropriate over time to include new species and research that enhances our choices for planting the trees best suited to our region.

Limited exposure is present as is the case with other Council/Board decisions. After adoption, potential enforcement may be initiated by citizens and or/EPA if project goals are not met pursuant to the Clean Air Act (42USCA Section 7413 and 7604).

The City Council of the City of Woodland is requested to adopt the regional Greenprint Initiative to double the regional tree canopy over the next four decades. As part of this tree planting initiative, the City Council of the City of Woodland hereby commits to planting up to an additional 30% lower emitting trees as part of replacement and/or new tree planting projects, where high emitting trees would have been planted and where the tree planting does not conflict with native oak tree mitigation projects.

Environmental Considerations

Action in adopting this resolution is exempt from CEQA as it does not specifically result in a project. This decision will be re-visited at such time as a project as defined by CEQA is considered.

Fiscal Impact

None, minimum participation associated with this initiative would just require the City of Woodland to adopt a preferred tree list for our jurisdiction and agreeing to quantifiable tree species mix planting goals.

Alternative Courses of Action

1. Adopt Resolution No. _____ the preferred air quality control measures that include planting agreed species mix percentages and utilizing a tree list to guide species composition and diversity as described herein.
2. Do not adopt Resolution No. _____ the preferred air quality control measures that include planting agreed species mix percentages and utilizing a tree list to guide species composition and diversity as described herein.

SUBJECT: Adopt Resolution No. _____ the Preferred Air Quality Control Measure that includes
Planting Agree Species Mix Percentages and Utilizing Tree List to Guide Species
Composition and Diversity

PAGE: 4
ITEM:

Recommendation for Action

Staff recommends that City Council approve Alternative No.1.

Prepared by: Robert G Sanders
O&M Superintendent

Reviewed by: Gregor G Meyer
Director of Public Works

Kevin O'Rourke
Interim City Manager

Attachments: Resolution
Preferred Tree List

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF WOODLAND ADOPTING THE
PREFERRED AIR QUALITY CONTROL MEASURES
THAT INCLUDE PLANTING AGREED SPECIES MIX
PERCENTAGES AND UTILIZING A TREE LIST TO
GUIDE SPECIES COMPOSITION AND DIVERSITY**

WHEREAS, the City of Woodland recognizes the importance of tree canopies and their contributions to clean air and water, storm water runoff reduction, energy conservation, improved public health, and increased property values; and

WHEREAS, the City of Woodland have adopted the regional Greenprint initiative to optimize the tree canopy and benefits of trees in our region; and

WHEREAS, current science concludes that our enhanced urban forest will improve both local and regional air quality; and

WHEREAS, the species composition and number of trees planted during the coming years will help determine the net air quality improvement our region can expect; and

WHEREAS, a select group of tree species are best suited to the climate and soils of our jurisdiction; and

WHEREAS, a list has been created of the preferred trees for our climate and air quality for both public and private trees that will be planted in our jurisdiction; and

WHEREAS, we recognize that by participating in the regional urban forest control measure through the fall of 2018 to attain air quality goals that we are expected to succeed and potential enforcement can be initiated by citizens and or/EPA if project goals are not met pursuant to the Clean Air Act (42USCA Section 7413 and 7604).

NOW THEREFORE BE IT RESOLVED, the City Council of the City of Woodland hereby authorizes the City Manager to develop, and then adopt an Urban Forest Air Quality Development Program Control Measure policy. The policy will regulate the planting of public trees to increase the proportion of lower biogenic emitting tree species by up to 30%, where the tree planting does not conflict with native oak tree mitigation projects; and,

Hereby authorizes the City Manager to implement the preferred tree list (attachment #1) where appropriate within the operations of the jurisdiction; and,

Hereby commits that the City of Woodland will encourage its residents to select appropriate trees from the preferred tree list; and,

Hereby commits that the trees be planted within the jurisdiction prior to the fall of 2018 will be in accordance with the Urban Forest Air Quality Control Measure tree species percentages as part of our region's federal air quality attainment plans.

PASSED AND ADOPTED this 18th day of October 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____

Artemio Pimentel, Mayor
City of Woodland

ATTEST: _____

Ana B. Gonzalez, City Clerk
City of Woodland



Greenprint Tree List *Choosing the right tree for your yard*

WHY PLANT A TREE?

We appreciate trees for many reasons such as their beauty and leafy shade, but there are many other good reasons to plant a tree near your home or business.

The air we breathe. Trees are nature's way of cleaning our air. Tree leaves absorb pollutants, produce oxygen and make cleaner air for us to breathe. Trees also cool the air, which helps prevent smog.

The water we drink. Trees clean and store storm water, which helps keep pollutants out of our streams and rivers.

The comfort we need. Trees reduce energy needs by shading our homes and businesses, keeping us cool and comfortable in the summer months.

The way we live. Trees bring people together. They create social spaces where people gather. Neighborhoods with green spaces are tighter-knit, safer and more livable.

Choosing the Right Tree for Your Yard

The right tree in the right place. That's our motto—and it's the reason we created this list.

Always select a tree based on your particular site conditions. Before you plant, find out:

How much water is available for the tree?

Is the location sunny or shaded?

What type of soil will the tree be planted in?

All of the trees on our list were chosen by tree experts for their ability to thrive in our region based on their suitability for our climate, disease and pest susceptibility, soil tolerance, maintenance requirements, water usage, branch strength and longevity.

Our rating system indicates which trees contribute the most to cleaning our air and which trees require the least amount of water—two important factors when selecting a tree.

When planting, think big. Most of the work done by trees to clean our air is done by the leaves, so large trees provide almost 50 times the benefits of small trees. That's why we recommend choosing the largest tree that can fit your space.

Have specific questions about selecting your tree?

E-mail:

treehotline@sactree.com

GREENPRINT TREE LIST :: Choosing the right tree for your yard

Common Name	Genus & species + cultivar	Description	Leaf color, summer/fall	AQ Ozone Friendly	Ω or Ψ	Water Needs**	Size
Air Quality: ★Good ★★Better ★★★Best Ψ Deciduous Ω Evergreen Water Usage: ★Low usage/Best ★★Medium usage/okay ★★★High usage/caution							
L A R G E							
Accolade elm	<i>Ulmus japonica x wilsoniana 'Accolade'</i>	Vase shaped when mature, DED resistant, yellow fall color.	dark green / golden yellow	★★★	Ψ	n/a	Large
American linden*	<i>Tilia americana</i>	Fragrant light yellow flowers in the spring. Focus on pruning while young	glossy green / yellow	★★★	Ψ	...	Large
Bigleaf maple	<i>Acer macrophyllum</i>	With attractive red brown bark and tiny yellow fragrant flowers, this tree does well in native riparian areas	medium green / gold	★★	Ψ		Large
Blue oak*	<i>Quercus douglasii</i>	Extremely slow growing, specimens with 10" trunk caliper may be over 100 years old. Very drought and heat tolerant.	Gray blue / not showy in fall	★	Ψ	•	Large
Bottle tree	<i>Brachychiton populneus</i>	Moderately weak branch structure and the seed can be an irritant. Not tolerant of heavy clay soils.	glossy, medium green	★★★	Ω	...	Large
Bowhall maple	<i>Acer rubrum 'Bowhall'</i>	Densely growing, this narrow tree makes a good screen. Prune to avoid broken branches. Broadens with age.	medium green / yellow red, orange	★★	Ψ		Large
Bur oak*	<i>Quercus macrocarpa</i>	Huge tree often as wide or wider than it is tall. Interesting light gray furrowed bark is common.	dark green/ copper, yellow	★	Ψ	n/a	Large
Calabrian pine	<i>Pinus brutia</i>	Can cover an extensive area with its spreading crown, 3" cones mature in winter. Tolerates extreme conditons.	dark green needles	★	Ω	..	Large
California incense cedar	<i>Calocedrus decurrens</i>	Prefers higher elevations. Lovely scent to the flat sprays of foliage.	scale-like, medium green	★★	Ω	...	Large
California laurel	<i>Umbellularia californica</i>	Native to California coastal forests, has spicy, pungent foliage.	dark green / not showy	★★	Ω	...	Large
California sycamore*	<i>Platanus racemosa</i>	Stout California native will grow taller in urban conditons. Somewhat irregular growth habit.	yellow green / brown	★	Ψ	...	Large
Camphor	<i>Cinnamomum camphora</i>	Large, spreading tree requires open spaces or big yards. Develops beautiful structure with age. Source of campho-phenique medicine.	glossy green	★★★	Ω	...	Large

*Tree available through Sacramento Shade. SMUD customers are eligible for up to 10 free trees to shade their homes and businesses. For more information contact the Sacramento Tree Foundation at 916 924 8733 ext 121.

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Air Quality: ★Good ★★Better ★★★Best Ψ Deciduous Ω Evergreen Water Usage: •Low usage/Best ••Medium usage/okay •••High usage/caution							
Canary Island pine	<i>Pinus canariensis</i>	Does not tolerate clay soils. Has attractive red bark, irregular look until it matures into a round crown.	blue or dark green needles	★★	Ω	••	Large
Chestnut leaf oak*	<i>Quercus castaneifolia</i>	Vigorous grower native to the middle east. Not very common, its bitter acorns are not a favorite among wildlife.	dark glossy green / yellow brown not showy	★	Ψ	n/a	Large
Chinese wingnut	<i>Pterocarya stenoptera</i>	Large, substantial, fast growing tree with 6 - 12 inch seed clusters.	light green in summer/not showy in fall	★★	Ψ	n/a	Large
Coast live oak	<i>Quercus agrifolia</i>	Ω oak native to California coastal valleys and foothills. Extremely variable in leaf form and growth habit.	dark green / no fall color	★	Ω	•	Large
Coast redwood	<i>Sequoia sempervirens</i>	Does best when lower branches are retained and in foggy environments. Loses old needles in summer	dark green / not showy	★	Ω	••••	Large
Columnar red maple*	<i>Acer rubrum x freemani 'Armstrong'</i>	Has a compact crown and upward reaching branches. This maple prefers evenly moist soil.	medium green / yellow red, orange	★★	Ψ	••••	Large
Columnar Red Norway maple	<i>Acer platanoides 'Crimson Sentry'</i>	Prefers foothill climates. Dense shade, leaves can be purple in spring	dark purple spring to summer dark green/ yellow	★★	Ψ	•••	Large
Cork oak	<i>Quercus suber</i>	Very drought tolerant and does not take to overwatering. It has a heavy corky bark.	dark green with gray underside / not showy	★★★	Ω	••	Large
Dawn redwood	<i>Metasequoia glyptostroboides</i>	This ancient species looks similar to redwoods, but goes dormant in the winter. Cones are 1 3/4". Good in large areas and planted in groves.	bright green / brown	★★	Ψ	••••	Large
Deodar cedar	<i>Cedrus deodara</i>	Stately and graceful with dark gray furrowed bark.	blue green or medium green	★★★	Ω	•••	Large
Douglas fir	<i>Pseudotsuga menziesii</i>	Very large growing conifer native to coastal forests. Long lived with a sweet, resinous smell to the foliage.	dark green needle like leaf / not showy in fall	★★	Ω	n/a	Large

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Air Quality: ★Good ★★Better ★★★Best Ψ Deciduous Ω Evergreen Water Usage: ★Low usage/Best ★★Medium usage/okay ★★★High usage/caution							
European hackberry*	<i>Celtis australis</i>	This drought tolerant tree works well in urban surroundings. The small dry berries can be prolific in some years.	dark green / yellow	★★★	Ψ	...	Large
Hardy rubber tree	<i>Eucommia ulmoides</i>	The leaf is fragrant, it has small dry fruit and strong branches. Not for clay or sandy soils	dark glossy green	★	Ψ	n/a	Large
Holly oak	<i>Quercus ilex</i>	Very hardy tree with strong branching.	usually dark green, may be grayish green / not showy in fall	★	Ω	..	Large
Interior live oak	<i>Quercus wislizenii</i>	Beautiful dark green tree native to dryer foothill areas of California	tip growth is bronze, turns medium green / not showy	★	Ω	.	Large
London plane*	<i>Platanus X acerifolia</i>	Open branching with large branches and attractive bark.	light green, / yellow-brown	★	Ψ	..	Large
Maidenhair tree	<i>Ginkgo biloba</i>	Good lawn tree with an interesting leaf shape. Male variety has no fruit. Tolerant of smog. Slow.	medium green / gold	★★	Ψ	...	Large
Mountain silverbell	<i>Halesia monticola</i>	Low branching with a rounded crown, it has white flowers in spring followed by 2 inch fruit in fall. Prefers loam soils	dark yellowish green / yellow	★★★	Ψ	n/a	Large
Narrow Zelkova*	<i>Zelkova serrata</i> <i>Musashino</i>	This cultivar is perfect for narrow street use due to its columnar growth habit.	deep green / showy golden	★★★	Ψ	...	Large
Oregon ash	<i>Fraxinus latifolia</i>	Oval to rounded shape, this tree is best used in riparian or other high moisture areas.	light green / gold	★★★	Ψ		Large
Ponderosa pine	<i>Pinus ponderosa</i>	Zones 1 to 7 only, 6" cones. Recommended as mass plantings and shelter belts.	dark to yellowish green	★	Ω	..	Large
Red maple*	<i>Acer rubrum</i>	Tolerant of air pollution. The tiny deep red flowers are evident in the spring.	medium green / red, orange, yellow	★★	Ψ		Large
Red oak*	<i>Quercus rubra</i>	Adaptable and widely planted large tree. Good street trees where space is not a concern.	medium green / red, very showy	★	Ψ	...	Large

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Air Quality: ★Good ★★Better ★★★Best Ψ Deciduous Ω Evergreen
Water Usage: •Low usage/Best ••Medium usage/okay •••High usage/caution

River birch*	<i>Betula nigra</i>	The bark peels to tan, orange and pink shades. Bears small, cone-like fruit in the spring.	dark glossy green / yellow	★★★	Ψ	••••	Large
Sawtooth oak	<i>Quercus acutissima</i>	Large, beautiful pyramidal shape. Brown leaves may hang on the tree into winter.	glossy green / yellow	★	Ψ	n/a	Large
Scarlet oak*	<i>Quercus coccinea</i>	Excellent as a lawn or street tree.	glossy green / scarlet, yellow	★	Ψ	•••	Large
Shumard oak*	<i>Quercus shumardii</i>	Stately tree with rounded canopy and beautiful fall foliage colors. Acorns are a great food source for wildlife.	dark green / showy orange, red	★	Ψ	•••	Large
Silver linden	<i>Tilia tomentosa</i>	Popular ornamental in Europe, the undersides of the leaves are covered in dense white hairs.	green / yellow	★★★	Ψ	•••	Large
Southern live oak	<i>Quercus virginiana</i>	Wide sprawling tree that provides dense shade. Durable and long lived. Needs regular pruning when young.	medium green / not showy	★	Ψ	•••	Large
Southern magnolia	<i>Magnolia grandiflora</i>	Large white fragrant flowers are attractive, but large leathery leaves can be a litter problem. Not for clay soils.	glossy dark green	★★	Ω	•••	Large
Triumph elm	<i>Ulmus japonica x wilsoniana 'Triumph'</i>	Also called "Morton Glossy". Nice vase-shaped crown structure, not a lot of information out yet on this cultivar.	glossy green / yellow	★★★	Ψ	n/a	Large
Tulip tree	<i>Liriodendron tulipifera</i>	Showy, fragrant, large flowers, white with orange, it has a large trunk and is an attractive specimen	light green / bronze, gold	★	Ψ	••••	Large
Turkey oak	<i>Quercus cerris</i>	Large deciduous tree, the bark is often streaked orange near the base on older trees.	dark green/ yellow brown, not showy	★	Ψ	n/a	Large
Valley oak*	<i>Quercus lobata</i>	Common native in the Sacramento area.	glossy medium green / yellow to light orange	★★	Ψ	••	Large
White fir	<i>Abies concolor</i>	Native to mountain ranges throughout Oregon and California. Both the gray bark and 1" soft needles are fragrant. The 4 to 6" cones grow upward on the branches.	bluish green	★★	Ω	•••	Large

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GREENPRINT TREE LIST :: Choosing the right tree for your yard

Common Name	Genus & species + cultivar	Description	Leaf color, summer/fall	AQ Ozone Friendly	Ω or Ψ	Water Needs**	Size
				Air Quality: ★Good ★★Better ★★★Best Ψ Deciduous Ω Evergreen Water Usage: ★Low usage/Best ★★Medium usage/okay ★★★High usage/caution			
Willow oak*	<i>Quercus phellos</i>	One of the fastest growing oaks. Pyramidal shape when young gives way to a rounded canopy in older specimens.	medium green / yellow	★	Ψ	n/a	Large
Zelkova*	<i>Zelkova serrata</i>	With age the bark turns gray and mottled.	deep green / copper, red	★★★	Ψ	●●	Large
M E D I U M							
Afghan pine	<i>Pinus eldarica</i>	With a spreading crown, it can cover an extensive area, 3" cones mature in winter. Tolerates extreme conditons.	dark green needles	★	Ω	●●	Medium
Aleppo pine	<i>Pinus halepensis</i>	With a spreading crown, it can cover an extensive area, 3" cones mature in winter. Tolerates extreme conditons.	light green needles	★★★	Ω	●●	Medium
American hophornbeam	<i>Ostrya virginiana</i>	A US native that can grow in dry, rocky soils, but perfers adequate moisture in cultivaiton. Graceful habit, works well as a screen	light green / bright yellow	★★	Ψ	n/a	Medium
California buckeye	<i>Aesculus californica</i>	This big-leafed California native has large fragrant flowers and brown 2 to 3" round fruit. It conserves water in summer by going dormant and prefers cooler coastal and foothill areas.	Light green / brown in summer	★★	Ψ	●	Medium
Capital pear*	<i>Pyrus calleryana</i> 'Capital'	Narrow branching, needs regular pruning when young.	glossy green / yellow-orange to scarlet	★★★	Ψ	●●	Medium
Chanticleer pear*	<i>Pyrus calleryana</i> 'Chanticleer'	Densely growing, this narrow tree makes a good screen. Prune to avoid broken branches.	glossy green / yellow-orange to scarlet	★★★	Ψ	●●	Medium
Chinese flame tree*	<i>Koelreuteria bipinnata</i>	This umbrella shaped tree makes a good lawn tree. It has large clusters of tiny yellow flowers and papery seed pods	medium green / bronze to gold	★	Ψ	●●	Medium
Chinese pistache*	<i>Pistacia chinensis</i>	Nice round shape, prune early to develop form	dark green / orange to orante red	★	Ψ	●●	Medium
Emerald Sunshine elm	<i>Ulmus propinqua</i> 'Emerald Sunshine'	Sturdy upright growth, tolerates hot windy weather, insect resistant.	deep green / yellow	★★★	Ψ	n/a	Medium

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Eye stopper amur	<i>Phellodendron lavallei</i>	Nice form and bark texture. Gets leaf scorch in	lustrous dark	★★	Ψ	n/a	Medium
Flowering pear	<i>Pyrus calleryana</i>	Widely planted as a street tree or ornamental, experiences branch drop as it matures.	glossy green / yellow-orange to scarlet	★★★	Ψ	...	Medium
Frontier elm	<i>Ulmus parvifolia 'Frontier'</i>	Hybrid developed by crossing european elm with chinese. Performs well in hot windy conditions. Very DED resistant. Showy fall color.	green / burgundy	★★★	Ψ	...	Medium
Goldenrain tree*	<i>Koelreuteria paniculata</i>	This umbrella shaped tree makes a good lawn tree. It has large clusters of tiny yellow flowers and papery seed pods. Drought tolerant	medium to dark green / bronze to gold	★	Ψ	...	Medium
Hedge maple*	<i>Acer campestre</i>	Eurasian native with corky bark, it is hardy and long lived.	dark glossy green / yellow	★★	Ψ	...	Medium
His majesty amur cork tree	<i>Phellodendron amurense 'His Majesty'</i>	Nice form and bark texture. Gets leaf scorch in hot climates Female varieties have odiferous fruit.	lustrous dark green / bronze to gold	★★	Ψ	n/a	Medium
Japanese white birch*	<i>Betula platyphylla japonica</i>	Low branching makes this a good screen. Not tolerant of drought.	medium glossy green / yellow	★★★	Ψ		Medium
Jeffrey pine	<i>Pinus jeffreyi</i>	Zones 1 to 4 only, not for clay soils. Cones are large.	blue green needles	★	Ω	..	Medium
Littleleaf linden*	<i>Tilia cordata</i>	Fragrant light yellow flowers in the spring. Focus on pruning while young	green / yellow	★★★	Ψ	...	Medium
Loquat	<i>Eriobotrya japonica</i>	Has attractive white flowers in the fall and edible fruit. Drought tolerant, but best with regular water.	dark green	★★★	Ω	..	Medium
Macho amur cork tree	<i>Phellodendron amurense 'Macho'</i>	Nice form and bark texture. Gets leaf scorch in hot climates Female varieties have odiferous fruit.	lustrous dark green / bronze to gold	★★	Ψ	n/a	Medium
Male ginkgo	<i>Ginkgo biloba 'Fairmont'</i>	Fruitless with a narrow, conical to oval form, tolerant of smog. Slow.	medium green / gold	★★	Ψ	...	Medium
Male ginkgo	<i>Ginkgo biloba 'Princeton Sentry'</i>	Fruitless, columnar form, tolerant of smog.	medium green / gold	★★	Ψ	...	Medium

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Norwegian	<i>Acer truncatum</i>	Uniform growth and nice branch structure. It is	Glossy dark green	★★	Ψ	...	Medium
Pacific Sunset	<i>Acer truncatum 'Pacific'</i>	Hearty and fine textured, with larger leaves than	dark, glossy green	★★	Ψ	...	Medium
Paperbark maple	<i>Acer griseum</i>	The peeling reddish bark is attractive. Not good in heavy clay soils.	dark green / oranges to reds	★★	Ψ	...	Medium
Prospector elm	<i>Ulmus wilsoniana 'Prospector'</i>	Rounded form when mature, needs training and staking when young. Great for parking lots. Very high DED and beetle resistance.	green / yellow	★★★	Ψ	n/a	Medium
Pyramidal european hornbeam*	<i>Carpinus betulus 'Fastigiata'</i>	Good screening tree. Strong branching, narrow when young but may broaden with age.	dark green / gold	★★★	Ψ	...	Medium
Saratoga sweetbay	<i>Laurus nobilis 'Saratoga'</i>	Small yellow flowers in clusters followed by black berries. Leaves are used in cooking. Often grown as a container tree	gray green to dark green	★★★	Ω	..	Medium
Saucer magnolia	<i>Magnolia soulangiana</i>	Showy pink flowers in spring and sometimes in winter. Umbrella to vase shape with a dense canopy.	medium green, bronze, gold	★★	Ψ	...	Medium
Shantung maple*	<i>Acer truncatum</i>	Has a dense, uniform canopy that requires shaping when young. The leaf has a delicate look, but is tolerant of heat.	yellow, sometimes with red or orange	★★	Ψ	...	Medium
Sugar pine	<i>Pinus lambertiana</i>	Zones 1 to 4 only, not for clay soils. Cones are large.	dark bluish green	★★	Ω	n/a	Medium
Sweet bay	<i>Laurus nobilis</i>	Small yellow flowers in clusters followed by black berries. Leaves are used in cooking. Often grown as a container tree	gray green to dark green	★★★	Ω	..	Medium
Trident maple*	<i>Acer buergerianum</i>	This native of China has a low rounded form and is adaptable to urban environments. Prune for clearance.	medium glossy green / red	★★	Ψ	...	Medium

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Tupelo*	<i>Nyssa sylvatica</i>	Nice triangle shaped sillouite, has small dry, dark berries	lusterous dark green / red	★	Ψ	•••	Medium
Upright English oak	<i>Quercus robur 'Fastigiata'</i>	This upright, columnar deciduous tree has attractive, dark brown furrowed bark.	medium green / copper	★	Ψ	n/a	Medium
S M A L L							
Australian willow	<i>Geijera parviflora</i>	Attractive weeping look with age, creamy white flowers in spring or fall. Good screening tree	medium green	★★	Ω	•••	Small
Bechtel crabapple	<i>Malus ioenis 'Plena'</i>	Single pink bud opening to a white, fragrant flower, 1" green to dull yellow fruit. Rounded canopy	dark green / gold	★★★	Ψ	•••	Small
Bronze loquat	<i>Eriobotrya deflexa</i>	Deep pink, showy flowers and new bronze/red foliage make this a good accent tree. Frost sensitive and not long lived.	dark glossy green	★★★	Ω	•••	Small
Chaste tree*	<i>Vitex agnus-castus</i>	The leaves and stems of this Mediterranean native were traditionally harvested for medicinal (anti-libido) purposes.	blue green / not showy	★	Ψ	••	Small
Chinese fringe tree*	<i>Chionanthus retusus</i>	Attractive in garden settings because of the showy and frangrant white flowers and red fruit.	shiny dark green / yellow	★★★	Ψ	•••	Small
Crape myrtle*	<i>Lagerstroemia indica</i>	Several flower varieties, it blooms in summer and is good for small spaces	shiny green / orange	★★★	Ψ	••	Small
Desert willow	<i>Chilopsis linearis</i>	Not for clay soils, 3" fruit, does have lovely deep pink fragrant flowers.	blue green to dark green / gold	★★	Ψ	•	Small
Eastern redbud*	<i>Cercis canadensis</i>	Heart-shaped leaves come out after the deep pink flowers on this native to the Eastern US. Somewhat drought tolerant.	medium green / yellow	★★★	Ψ	•••	Small
Fern pine	<i>Podocarpus gracilior</i>	Weak trunk when young needs staking, healthiest when lower branches remain unpruned. Will burn in hard frosts.	light green / no fall color	★★★	Ω	•••	Small
Japanese flowering crabapple*	<i>Malus floribunda</i>	Flowers deep pink to red, turning to white, fragrant. Fruit, 3/8" yellow and red, lovely small tree	dark green / yellow	★★★	Ψ	•••	Small

*Tree available through Sacramento Shade. SMUD customers are eligible for up to 10 free trees to shade their homes and businesses. For more information contact the Sacramento Tree Foundation at 916 924 8733 ext 121.

**WUCOLS: Water Use Classifications of Landscape Species - a University of California Cooperative Extension Publication. The Sacramento Tree Foundation recommends always using the lowest water use species that is appropriate for your location.

GREENPRINT TREE LIST :: Choosing the right tree for your yard

Common Name	Genus & species + cultivar	Description	Leaf color, summer/fall	AQ Ozone Friendly	Ω or Ψ	Water Needs**	Size
				Air Quality: ★Good ★★Better ★★★Best Ψ Deciduous Ω Evergreen Water Usage: ★Low usage/Best ★★Medium usage/okay ★★★High usage/caution			
Japanese lilac	<i>Syringa reticulata 'Ivory Silk'</i>	Oval or pyramidal form when young, becomes oval with age. Huge clusters of creamy white flowers in Summer.	medium green / not showy	★★★	Ψ	...	Small
Japanese snowbell*	<i>Styrax japonicus</i>	White spring flowers and an umbrella shape make for an attractive shape	dark green / red or yellow	★★★	Ψ	...	Small
Prairie fire crabapple*	<i>Malus hybrid 'Prairifire'</i>	Buds red and open to dark prublish red flowers and dark red-pruple 1/2" fruit. Upright when young, rounding with age.	green with pruple tinge / redish	★★★	Ψ	...	Small
Red leaf photinia	<i>Photinia x fraseri</i>	White flowers have a strong odor. Best used as a large shrub or hedge, often requires staking and pruning when trained as a tree.	lustrous green with red tips, bright red when new	★★★	Ω	...	Small
Robinson crabapple	<i>Malus hybrid 'Robinson'</i>	Single crimson buds opening to deep pink flowers. 3/8" dark red fruit upright and spreading canopy with dense branching	reddish bronze-green leaves	★★★	Ψ	...	Small
Tartarian maple	<i>Acer tartaricum</i>	Very hardy in native areas of Europe and Asia. Prefers partial shade and good drainage.	medium green / red, gold, orange	★★	Ψ	n/a	Small
Washington hawthorn*	<i>Crataegus phaenopyrum</i>	White flowers and red berries make this hardy tree a nice accent to gardens. It is attractive to birds and has thorns.	medium glossy green / multi-colors	★★★	Ψ	...	Small
Evergreen pear	<i>Pyrus kawakamii</i>	Usually only partly deciduous. Small white flowers and small dry fruit.	glossy green / scarlet	★★★	Semi-Ψ	...	Small

*Tree available through Sacramento Shade. SMUD customers are eligible for up to 10 free trees to shade their homes and businesses. For more information contact the Sacramento Tree Foundation at 916 924 8733 ext 121.

**WUCOLS: Water Use Classifications of Landscape Species - a University of California Cooperative Extension Publication. The Sacramento Tree Foundation recommends always using the lowest water use species that is appropriate for your location.



The STF is a nonprofit organization working to grow healthy, liveable communities in the Sacramento region by empowering people to plant, protect, and learn about trees.

The Greenprint is our bold vision to enhance the quality of life in our neighborhoods by planting 5 million trees in the Sacramento region. With your help we can do it.

Learn more about the Sacramento Tree Foundation:

www.sactree.com
(916) 924-TREE (8733)

The Greenprint Tree List is brought to you in partnership with the region's Air Quality Districts:

Sacramento Metropolitan Air Quality Management District

El Dorado County Air Quality Management District

Feather River Air Quality Management District

Placer County Air Pollution Control District

Yolo-Solano Air Quality Management District

To learn more about how to improve air quality, please visit:

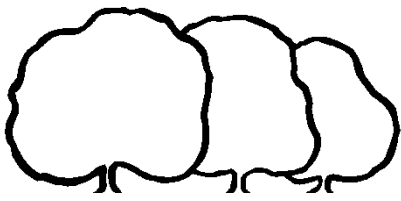
www.sparetheair.com/index.cfm

Trees & Air Quality

Trees can help the Sacramento region improve air quality, so please use this list to select the right tree for your yard and take into account the Air Quality rating of trees as well as Water Needs and other factors.

The best trees for air quality are large 3-star trees, but 2-star trees are also great for cleaning the air and helping reduce unhealthy levels of ground level ozone in our communities.

An exception to this priority are native oak trees, most of which are 1-star. Valley oaks are the only 2-star native oak in our region and they are an excellent tree which thrive if you have enough room in your yard. Because native oaks are critical to restoring and re-creating oak woodland, feel free to plant native oaks and help provide this important habitat.



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: October 18, 2012

SUBJECT: Well 1 Replacement, Project No.10-08 Phase II; Approve
Plans and Specifications and Authorize Bid
Advertisement to Construct

Report in Brief

The new Yolo County Courthouse project, which will be constructed on the 3.75 acre block south of Main Street between Fifth and Sixth Streets, will displace the existing Well 1 (445 Fifth Street). Well 1 will be replaced with Well 28 that will be drilled in Freeman Park, between Court Street and Main Street. Construction of the new well to replace existing Well 1 will need to be completed prior to the construction of the courthouse. The well project consists of two construction phases. Phase I involves drilling of the pilot hole and the production hole and it is currently under construction. Phase II is the equipping of Well 28 which includes building, on-site facilities, pump, motor, pipes, and connection to the City water system.

The total project budget is \$2,503,000 which consists of \$750,000 from the State of California, \$1,503,000 from Fund 210 Water Enterprise, and \$250,000 from Fund 821 Redevelopment Agency Bond.

Staff recommends that the City Council approve the project design and bid package for the Well 1 Replacement, project No. 10-08 (Phase II) and authorize bid advertisement.

Background

Well 1 is located in central Woodland and it is an important supply source for the City of Woodland. Well 1 is considered to be one of the City's top wells both in production and water quality. Replacement of the well was not considered until the Court project needed the well to be abandoned. Construction of the replacement well is necessary to maintain the City's capability to meet water demands by supplying adequate flow to the downtown area while also maintaining adequate fire flows. A hydraulic analysis was performed by West Yost and Associates to confirm that Freeman Park is an appropriate location for Well 28 and to integrate this well into the existing distribution system. The conclusion of the analysis was that Freeman Park is well suited to

accommodate and provide peak hour demand and fire flow conditions in the downtown area. The California Department of Public Health (CDPH) requires the new well to be located away from building drains, storm sewers, and sanitary sewers. The Freeman Park site meets all the setback requirements. The well site is located in a low use area of Freeman Park and the siting issues have been coordinated with City staff and the Farmer's Market/Freeman Park Improvement project.

The well project consists of two construction phases. Phase I involved the construction contract for drilling of the pilot hole and the production hole and it is currently under construction. Phase II is the equipping of Well 28 which include building, on-site facilities, pump, motor, pipes, and connection to the City water system.

As part of their construction budget, the State of California has agreed to pay \$750,000 towards the cost to relocate the well. The total project budget is \$2,503,000 which consists of \$750,000 from the State of California, \$1,503,000 from Fund 210 Water Enterprise, and \$250,000 from Fund 821 Redevelopment Agency Bond.

Discussion

The well location within Freeman Park was chosen to meet the California Department of Water Resources and California Department of Public Health drinking water source protection zone requirements. Well 28 was designed utilizing information available from nearby wells. Data and water quality test results from the pilot hole were used to determine the final design of the production well.

The well replacement project is considered categorically exempt under the California Environmental Quality Act based on CEQA Guidelines Sections 15303, New Construction or Conversion of Small Structures.

A full set of Plans and Specifications are available for review at the Public Works Department. For inquiries regarding project details, please contact Utility engineering staff at 661-5962.

Upon Council authorization, the project bids will be solicited by end of October with an approximate bid opening date end of November. Staff anticipates construction beginning approximately in late January 2012.

Fiscal Impact

The project is fully funded in the Capital Budget. The total project budget is \$2,503,000 which consists of \$750,000 from the State of California, \$1,503,000 from Fund 210 Water Enterprise, and \$250,000 from Fund 821 Redevelopment Agency Bond. The engineer's estimate of construction cost for Phase II for a total of \$1,589,964.

The difference between the total project budget and the engineer's estimate is the amount budgeted for design, construction management, and project contingency. There is no impact to the General Fund.

SUBJECT: Well 1 Replacement, Project No.10-08 Phase II; Approve Plans
and Specifications and Authorize Bid Advertisement to
Construct

PAGE: 3
ITEM:

Public Contact

This item was posted on the City Council agenda. In addition, the organizers for the Woodland Farmer's Market have been notified and all construction activities will be coordinated to minimize impact on the park activities. The project has been coordinated with City staff and the Farmer's Market/Freeman Park Improvement project.

Recommendation for Action

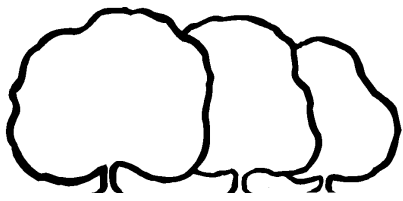
Staff recommends that the City Council approve the project design and bid package for the Well 1 Replacement, project No. 10-08 (Phase II) and authorize bid advertisement.

Prepared by: Clara Olmedo
Associate Engineer

Reviewed by: Douglas Baxter, PE
Principal Civil Engineer

Reviewed by: Nicholas J. Ponticello
CDD Director

Kevin O'Rourke
Interim City Manager



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: October 18, 2011

SUBJECT: Community Service Awards

Report in Brief

It's time to begin the process leading up to the presentation of the 2012 Community Service Awards in late February. The first step is to form the Nominating Committee.

Staff recommends that the City Council appoint a new Nominating Committee at the October 18 regular City Council meeting.

Background

The Community Service Award, which was first presented in 1983 and annually since 1986, is the City Council's opportunity to recognize individuals with long standing service to the community in terms of:

- Community leadership
- Demonstrated, selfless service to the community
- Dependability in completing assignments/projects
- Interest in varied activities

The Council appoints a Nominating Committee that meets and makes its recommendations to the City Council. The Council acts on the recommendations and the Awards are presented at a dinner event held on or near February 22.

Discussion

In order to proceed with the planning for the Mayor's Community Service Awards event in late February, 2012, a new Nominating Committee must be appointed. Appointment of the Nominating Committee during the regular meeting of October 18 will allow staff to provide the support necessary for the Committee to complete its work in a timely manner. Mayor Pimentel would be one member of the Nominating Committee and each of the remaining four Council Members would appoint one member. Council appointees to the Nominating Committee can be Council member's previous appointee or a new individual. The Mayor will also ask two past recipients to participate to bring the total membership of the Nominating Committee to seven (7) people.

Council members are requested to personally contact your appointee prior to October 18th to determine if they would be willing to participate.

The City will again invite the public to submit names of people the Nominating Committee should consider for the Community Service Award.

Please contact Ana Gonzalez if there are any questions or concerns about this item.

Fiscal Impact

The resources necessary to support the recognition of community members for outstanding service to Woodland were included in the FY 2012 General Fund budget.

Public Contact

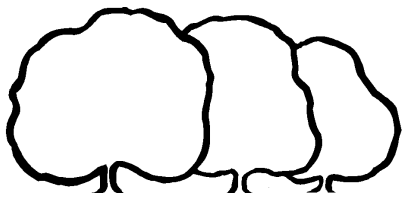
Posting of the City Council agenda.

Recommendation for Action

Staff recommends that the City Council appoint a new Nominating Committee at the October 18 regular City Council meeting.

Prepared by: Ana Gonzalez
City Clerk

Kevin O'Rourke
Interim City Manager



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: October 18, 2011

SUBJECT: League of California Cities 2011 Annual Conference Resolutions Final Report

Report in Brief

The League of California Cities Policy Committee presented Resolutions affecting Cities and requested approval of four of the Resolutions at the General Assembly of the 113th League of California Cities at the annual conference on September 21 through 23, 2011.

Staff recommends that the City Council receive the adopted 2011 Resolutions as presented.

Background

The League of California Cities has been holding their conference as part of the annual business meeting and adoption of resolutions. Specific criteria are set to submit these resolutions for consideration, such as only issues having a direct bearing to municipal affairs, the issue is not just for local or regional concern, policy should not restate existing policy of the League and should achieve one of the following objectives: public or media attention on an issue of major importance, establish new direction, consider important issues or amend League Bylaws. Council Members are elected as delegates by their respective councils to attend the annual conference and vote on these Resolutions.

The Woodland City Council appointed Council Member Marble as the primary delegate to the annual conference. Council member Marble attended the Conference and participated in the General Assembly on September 22.

A summary of the resolutions approved by the League's General Assembly is provided as an attachment for the City Council's review. In addition, the packet includes a status report on the implementation of resolutions approved during the 2010 General Assembly.

Public Contact

Posting of the City Council agenda.

Recommendation for Action

Staff recommends that the City Council receive the adopted 2011 Resolutions as presented.

Kevin O'Rourke
Interim City Manager

Enclosure: Resolutions Report



***FINAL REPORT
RESOLUTIONS APPROVED***

113th Annual Conference



***San Francisco
September 23, 2011***

FINAL REPORT ON RESOLUTIONS

September 2011

The 2011 League of California Cities Annual Conference was held September 21 – 23, 2011, in San Francisco. On Wednesday, September 21, two League policy committees met and considered the resolutions that were assigned to them.

The General Resolutions Committee met on Thursday, September 22, and considered the five resolutions before them. A chart on pages 2 and 3 of this packet includes a summary of the actions taken on the resolutions by the policy committees and the General Resolution Committee.

The resolutions contained in this packet are only those that were approved by the General Assembly on September 23. Those resolutions are numbered 1, 3, 7 and 8. Also included in this packet, on page 9, is a status report on the implementation of the resolutions approved at last year's 2010 Annual Conference. Not included in this packet are the resolutions numbered 2, 4, 5 and 6 which were not approved by the General Assembly.

We thank those city officials who served as members of policy committees, the General Resolutions Committee and those city officials who participated in the General Assembly.

Additional copies of this report are available on the League's website at:
www.cacities.org/resolutions

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3
		1 - Policy Committee Recommendation to General Resolutions Committee		
		2 - General Resolutions Committee		
		3 - General Assembly		

ADMINISTRATIVE SERVICES POLICY COMMITTEE

		1	2	3
1	Alternative Methods of Meeting Public Notice Requirements and to Advocate for Revisions to the Government Code Recognizing Alternative Methods as a Means to Meet Noticing Requirements	R	Aa	Aa
2	Tort Reform	A	R	R

PUBLIC SAFETY POLICY COMMITTEE

		1	2	3
3	Raising Public Awareness about the Imminent Health and Safety Concerns for Bullied Children	A	Aa	Aa
4	Prison Rape Elimination Act of 2003	D	D	-
5	Replacement of the Death Penalty with the Sentence of Life Imprisonment without the Possibility of Parole	D	D	-

NO POLICY COMMITTEE – REFERRED DIRECTLY TO THE GENERAL ASSEMBLY*

		1	2	3
6	City of Bell	N/A	N/A	D

*Per the League's Bylaws, Resolution Number 6 was referred directly to the League's General Assembly.

NOTE: NO RESOLUTIONS WERE ASSIGNED TO THESE POLICY COMMITTEES:

Community Services; Employee Relations; Environmental Quality; Housing, Community & Economic Development; Revenue and Taxation and Transportation, Communication & Public Works

RESOLUTIONS INITIATED BY PETITION

		General Resolutions Committee Recommendation	General Assembly Action
7	Resolution Calling for Improved Transparency in and Public Access to the Proceedings of the California Legislature	A	A
8	Resolution Concerning Realignment Funds	A	A

KEY TO ACTIONS TAKEN ON RESOLUTIONS (*Continued*)

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

KEY TO ACTIONS TAKEN

- | | |
|---|---|
| A | Approve |
| D | Disapprove |
| N | No Action |
| R | Refer to appropriate policy committee for study |

ACTION FOOTNOTES

- | | | |
|--|-----|---|
| * Subject matter covered in another resolution | Aa | Approve as amended+ |
| ** Existing League policy | Aaa | Approve with additional amendment(s)+ |
| *** Local authority presently exists | Ra | Refer as amended to appropriate policy committee for study+ |
| | Raa | Additional amendments and refer+ |
| | Da | Amend (for clarity or brevity) and Disapprove+ |
| | Na | Amend (for clarity or brevity) and take No Action+ |
| | W | Withdrawn by Sponsor |

+Note: Petitioned Resolutions may not be amended by the General Resolutions Committee.

Resolutions that are approved by the General Resolutions Committee, as well as all qualified petitioned resolutions, are reported to the General Assembly. In addition, League policy provides the following procedure for resolutions approved by League policy committees but *not* approved by the General Resolutions Committee.

Every resolution initially recommended for approval and adoption by all the League policy committees to which the resolution is assigned, but subsequently recommended for disapproval, referral or no action by the General Resolutions Committee, shall then be placed on a consent agenda for consideration by the General Assembly. The consent agenda shall include a brief description of the basis for the recommendations by both the policy committee(s) and General Resolutions Committee, as well as the recommended action by each. Any voting delegate may make a motion to pull a resolution from the consent agenda in order to request the opportunity to fully debate the resolution. If, upon a majority vote of the General Assembly, the request for debate is approved, the General Assembly shall have the opportunity to debate and subsequently vote on the resolution.

APPROVED 2011 ANNUAL CONFERENCE RESOLUTIONS

1. RESOLUTION SUPPORTING ALTERNATIVE METHODS OF MEETING PUBLIC NOTICE REQUIREMENTS AND TO ADVOCATE FOR REVISIONS TO THE GOVERNMENT CODE RECOGNIZING ALTERNATIVE METHODS AS A MEANS TO MEET NOTICING REQUIREMENTS

Source: Desert/Mountain Division
Referred To: Administrative Services Policy Committee

WHEREAS, the traditional means of noticing in local adjudicated newspapers is antiquated and inefficient; and

WHEREAS, the League of California Cities recognizes that in recent decades, technology has vastly improved; and

WHEREAS, that technology includes the advent of the internet, electronic mail, social media, smart phones and other smart devices (i.e. iPhones/iPads); and

WHEREAS, the public is becoming increasingly familiar with the use of new technology and using it as a means to gain quick and up-to-date information; and

WHEREAS, the public has a preference for receiving information in an electronic format; and now, therefore, be it

RESOLVED by the General Assembly of the League of California Cities assembled at the Annual Conference in San Francisco, September 23, 2011, that League of California Cities:

1. Desires to enhance current public noticing requirements by communicating with the public using innovative, technologically friendly methods of communication.
2. Request that the League, as a whole, support alternative methods of meeting public notice requirements.
3. Request the League advocate for the State Legislature to adopt revisions to the California Government Code recognizing alternative methods as a means to meeting public notice requirements.
4. Support any legislation that would adopt revisions to the California Government Code recognizing alternative methods as a means to meeting public notice requirements.

BE IT FURTHER RESOLVED by the General Assembly of the League of California Cities that the League of California Cities is in support of cities communicating with the public using innovative, enhanced methods of communication.

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3. RESOLUTION RELATED TO RAISING PUBLIC AWARENESS ABOUT THE IMMINENT HEALTH AND SAFETY CONCERNS FOR BULLIED CHILDREN

Source: City of Elk Grove
Referred To: Public Safety Policy Committee

WHEREAS, cities throughout the State of California are becoming more aware of the growing trend of bullying in schools and on the Internet that has become a serious nationwide problem, one with often severe consequences; and

WHEREAS, surveys indicate that as many as half of all children are bullied at some time during their school years, and at least 10 percent are bullied on a regular basis; and

WHEREAS, more than 25 percent of adolescents and teens have been bullied repeatedly through their cell phones or the Internet and more than 80 percent of teens use a cell phone regularly, making it the most popular form of technology and a common medium for cyber bullying; and

WHEREAS, the social media network has vastly increased the number of users online and young people are eager to participate without understanding the consequences of their behavior; and

WHEREAS, general bullying and cyber bullying have both caused severe damage, heartache, and even fatal tragedy to young people and their families and friends; and

WHEREAS, victims of bullying display a range of responses, even many years later, such as: low self-esteem, difficulty in trusting others, lack of assertiveness, aggression, difficulty controlling anger, and isolation; and

WHEREAS, bullying has been identified as a major concern by schools across the U.S. and is an even greater concern when considering children with special needs; and

WHEREAS, cities providing an open forum to discuss bullying gives an opportunity for parents, students, and communities to acknowledge this issue, open up the conversation about the topic and raise awareness of the issue; and

WHEREAS, the League supports cities who take a stance against bullying by raising education and awareness about anti-bullying efforts throughout the State of California to provide a better life and foundation for young people; now, therefore, be it

RESOLVED, by the General Assembly of the League of California Cities, assembled in Annual Conference in San Francisco, September 23, 2011, that the League encourages cities to promote anti-bullying efforts across California as well as provide education and awareness to the general public about the imminent health and safety concerns for bullied children; and, be it further

RESOLVED, by the General Assembly of the League of California Cities, that the League will forward this Resolution to the CCS (Cities, Counties, Schools) Partnership for consideration at their next meeting to help promote anti-bullying efforts throughout California.

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APPROVED QUALIFIED PETITIONED RESOLUTION

7. RESOLUTION CALLING FOR IMPROVED TRANSPARENCY IN AND PUBLIC ACCESS TO THE PROCEEDINGS OF THE CALIFORNIA LEGISLATURE

Source: League Board of Directors

WHEREAS, Article 4, Section 7(c) of the California Constitution requires the proceedings of each house of the Legislature and the committees thereof to be “open and public;” and

WHEREAS, Article 4, Section 8 (a) of the California Constitution requires newly introduced legislation to be in print for a minimum of 30 days prior to the Legislature taking action; and

WHEREAS, the Legislature has adopted numerous laws requiring local and state agencies to adhere to the Ralph M. Brown Act, the Bagley-Keene Act and other laws that impose specified public notice requirements; and

WHEREAS, the people of California have a right to expect their Legislature to conduct its proceedings with an equivalent standard of public notice and opportunity for public participation as the Legislature has imposed on local and state agencies; and

WHEREAS, the Legislature has increasingly abandoned complying with the open and public government requirements of Article IV by using parliamentary maneuvers to secretly introduce and amend legislation, often in the middle of the night, and rush it to a vote with no opportunity for the public to read the legislation and communicate with their legislators prior to voting; and

WHEREAS, in late June 2011 the legislature used this process to rush approval of SB 89 that took \$130 million dollars in vehicle license fees (VLF) from the cities of the state without any opportunity for these cities, including the recently incorporated cities which were significantly affected by the legislation, to review the proposal and communicate with legislators as to its specific impacts; and

WHEREAS, the loss of city VLF revenue will cause reductions to police, fire and other vital local public services; and

WHEREAS, the secret drafting and late-night passage of SB 89 also violated the provisions of numerous other parts of the California State Constitution, including Proposition 22 of 2010, Proposition 1A of 2004, and Article XI, Section 15; and

WHEREAS the increasing use of non-transparent procedures to pass bills through in the legislative session’s final days and hours is being roundly criticized as promoting the agenda of special interests rather than the interests of all taxpayers or the cause of open and public government; and

WHEREAS, actions by the Legislature that avoid opportunities for the public to review and comment on pending legislation undermine representative government, create the perception of favors being granted to special interests, and further reduce public confidence in the institution; and

WHEREAS, the loss of public confidence in the legislature was documented in the Field Poll published on Tuesday, September 20, 2011 which revealed that only 20% of registered voters approved of the job being done by the California State Legislature, and 65% disapproved; and

WHEREAS, given the size of our state, the diversity of its population, the remoteness of the Capitol from most of the state's residents, and the potential of state legislation to have widespread impact, there is a need for even broader public notice on pending legislative actions. Now, therefore, be it:

RESOLVED, by the General Assembly of the League of California Cities, assembled in Annual Conference in San Francisco, September 23, 2011, that the Legislature repeal the provisions of SB 89 which took \$130 million from affected cities without public notice or opportunity to be heard; and

BE IT FURTHER RESOLVED, that the California Legislature adopt and forward to the people at the next general election a Constitutional Amendment to increase the transparency of the legislative process and promote public access to ensure that all California residents have a reasonable opportunity to :

- 1) Read a printed copy of all pending legislation before it is eligible for a legislative vote;
- 2) Be provided with reasonable time to digest the potential impacts of the legislation and communicate support, opposition or concerns to their legislators, so that legislators have an opportunity to understand the potential impacts of legislation before voting; and
- 3) That any public notice requirements adopted by the Legislature prior to acting shall not be less than the public notice requirements imposed by the legislature upon local and state agencies.

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8. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING UPON THE GOVERNOR AND LEGISLATURE TO FULLY FUND AND CONSTITUTIONALLY PROTECT THOSE FUNDS RELATED TO THE 2011 CORRECTIONS REALIGNMENT, ALSO KNOWN AS AB 109 AND AB 117

Source: City of Glendora

THE LEAGUE OF CALIFORNIA CITIES DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, The Governor proposed a realignment of public safety tasks to local government as a way to address certain judicial orders dealing with State prison overcrowding and reduce State expenditures; and

WHEREAS, The Governor stated that such a realignment needed to be fully funded with constitutionally protected source of funds if it were to succeed; and

WHEREAS, The Legislature passed AB 109 and AB 117 and the Governor signed into law the realignment of corrections responsibility without full funds, Constitutional protections, without sufficient liability protections to local agencies, and with an inadequate definition of crimes handled under the mandatory local housing program; and

WHEREAS, The Corrections Realignment Statutes AB 109 (Chapter 15, Statutes of 2011) and AB 117 (Chapter 16, Statutes of 2011) were reviewed by the League's Committee on Public Safety in July which issued an "opposed unless amended" recommendation if these issues and others were not properly addressed; and

WHEREAS, Los Angeles County officials, for example, have indicated that State funding at this time is approximately 50% of what is needed; that they have inadequate personnel to properly supervise parolee's; they have inadequate bed space to house convicted persons which will lead to a large number of these persons being early released, non-supervised and involved in additional crimes in our local cities; and there are inadequate data bases to share critical public safety information on parolees and persons on probation with local police departments; and

WHEREAS, Los Angeles County is symbolic of the same problems that other counties are facing in implementing AB 109 and AB 117 by October 1, 2011; that this is critical public safety issue for all cities within California; and

WHEREAS, the criminal justice system has seen a "60-year" low in crime rates that have protected our residents, saved millions to our economy in loss property, damaged property, lower insured losses and lost productivity. The Corrections Realignment threatens to severely erode those gains and further impact our fragile California economy.

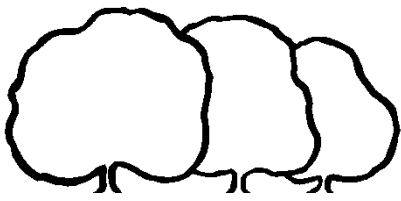
RESOLVED that the General Assembly of the League of California Cities calls upon the Governor and State Legislature to immediately fully fund the implementation of the Corrections Realignment AB 109 and AB 117, including local municipal police department needs, with Constitutional protection of that funding;

RESOLVED that the General Assembly of the League of California Cities calls upon the State Legislature to provide for greater representation of city officials on the local Community Corrections Partnerships. Currently, AB 109 provides for one city official (a police chief) on the 13 member body.

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APPROVED 2010 ANNUAL CONFERENCE RESOLUTIONS IMPLEMENTATION REPORT

No.	Title	Required Action	Status
1.	League Bylaws Amendment	The League will make the specified changes to the League bylaws by amending sections indicated in Resolution number 1.	The League's bylaws amendments have been incorporated into League procedures as they come up throughout the year.
2.	Relating to the National <i>Let's Move!</i> Campaign	1. The League will encourage cities to adopt preventative measures to fight obesity as set forth in the <i>Let's Move!</i> Campaign 2. California cities be encouraged to sign up the <i>Let's Move!</i> 3. California cities be encouraged to: a. help parents make healthy family choices; b. create healthy schools; c. provide access to healthy and affordable foods; and d. promote physical activity. 4. Cities are encouraged to involve youth, especially middle and high school students, with city health-related programs.	The League was the first municipal association nationwide to join the <i>Let's Move!</i> Campaign in September 2010. In addition, League policy committees and departments received briefings on successful local programs and statewide programs to help fight obesity. Finally, articles about healthy communities, <i>Let's Move!</i> and successful local programs were highlighted in both City Advocate Weekly and Western City over the course of the last year.
3.	Relating to Unfunded Mandates	1. The League will work with its member cities and other local government partners to identify situations in which local governments must increase fees or taxes to meet state mandated requirements. 2. The League will work with the applicable state and federal regulatory agencies through the League's policy making process, and the National League of Cities, to develop reasonably achievable, environmentally sound and cost-effective policy based on monitoring and sound science and addressing local water conditions and the fiscal condition of the local government. 3. The League will review and consider supporting through its policy committee process legislation to suspend, eliminate, or otherwise modify the negative impacts of state mandates on local agencies, particularly in which a new local tax or fee increase is necessary to implement the mandate.	The League participated in a number of meetings and strongly supported legislation to work on making more practicable local water quality requirements. This included early legislation by Assemblyman Cameron Smyth as well as work before the State Water Resources Control Board fighting significant increases in NPDES wastewater and storm water fees and industrial and Phase II MS4 NPDES permit updates.
6.	Enhancing Public Safety	The League will encourage cities to promote safe driving across California and the education of the general public about the dangers of texting while driving.	League staff identified and studied state legislative proposals related to texting while driving but ultimately took no action as they did not promote or impede a city's ability to educate the public about the dangers of texting while driving. The League also made available information on the study by the Pacific Policy Institute of California, "What to Expect from California's New Hands-Free Law," related to using a mobile phone while driving, as requested.



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: October 18, 2011

SUBJECT: Automatic Meter Reader (AMR) Fee

Report in Brief

In order to comply with California law, the City of Woodland requires installation of water meters on all new residential units. As part of the City's water meter installation on existing homes, automatic meter reader (AMR) units were installed with the water meters to transmit water consumption data automatically to the Sensus water meter reading system which then gets imported into our utility billing system. Since the City began installing the AMR units on existing homes, we have also required developers to install an AMR and water meter as part of our standard specifications for new home construction. Developers have bought the AMR units and installed them during new home construction submitting vouchers to the City with pertinent AMR and meter account information. The delay in receipt of this information and the accuracy of the data once received has caused us to revisit our process for new homes. City staff believe that imposing a fee for the installation of the AMR units and having the units installed by the City will ensure timely installation and coordination of account information.

Council approved this fee on September 6, 2011 however an authorizing resolution was not included. The requested action tonight will adopt the fee by resolution as required by law.

Staff recommends that the City Council allow public comment on the recommended fee and adopt Resolution No. _____ authorizing a new fee of \$200/meter for the procurement and installation of AMR units by City staff on new residential units and add this fee to the Comprehensive Fee Program.

Background

For the past several years, the City of Woodland has been in the process of installing residential water meters as required by AB 975: CA Water Measurement Law. The law basically stated that residential units built after 1991 must be metered and billed on consumption by 1/1/2010 and all other residential units must be metered by 2025. The City has implemented the water meter project in two phases and is nearing completion. Most of the residential meters have now been installed and

homes are either already billed based on consumption or are receiving parallel invoices showing water consumption. Included with the installation of each water meter is an AMR that automatically transmits water usage information into the Sensus database system which is then downloaded into our utility billing system.

Since the City began installing the AMR units on existing residences, we have also required developers to install an AMR and water meter as part of our standard specifications for new residential construction. Until now, the City has conditioned the developer to install the meter and to procure the AMR from a 3rd party vendor and install as part of the new construction. A voucher showing pertinent data from the AMR and the meter was then submitted to the Public Works utilities division so that we could log the AMR and meter into our Sensus water meter reading system and then begin billing the property based on water consumption. What has occurred is a delay in receiving the AMR information and some errors in data collection that has created billing delays as well as errors in property owner information and meter location. By bringing the procurement and installation of the AMR units in-house, we can ensure timelier billing of the property owners as well as more accurate information for creating new utility accounts.

Discussion

Adoption of the AMR fee will not increase the cost for new development, but simply shift the responsibility for installation from a 3rd party to the City. By procuring and installing the AMR units ourselves, we can insure that all of the necessary information is recorded from both the meter and the AMR unit so that we can capture appropriate billing information for both the construction water and ultimately the property owners utility account.

Fiscal Impact

The AMR fee of \$200/meter will cover the cost of the AMR unit as well as the staff time for installation. This new fee will become part of the City's Comprehensive Fee Program.

Public Contact

Posting of the City Council Agenda.

Alternative Courses of Action

1. Allow public comment on the recommended fee and adopt Resolution No. _____ authorizing a new fee of \$200/meter for the procurement and installation of AMR units by City staff on new residential units and add this fee to the Comprehensive Fee Program.
2. Do not approve the new AMR fee and provide staff with alternative direction.

Recommendation for Action

Staff recommends that the City Council approve Alternative No. 1.

Prepared by: Lynn Johnson
Sr. Management Analyst

Kevin O'Rourke
Interim City Manager

Attachment

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND, CALIFORNIA, AUTHORIZING A NEW FEE OF \$200/METER FOR THE PROCUREMENT AND INSTALLATION OF AUTOMATIC METER READER (AMR) UNITS BY CITY STAFF ON NEW RESIDENTIAL UNITS AND ADDING THIS FEE TO THE COMPREHENSIVE FEE PROGRAM

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WHEREAS, the City of Woodland, pursuant to AB 975 California Water Measurement Law, is required to install residential water meters on all new residences;

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WHEREAS, the City requires that an AMR be installed with each water meter to transmit water consumption information to the Sensus database system which is then downloaded into the utility billing system;

WHEREAS, the City desires to charge a fee to procure and install these AMR units instead of the developer installing said units, which fee is a "fee" for a "water connection" as defined in Section 66013 of the California Government Code;

WHEREAS, the cost to buy and install an AMR unit is \$200/unit.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND DOES HEREBY RESOLVE that a new fee of \$200/meter shall be imposed on new residential units to pay for the procurement and installation of automatic meter reader (AMR) units by City staff, and that such fee shall be added to the Comprehensive Fee Schedule.

PASSED AND ADOPTED this 18th day of October, 2011 by the following vote:

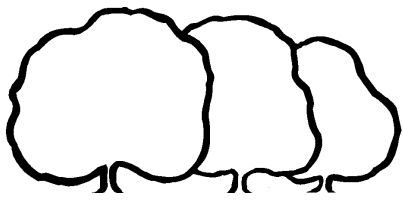
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AYES: Council Members:
NOES: Council Members:
ABSENT: Council Members:
ABSTAIN: Council Members:

Artemio Pimentel, Mayor
City of Woodland

ATTEST:

Ana B. Gonzalez, City Clerk
City of Woodland



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: October 18, 2011

SUBJECT: Appointment of Board and Commission Vacancies

Report in Brief

Vice Mayor Davies and Council Member Dote conducted Board and Commission interviews on September 28th to fill vacant positions on the Planning Commission and Historical Preservation Commission. While interviewing the candidates, they also made recommendations to the Traffic Safety Commission and the Parks & Recreation Commission.

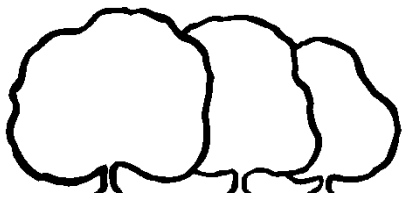
Each of them will provide further discussion at the Council meeting on their individual recommendations. Council should then consider and appoint collectively the members to the following Commissions:

- Planning Commission – recommend appointment of Chris Holt to fill 1 vacancy
- Historical Preservation – recommend appointment of Christina Casey to fill 1 vacancy
- Traffic Safety Commission – recommend appointment of Lisa Gordon to fill 1 vacancy
- Parks and Recreation Commission – recommend appointment of Nathan Stephen to fill 1 of 2 vacancies

Prepared by: Ana Gonzalez
City Clerk

Kevin O'Rourke
Interim City Manager

Attachment: Applications (Council Only)



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: October 18, 2011

SUBJECT: Amendments to Existing Bingo Ordinance

Report in Brief

California law has for a long time allowed cities to permit certain nonprofit groups to operate bingo games. In 2008 the law changed to allow cities to permit a new type of bingo game known as “remote caller bingo.” In order to allow this new type of game, the City Council would need to amend the City’s existing bingo ordinance. American Legion Post 77 has requested that the Council consider adopting an ordinance to allow remote caller bingo. The City Attorney’s office has recommended that the Council also consider making technical changes to the ordinance to reflect changes in state law and to update the ordinance generally.

Staff recommends that the City Council waive first reading and read by title only the draft ordinance attached to this report

Discussion

The attached draft ordinance would enact a new Chapter 5B of the Woodland Municipal Code, allowing qualified nonprofit organizations to operate remote caller bingo games. The conditions and requirements for these games are mostly taken directly from state law. An organization wishing to operate remote caller bingo will need to obtain a City bingo license. All games must be open to the public, with minors excluded, and a bingo operator may offer remote caller bingo no more than two days per week. There are limits on prize payouts, the nonprofit organization’s overhead costs related to bingo, and all prizes must be paid by check.

Along with the provisions allowing remote caller bingo, the draft ordinance updates Chapter 5A of the Woodland Municipal Code, which deals with regular bingo. State law now allows pull-tab bingo, and the revised ordinance does as well, and prize limits have been increased to reflect state law. The ordinance allows the City to impose a monthly fee to offset law enforcement and public safety costs, if the bingo games cause the City to incur these costs. State law now restricts the use of electronic devices during bingo games, and these restrictions are in the ordinance as well. We believe that these changes will help avoid confusion and make it clearer to nonprofit organizations and City staff what requirements and restrictions apply to bingo.

Fiscal Impact

Adoption of the proposed ordinance would have little or no fiscal impact on the City. The existing bingo ordinance allows the City to charge a bingo license application fee to help offset processing costs, and the draft ordinance continues this.

Alternative Courses of Action

1. Waive first reading and read by title only the draft ordinance attached to this report.
2. Waive first reading and read by title only an amended version of the draft ordinance, or direct staff to present an amended version at a future Council meeting.
3. Provide alternative direction to staff.

Recommendation for Action

Staff recommends that the City Council approve Alternative No. 1.

Prepared by: Andrew Morris
City Attorney

Reviewed by: Nicholas J. Ponticello
CDD Director

Kevin O'Rourke
Interim City Manager

Attachment No 1: Draft Ordinance Amending Bingo Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WOODLAND AMENDING CHAPTER 5A OF AND ADDING CHAPTER 5B TO
THE WOODLAND MUNICIPAL CODE RELATING TO BINGO GAMES**

WHEREAS, the City of Woodland is authorized pursuant to California Constitution Article IV, § 19 and Penal Code sections 326.3 and 326.5 to determine whether or not to permit specified charitable organizations to conduct traditional and remote caller bingo games within the City; and

WHEREAS, all local traditional bingo ordinances must comply with the provisions of Penal Code section 326.5; and

WHEREAS, Penal Code section 326.3 permits cities to allow remote caller bingo, but requires a city wishing to do so to adopt an ordinance specifically authorizing remote caller bingo; and

WHEREAS, the City currently permits traditional bingo under Chapter 5A of the Woodland Municipal Code; and

WHEREAS, the City wishes to amend Chapter 5A to ensure it complies with Penal Code section 326.5; and

WHEREAS, the City is authorized by Penal Code section 326.3 to permit remote caller bingo, and wishes to adopt an ordinance doing so;

The City Council of the City of Woodland, California, does hereby ordain as follows:

Section 1. Purpose. The purpose of this ordinance is to amend Chapter 5A of and add Chapter 5B to the Woodland Municipal Code related to traditional and remote caller bingo.

Section 2. Authority. The City Council enacts this ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution.

Section 3. Amendment. Chapter 5A is hereby amended to read in full as set forth in the attached Exhibit “A,” incorporated by this reference.

Section 4. Amendment. Chapter 5B is hereby added to read in full as set forth in the attached Exhibit “B,” incorporated by this reference.

Section 5. Severability. If any provision or clause of this ordinance or any application of it to any person, firm, organization, partnership or corporation is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are declared to be severable.

Section 6. Effective Date and Notice. This ordinance shall take effect thirty (30) days after its adoption and, within fifteen (15) days after its passage, shall be published at least once in a newspaper of general circulation published and circulated within the City of Woodland.

PASSED AND ADOPTED by the City Council of the City of Woodland this ____ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Artemio Pimentel, Mayor

ATTEST:

Ana B. Gonzalez, City Clerk

APPROVED AS TO FORM:

Andrew Morris, City Attorney

Exhibit “A”

CHAPTER 5A. - BINGO GAMES.

Sections:

Sec. 5A.1. Definitions.

Sec. 5A.2. License required.

Sec. 5A.3. Application for licenses, required contents, form.

Sec. 5A.4. Application for license; fees; investigations.

Sec. 5A.5. Issuance or denial of licenses.

Sec. 5A.6. Records, right of inspection.

Sec. 5A.7. Conduct of bingo games.

Sec. 5A.8. Violation, public nuisance.

Sec. 5A.9. Electronic bingo equipment.

Sec. 5A.10. Card-minder devices.

Sec. 5A.11. Compliance with other laws.

Sec. 5A.12. Summary suspension of license.

Sec. 5A.13. Revocation of license– Alternative procedure.

Sec. 5A.14. Same– Appeal to city council.

Sec. 5A.1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

(1) “Bingo” means a game of chance in which prizes are awarded on the basis of designated numbers or symbols that are marked or covered by a player on a tangible card in the player’s possession and that conform to numbers or symbols selected at random and announced by a live caller. Bingo as provided in this chapter shall not mean remote caller bingo as permitted pursuant to chapter 5B of this code.

(2) “Card-minder device” means any hand-held, portable bingo card-minding device that complies with the provisions of this chapter and applicable state law and regulations.

(3) “License” means that license as required by this chapter.

(4) “Licensee” or “Licensee organization” means an organization possessing a current, valid license pursuant to this chapter.

(5) “Organization” means a mobile home park association, senior citizens organization, a charitable organization affiliated with a school district or any group, association or corporation exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701w and 23701l of the Revenue and Taxation Code.

(6) “Pull tab bingo” means a game of a bingo with tangible cards having numbers or symbols that are concealed and preprinted in a manner providing for distribution of prizes.

Sec. 5A.2. License required.

No bingo game shall be allowed unless a license is first obtained from the city. Licenses shall be effective only for a calendar year or part thereof in which issued. A new license shall only be obtained upon filing a new application and payment of the license fee, if any. The fact that a license has previously been issued to an organization creates no vested right on the part of the licensee to receive another license or to continue to operate a bingo game.

Sec. 5A.3. Application for licenses, required contents, form.

(a) An application for a bingo license shall be filed in the office of the community development director, shall be signed and verified by the applicant, and shall set forth the following information:

- (1) The name and address of the organization to which the license will be issued;
- (2) The name, address and telephone number of the applicant, who shall be the duly authorized representative of the applying organization;
- (3) The name, address and telephone number of the president or chief officer of the applying organization;
- (4) The name, address and telephone number of the person who has custody of the financial records of bingo games, which records are required by the provisions of this chapter;
- (5) The location where such bingo games are to be held and the specific dates upon which such games are to be conducted and the hours thereof;
- (6) A schedule of fees or charges to be collected from players for each bingo game or for different varieties of bingo games to be conducted, and the dollar amount or value of the prizes to be awarded for each separate game.
- (7) Any other information reasonably necessary to permit the community development director to determine that the bingo operation and games will be conducted in compliance with this chapter and all applicable state laws and regulations.

(b) Each such application shall be accompanied by a written resolution of the governing board or body of the organization, signed by the president or chief officer of said organization, authorizing the application for a bingo license and stating the authorization for the organization to conduct bingo games.

Sec. 5A.4. Application for license; fees; investigations.

(a) All applications for bingo licenses or renewals of bingo licenses shall be accompanied by a fee of fifty dollars or the amount specified in Penal Code Section 326.5(1)(2), whichever is greater. If an application for a license or renewal of a license is denied, one-half of the fee paid shall be refunded to the organization.

- (b) The community development director shall verify that:
 - (1) The organization applying is authorized to conduct bingo games as set forth in this chapter;
 - (2) The proposed bingo games will comply with the provisions of this chapter and all applicable state law and regulations.
- (c) The community development director shall forward the application to the chief of police who shall verify that:
 - (1) The conduct of such bingo games at the times and the place indicated will not disturb the peace of the neighborhood and will not create substantial traffic or parking problems; and
 - (2) Neither the applying organization nor any person listed in the application has violated any laws or regulations of the city regarding building, fire, health or safety, and that the applicant has not knowingly and with intent to deceive made any false, misleading or fraudulent statement of facts in the application, or in any of the documents required in conjunction with the application.

Sec. 5A.5. Issuance or denial of licenses.

- (a) Licenses shall be granted only to organizations as defined in this chapter.
- (b) The community development director shall not issue a license to any applicant if the community development director or chief of police cannot certify any one of the findings required by this chapter to be made, or if it appears from the application that the conduct of such games would be in violation of any of the terms, conditions and requirements of this chapter.

Sec. 5A.6. Records, right of inspection.

- (a) Licensees shall keep and maintain full records and accountings and shall detail the amount of money obtained from players, the amount of money or value of prizes given for each game played and the disposition of any funds generated by the conduct of bingo games.
- (b) The city shall have the right to inspect such records at any reasonable time and the community development director may request said records when the licensee applies to renew its annual license.
- (c) The city shall also have the right to attend or observe any bingo game to ensure compliance with this chapter and all applicable laws and regulations.

Sec. 5A.7. Conduct of bingo games.

- (a) It shall be a misdemeanor, punishable by a fine not to exceed ten thousand dollars, for any person to receive or pay a profit, wage or salary from any bingo game. A violation of any other provision of this section is a misdemeanor.

- (b) No minors shall be allowed to participate in any bingo games.
- (c) A licensee shall conduct bingo games only on property owned or leased by it, or property where use is donated to the organization and which property is used by such organization for any office or for performance of the purposes for which the organization is organized. Nothing in this chapter shall be construed to require that the property be used exclusively by, or donated exclusively to, such organization.
- (d) All bingo games shall be open to the public and shall not be limited to just the members of the licensee organization.
- (e) A bingo game shall be operated, staffed, promoted, conducted and supervised only by members of the licensee organization and such members shall receive no profit, wage or salary from any such bingo game. This subdivision does not preclude the employment of security personnel, who are not members, at such bingo games.
- (f) No individual, corporation, partnership or other legal entity except the licensee organization shall hold a financial interest in the conduct of any bingo game.
- (g) With respect to organizations exempt from payment of the bank and corporation tax by Section 23701d of the Revenue and Taxation Code, all profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such profits shall be used only for charitable purposes. With respect to other organizations authorized to conduct bingo games pursuant to this chapter, all proceeds derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such proceeds shall be used only for charitable purposes, except as follows:
 - (1) Such proceeds may be used for prizes.
 - (2) A portion of such proceeds, not to exceed twenty percent (20%) of the proceeds before the deduction for prizes or two thousand dollars (\$2,000) per month, whichever is less, may be used for the rental of property, overhead (including the purchase of bingo equipment), administrative expenses, security equipment and security personnel.
 - (3) Such proceeds may be used to pay license fees.
- (h) No person shall be allowed to participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted.
- (i) The total value of prizes awarded during the conduct of any bingo game shall not exceed five hundred dollars (\$500) or the amount specified in Penal Code Section 326.5(n), whichever is greater, in cash or kind, or both, for each separate game which is held.
- (j) All pre-printed bingo cards shall bear the legend, "for sale or use only in a bingo game authorized under California law and pursuant to local ordinance." Only a covered or marked tangible card possessed by a bingo player and presented to a licensee's attendant may be used to claim a prize.

(k) All equipment used in bingo games shall comply with the provisions of this chapter, including sections 5A.9 and 5A.10.

(l) The conduct and operation of all bingo games shall comply with all applicable state laws and regulations, expressly including, but not limited to, regulations adopted as required by applicable federal and state law to assist disabled players in participating in bingo games. This subsection does not and shall not be construed to permit any bingo games, operations or equipment in violation of Penal Code Section 326.5 or other applicable law or regulation.

(m) Licensees shall pay a monthly law enforcement and public safety fee. This fee shall be prescribed by a resolution of the city council, for law enforcement and public safety costs incurred by the city that are directly related to bingo activities and shall be collected monthly by the city. This fee shall not exceed the city's actual costs incurred in providing applicable law enforcement and public safety services.

(n) Pull tab bingo may be conducted by licensees at any time.

Sec. 5A.8. Violation, public nuisance.

In addition to the criminal penalties provided by this chapter, violation of any provision of this chapter is a public nuisance which may be abated by the city. The city may bring an action to enjoin any violation of this chapter.

Sec. 5A.9. Electronic bingo equipment.

(a) No electronics or video displays shall be used in connection with bingo games except the following:

- (1) Electronics or video displays used in connection with the bingo caller's drawing of numbers or symbols;
- (2) Electronics or video displays used to publicly display the drawn numbers or symbols; or
- (3) A card-minder device permitted pursuant to Sec. 5A.10.

(b) This section shall not be construed to authorize any bingo equipment prohibited by Penal Code Section 326.5(p), the provisions of this chapter, Penal Code Section 326.5 generally, or any other applicable federal, state or local law or regulation.

Sec. 5A.10. Card-minder devices.

(a) Bingo players may use hand-held, portable card-minder devices to assist in monitoring the numbers or symbols announced by a live caller as those numbers or symbols are called in a live game. Card-minder devices shall not be used in any game where a bingo card is sold or distributed after the start of that bingo game.

(b) All card-minder devices shall do all of the following:

- (1) Be capable of storing in the memory of the device bingo faces from tangible cards purchased by a player;
- (2) Provide a means for bingo players to input manually each individual number or symbol announced by a live caller;
- (3) Compare the numbers or symbols entered by the player to the bingo faces previously stored in memory for the device; and
- (4) Identify winning bingo patterns that exist on the stored bingo faces.

(c) A card-minder device shall neither perform a function involving the play of the game other than those described in subsection (b) of this section, nor do any of the following:

- (1) Be capable of accepting or dispensing any coins, currency or other representative of value or on which value has been encoded;
- (2) Be capable of monitoring any bingo card face other than the faces of the tangible card or cards purchased by the player for that game;
- (3) Display or represent the game result through any means including, but not limited to, video or mechanical reels or other slot machine or casino game themes, other than highlighting the winning numbers or symbols marked or covered on the tangible bingo cards or giving an audio alert that the player's card has a prize winning pattern; or
- (4) Determine the outcome of any game or be physically or electronically connected to any other bingo equipment, including, but not limited to, the ball call station, or to any card other card minding device. No other player-operated or player-activated electronic or electromechanical device or equipment is permitted to be used in connection with a bingo game.

(d) Notwithstanding subsections (b) and (c) of this section, only those card-minder devices that comply with applicable state law and regulations and have been approved by the California Gambling Control Commission may be used in any bingo game.

Sec. 5A.11. Compliance with other laws.

Obtaining a license pursuant to this chapter does not excuse the licensee from complying with all applicable zoning and land use laws and regulations, expressly including, but not limited to, chapter 25 of this code.

Sec. 5A.12. Summary suspension of license.

- (a) Whenever it appears to the chief of police that the licensee:
 - (1) Made a false statement on the license application; or
 - (2) Is conducting a bingo game in violation of any of the provisions of this chapter; or

(3) Is violating any of the provisions of Penal Code Section 326.5 or other applicable state or law regulation, the chief of police shall have the authority to summarily suspend the license and order the licensee to immediately cease and desist any further operation of any bingo game.

(b) Any person who continues to conduct a bingo game after any summary suspension thereof under subsection (a) shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not exceeding five hundred dollars (\$500) or by imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

(c) The order issued under subsection (a) shall also notify the licensee that it shall have five (5) days from the date of such order to request a hearing to determine whether such license shall be revoked. Failure to request, in writing, such hearing before the chief of police, within such five-day period shall result in a revocation of the license.

(d) Upon such request by the licensee, whose license has been suspended under subsection (a) for a hearing to determine whether such license shall be revoked, the city shall provide such hearing within ten (10) days after receipt of such request at which hearing the suspended licensee may appear before the chief of police for the purpose of presenting evidence why the license should not be revoked. No license shall be revoked under this section unless notice of the time and place of such hearing shall have first been given at least five (5) days before the hearing thereof by depositing in the United States mail a notice directed to the suspended licensee at the address given in the application. The notice shall set forth a summary of the ground advanced as the basis of the suspension and revocation.

(e) Any organization whose license is revoked under this section shall not conduct any bingo game in the city until such time as the city council, on appeal, determines to overrule the decision of the chief of police.

Sec. 5A.13. Revocation of license— Alternative procedure.

Whenever it appears to the chief of police that the licensee is conducting bingo games in violation of any of the provisions of this chapter, or that the license was obtained by fraudulent representation and no summary suspension is ordered under Sec. 5A.12, the license may be revoked; provided, however, the licensee may appear before the chief of police at the time fixed by the chief of police for the purpose of presenting evidence why the license should not be revoked. No license shall be revoked under this section unless written notice shall have first been given at least five(5) days before the hearing thereof by depositing in the United States mail a notice directed to such licensee at the address given in the application. The notice shall set forth a summary of the ground advanced as the basis of the revocation.

Sec. 5A.14. Same— Appeal to city council.

(a) Any holder of a license whose license is revoked under this chapter shall have the right, within ten (10) days after receiving notice in writing of the revocation, to file a written appeal to the city council. Such appeal shall set forth the specific ground or grounds on which it is based. The city council shall hold a hearing on the appeal within thirty (30) days after its receipt by the

city, or at a time thereafter agreed upon and shall cause the appellant to be given at least ten (10) days' written notice of such hearing. At the hearing, the appellant or his authorized representative shall have the right to present evidence and a written or oral argument, or both, in support of his appeal. The determination of the city council on the appeal shall be final.

(b) Any organization whose license is finally revoked may not again apply for a license to conduct bingo games in the city for a period of one (1) year from the date of such revocation; provided, however, if the ground for revocation is cancellation of the exemption granted under Section 23701d of the Revenue and Taxation Code, such organization may again apply for the license upon proof of reinstatement of such exemption.

Exhibit “B”

CHAPTER 5B. - REMOTE CALLER BINGO GAMES.

Sections:

Sec. 5B.1. Definitions.

Sec. 5B.2. Authorization required.

Sec. 5B.3. Application to offer remote caller bingo.

Sec. 5B.4. Issuance or denial of remote caller authorization.

Sec. 5B.5. Records, right of inspection.

Sec. 5B.6. Operational requirements.

Sec. 5B.7. Electronic bingo equipment.

Sec. 5B.8. Compliance with other laws.

Sec. 5B.9. Violations and Enforcement.

Sec. 5B.10. Public Nuisance.

Sec. 5B.1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

- (1) “Authorized organization” means an organization with a current, valid remote caller authorization.
- (2) “Bingo license” means a license issued by the city pursuant to chapter 5A of this code.
- (3) “Commission” means the California Gambling Control Commission or its successor agency.
- (4) “Organization” means a mobile home park association, senior citizens organization, a charitable organization affiliated with a school district or any group, association or corporation exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701w and 23701l of the Revenue and Taxation Code.
- (5) “Remote caller authorization” means the written approval of the community developer director to conduct remote caller bingo games.
- (6) “Remote caller bingo” means a game of bingo, as defined in section 5A.1, in which the numbers or symbols on randomly drawn plastic balls are announced by a natural person present at the site at which the live game is conducted, and the organization conducting the bingo game uses audio and video technology to link any of its in-state facilities for the purpose of transmitting the remote calling of a live bingo game from a single location to multiple locations owned, leased, or rented by that organization, or as described in subdivision (n) of section 5B.6. The audio or video technology used to link the facilities may include cable, Internet, satellite, broadband, or telephone technology, or any other means of electronic transmission that ensures the secure, accurate, and simultaneous transmission of the announcement of numbers or symbols

in the game from the location at which the game is called by a natural person to the remote location or locations at which players may participate in the game. The drawing of each ball bearing a number or symbol by the natural person calling the game shall be visible to all players as the ball is drawn, including through a simultaneous live video feed at remote locations at which players may participate in the game.

Sec. 5B.2. Authorization required.

No remote caller bingo game shall be allowed unless a bingo license issued pursuant to chapter 5A and a remote caller authorization is first obtained from the city. A remote caller authorization shall be effective only for the term of the bingo license that it is attached to or incorporated into.

Sec. 5B.3. Application to offer remote caller bingo.

(a) Prior to providing remote caller bingo, organizations shall obtain a remote caller authorization from the city's community development director. The director shall grant such approval provided he or she determines that the organization's remote caller bingo games will comply with the terms of chapter 5A, this chapter 5B and all applicable state laws and regulations.

(b) An organization wishing to provide remote caller bingo shall submit an application therefor in a form prescribed by the city development director or his or her designee. Each application shall be accompanied by a nonrefundable filing fee in an amount determined by resolution of the City Council, if such a fee has been established. No fee shall be imposed if a request for a remote caller authorization is made concurrently with an application for a bingo license pursuant to chapter 5A. However, in all cases, the following documentation shall be attached to the application, as applicable:

(1) A certificate issued by the Franchise Tax Board certifying that the applicant is exempt from the payment of the taxes imposed under the Corporation Tax Law pursuant to Section 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, or 23701w of the Revenue and Taxation Code. The community development director may waive this requirement and instead verify the applicant's tax-exempt status through the Franchise Tax Board's website.

(2) Other evidence as the community development director or his or her designee determines is necessary to verify that the applicant is a duly organized mobile home park association of a mobile home park situated in the City.

(3) All information required to be submitted to the commission pursuant to section 326.3(j)(4) of the California Penal Code, excepting a copy of this chapter.

(4) A copy of the organization's bingo license issued pursuant to chapter 5A unless the application for a remote caller authorization is made concurrently with an application for a bingo license.

(c) In addition to the foregoing, the community development director may require

organizations to submit any other relevant information to assist the director in determining whether or not to approve a request to conduct remote caller bingo games.

Sec. 5B.4. Issuance or denial of remote caller authorization.

(a) The community development director shall approve or disapprove such requests within thirty (30) days of receiving all requested information from the organization. When approving a request to conduct remote caller bingo games, the director shall attach the remote caller authorization to, or otherwise incorporate the authorization into, the authorized organization's city bingo license. In the event the authorized organization does not wish to or is otherwise unable to conduct bingo games pursuant to chapter 5A, the community development director may issue a conditional bingo license and remote caller bingo authorization that only permits the authorized organization to conduct remote caller bingo games.

(b) The community development director shall not issue a remote caller authorization to any applicant if it appears from the application that the conduct of such games would be in violation of any of the terms, conditions and requirements of this chapter or applicable state law.

Sec. 5B.5. Records, right of inspection.

(a) All authorized organizations shall keep and maintain full records and accountings and shall detail the amount of money obtained from players, the amount of money or value of prizes given for each game played and the disposition of any funds generated by the conduct of remote caller bingo games. Records shall be kept and maintained for at least five (5) years.

(b) The city shall have the right to inspect such records at any reasonable time and the community development director may request said records when the authorized organization applies to renew its remote caller authorization.

(c) The city shall also have the right to attend or observe any remote caller bingo game to ensure compliance with this chapter and all applicable laws and regulations.

Sec. 5B.6. Operational requirements.

Any remote caller bingo game operated pursuant to this chapter shall comply with all of the following:

(a) An authorized organization shall conduct remote caller bingo games only on property owned or leased by it, or property where use is donated to the authorized organization. The property does not need to be used exclusively by, or donated exclusively to, the authorized organization.

(b) A remote caller bingo game shall not include any site that is not located within California. In addition, a location shall not be eligible to participate in a remote caller bingo game if bingo games are conducted at that location in violation of chapter 5A, Penal Code Section 326.5 or any regulation adopted by the commission pursuant to Business and Professions Code Section 19841, including, but not limited to, a location at which unlawful electronic devices are used.

(c) All remote caller bingo games shall be open to the public and shall not be limited to just the members of the authorized organization.

(d) No minors shall be allowed to participate in any remote caller bingo game.

(e) No person shall be allowed to participate in a remote caller bingo game unless the person is physically present at the time and place where the remote caller bingo game is being conducted. A person shall be deemed to be physically present at the place where the remote caller bingo game is being conducted if he or she is present at any of the locations participating in the remote caller bingo game in accordance with this chapter and Penal Code section 326.3.

(f) No more than seven-hundred fifty (750) players may participate in a remote caller bingo game in a single location. However, if the Governor of California or the President of the United States declares a state of emergency in response to a natural disaster or other public catastrophe occurring in California, an authorized organization may, while that declaration is in effect, conduct a remote caller bingo game with more than seven-hundred fifty (750) participants in a single venue if the net proceeds of the game, after deduction of prizes and overhead expenses, are donated to or expended exclusively for the relief of the victims of the disaster or catastrophe, and the authorized organization gives the commission at least ten (10) days' written notice of the intent to conduct that game.

(g) An authorized organization shall not conduct remote caller bingo more than two (2) days per week.

(h) The value of prizes awarded during the conduct of any remote caller bingo game shall not exceed thirty-seven (37) percent of the gross receipts for that game. When an authorized organization elects to deduct fees paid for the use and processing of credit card sales from the amount of gross revenues for that game awarded for prizes, the maximum amount of gross revenues that may be awarded for prizes shall not exceed thirty-seven (37) percent of the gross receipts for that game, less the amount of redirected fees paid for the use and processing of credit card sales. Every remote caller bingo game shall be played until a winner is declared. Progressive prizes are prohibited. The declared winner of a remote caller bingo game shall provide his or her identifying information and a mailing address to the onsite manager of the remote caller bingo game. Prizes shall be paid only by check; no cash prizes shall be paid. The authorized organization may issue a check to the winner at the time of the game, or may send a check to the declared winner by United States Postal Service certified mail, return receipt requested. All prize money exceeding state and federal exemption limits on prize money shall be subject to income tax reporting and withholding requirements under applicable state and federal laws and regulations and those reports and withholding shall be forwarded, within ten (10) business days, to the appropriate state or federal agency on behalf of the winner. A report shall accompany the amount withheld identifying the person on whose behalf the money is being sent. Any game interrupted by a transmission failure, electrical outage, or act of God shall be considered void in the location that was affected. A refund for a canceled game or games shall be provided to the purchasers.

(i) A remote caller bingo game shall be operated and staffed only by members of the authorized organization that organized it. Those members shall not receive a profit, wage, or

salary from any remote caller bingo game. Only the authorized organization shall operate the remote caller bingo game, or participate in the promotion, supervision, or any other phase of a remote caller bingo game, provided that this shall not preclude the authorized organization from employing administrative, managerial, technical, financial, or security personnel who are not members of the authorized organization as provided in subsection (j). These personnel may be paid reasonable fees for such services from remote caller bingo revenue, provided that the fees shall not be determined as a percentage of receipts or other revenues from, or be dependent on the outcome of, the game.

(j) No individual, corporation, partnership, or other legal entity, except the authorized organization authorized, shall hold a legally cognizable financial interest in the conduct of a remote caller bingo game. Notwithstanding any other provisions of law, exclusive or other agreements between the authorized organization and other entities or persons to provide services in the administration, management, or conduct of the game shall not be considered a violation of the prohibition against holding a legally cognizable financial interest in the conduct of the remote caller bingo game by persons or entities other than the authorized organization, or other entity authorized to conduct the remote caller bingo games, provided that those persons or entities obtain the gambling licenses, the key employee licenses, or the work permits required by, and otherwise comply with Chapter 5 of Division 8 of the Business and Professions Code. Fees to be paid under any such agreements shall be reasonable and shall not be determined as a percentage of receipts or other revenues from, or be dependent on the outcome of, the game.

(k) An authorized organization shall not have overhead costs exceeding twenty (20) percent of gross sales, except that the limitations of this subsection shall not apply to one-time, nonrecurring capital acquisitions. For purposes of this subsection, "overhead costs" includes, but is not limited to, amounts paid for rent and equipment leasing and the reasonable fees authorized to be paid to administrative, managerial, technical, financial, and security personnel employed by the authorized organization pursuant to subsection (j). For the purpose of keeping its overhead costs below twenty (20) percent of gross sales, an authorized organization may elect to deduct all or a portion of the fees paid to financial institutions for the use and processing of credit card sales from the amount of gross revenues awarded for prizes. In that case, the redirected fees for the use and processing of credit card sales shall not be included in "overhead costs." Additionally, fees paid to financial institutions for the use and processing of credit card sales shall not be deducted from the proceeds retained by the authorized organization.

(l) An authorized organization shall designate a person as having fiduciary responsibility for the remote caller bingo game.

(m) Any person or entity who conducts the remote caller bingo game, including, but not limited to, all administrative, managerial, technical, financial, and security personnel employed by an authorized organization, shall possess and maintain all applicable approvals, permits and licenses from the commission.

(n) An authorized organization shall not cosponsor a remote caller bingo game with one or more other organizations unless one of the below is true. A maximum of ten (10) unaffiliated organizations may enter into an agreement to cosponsor a remote caller game, provided the game shall have not more than ten (10) locations. Before sponsoring or operating any game authorized

under paragraph (1) or (2), each of the cosponsoring organizations shall have entered into a written agreement, a copy of which shall be provided to the commission, setting forth how the expenses and proceeds of the game are to be allocated among the participating organizations, the bank accounts into which all receipts are to be deposited and from which all prizes are to be paid, and how game records are to be maintained and subjected to annual audit.

(1) All of the cosponsors are affiliated under the master charter or articles and bylaws of a single organization.

(2) All of the cosponsors are affiliated through an organization as defined in this chapter and have the same Internal Revenue Service activity code.

(c) All remote caller bingo games and operations shall comply with all applicable state law and regulations, including, but limited to, Penal Code Sections 326.3 and 326.5 and any regulations adopted by the commission to implement those sections. To the extent of any inconsistency or conflict between the provisions of Penal Code Section 326.5 and any state regulations adopted to implement Section 326.5 and the provisions of Penal Code Section 326.3 and any regulations adopted to implement section 326.3, the provisions of Penal Code Section 326.3 and its implementing regulations shall control.

Sec. 5B.7. Electronic bingo equipment.

(a) All equipment used for remote caller bingo shall be approved in advance by the commission.

(b) Remote caller bingo games shall be played using traditional paper or other tangible bingo cards and daubers, and shall not be played by using electronic devices, except card-minding devices as defined in section 5A.10.

Sec. 5B.8. Compliance with other laws.

Obtaining a remote caller authorization pursuant to this section does not excuse the authorized organization from complying with all applicable zoning and land use laws and regulations, expressly including, but not limited to, chapter 25 of this code.

Sec. 5B.9. Violations and Enforcement.

Any violation of applicable state laws or regulations governing bingo, including, but not limited to those governing remote caller bingo, shall be a violation of this chapter. Violations of this chapter shall be punishable as follows:

(a) A violation of subsection (i) of section 5B.6 shall be punishable as a misdemeanor and/or subject to a fine not to exceed ten thousand dollars (\$10,000).

(b) A violation of any other provision of this section shall be a misdemeanor.

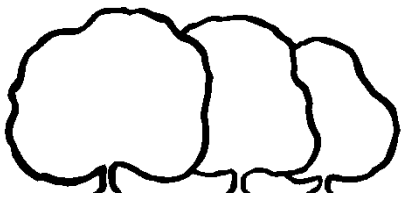
In addition, to any other enforcement option or remedy the city may seek, any violation of this chapter is grounds for suspension or revocation of a bingo license issued pursuant to chapter 5A

of this code. Any suspension or revocation of a bingo license issued pursuant to chapter 5A shall automatically suspend or revoke any remote caller authorization affixed to or incorporated into such bingo license.

Sec. 5B.10. Public Nuisance.

In addition to the criminal penalties provided by this chapter, violation of any provision of this chapter is a public nuisance which may be abated by the city. The city may bring an action to enjoin any violation of this chapter.

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REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: October 18, 2011

SUBJECT: Adopt Resolution No. ____ Amending the Public Facilities Fees Fee
Program Administrative Guidelines for Auto Sales

Report in Brief

On October 4th, the City Manager asked that this item be continued to the Council meeting of October 18th. Attached to this staff report are a memo from the City Manager, a list of Council questions and staff responses as well as a spreadsheet comparing the Woodland proposal to other area cities.

Public facilities fees, also known as Development Impact fees, are collected at the time of building permit issuance for new development projects. The guidance for application of these fees is provided in the Public Facilities Fees Fee Program Administrative Guidelines. Substantive changes, such as land use designations are required to be approved by the City Council by Resolution. Staff has prepared a revision to the administrative guidelines to change the land use designation for auto sales from retail to industrial.

Staff recommends that the City Council approve Resolution No. ____ adopting the October 18, 2011 revised Public Facilities Fee Program Administrative Guidelines designating auto sales under the "Industrial" land use category; and further direct staff to develop a separate Automotive Sales land use category in the 2012 Major Project Finance Plan (MPFP) Fee Nexus study update.

Background

On September 3, 1991, the City Council adopted Resolution No. 3629 establishing capital improvement facilities fees (development fees) as a means of providing funding for the public facilities needed to serve new development in the City. The City Council also adopted Ordinance No. 1193, which enacted section 6-1-1 (now section 6-1-2) of the Woodland Municipal Code to condition the issuance of building permits upon payment of development impact fees established by Resolution No. 3629. On November 5, 1991, the City Council adopted administrative guidelines (Resolution 3639) for implementation of the development fees in specified circumstances.

Revisions to Resolution 3639 are needed from time to time to reflect changes in the City processes and clarify instances where specified circumstances are not properly addressed by Resolution No. 3639. There have been two previous resolutions amending the administrative guidelines adopted in 2006 and 2007.

The proposed Guidelines are presented herein for approval by the City Council.

Discussion

The Public Facilities Fee Program Administrative Guidelines serve as a desk manual for interpretation of how to calculate development impact fees for new development. Included in this interpretation is a table defining the type of uses and in what land use category a new use should be assessed (Service, Office, Retail, or Industrial).

Currently new auto sales are listed within the “Retail” land use category. In reviewing land use impact factors that are used in calculating the development impact fee for the Fee Program land use categories, staff has determined that a new auto sales land use category should be evaluated and considered, to more accurately reflect auto dealership land use impacts. In order to calculate a development impact fee, a project must fit into a land use category that has been defined in an approved nexus study. For the City of Woodland, that nexus study is our approved Major Projects Financing Plan.

Presently staff has been working with two local auto dealers who desire to relocate to undeveloped property and construct new auto dealership facilities. In working with the business owners, the staff has concluded that a separate land use category for auto sales be evaluated and considered for inclusion in the City’s MPFP Fee Nexus Study Update planned for next year.

Auto dealerships are an important component in the local economy both providing jobs and significant contributions to sales tax revenue. The two auto dealers have stated that a move (to an improved location with modern facilities) in the near term is necessary for them to maintain viable businesses in the City of Woodland, but it will be difficult to finance in the current economy. With a move to improved facilities, the auto dealers state that they expect a 25 to 40% increase in sales. Furthermore the relocation of any auto dealer from the downtown is a key to the implementation of the downtown specific plan and the eventual revitalization of the Woodland downtown.

Staff has reviewed land use categories of cities with specific auto sales land use categories. Preliminary review of those cities auto sales impact use factors and fees indicate that those auto sales impact use factors, align more closely to the City of Woodland’s “Industrial” land use category than the “Retail” category. The cities of Davis and Elk Grove have specific categories for new auto dealerships and the cities of Roseville, Rocklin and Lincoln have a different traffic impact fee for new auto dealerships that is less than the commercial-retail fee.

Therefore, staff believes it is in the City’s long term economic interests to reclassify auto dealerships from the “Retail” land use category to an appropriate independent category. The City will not be able to complete a separate Nexus study in a time frame to meet the local auto dealers needs; and

therefore is proposing to initially move the auto sales land use into the “Industrial” land use category in the fee tables until such time as the City completes an update of its MPFP Fee Nexus Study.

Staff has consulted with the City attorney and determined that although this change is not a strictly nexus based change, it is legal provided that other fee categories are not increased to offset any lost revenue.

By adoption of this Resolution, auto sales will be moved from “Retail” (highest fee category) to “Industrial” (lowest fee category) in the land use tables. This is a temporary classification until the City completes its next MPFP Fee Nexus Study Update, scheduled for FY2012.

Fiscal Impact

This adjustment will have no general fund impact or impact on the 10 year Capital Improvement Plan. The initial change will not affect the MPFP as the land the auto dealers are currently planning on moving to is zoned as industrial and modeled in the fee program as an industrial use. Upon updating the MPFP fee with a comprehensive Nexus study in 2012, the entire fee program will be adjusted to account for the new fee category.

Public Contact

Posting of the City Council agenda.

Recommendation for Action

Staff recommends that The City Council approve Resolution No. __ adopting the October 18, 2011 revised Public Facilities Fees Fee Program Administrative Guidelines designating auto sales under the “Industrial” use category; and further direct staff to develop a separate Automotive Sales land use category in the 2012 MPFP Nexus study update.

Prepared by: Bruce Pollard
Senior Civil Engineer

Jamie McLeod
RDA Housing Analyst II

Reviewed by: Lynn Johnson
Sr. Management Analyst

SUBJECT: Adopt Resolution No. Amending the Public Facilities Fees Fee
Program Administrative Guidelines

PAGE: 4

ITEM:

Kevin O'Rourke
Interim City Manager

Attachments:

Resolution ____
Revised Administrative Guidelines
Memorandum from the City Manager
Questions & Answers
Spreadsheet on Comparable Cities

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND
ADOPTING REVISED ADMINISTRATIVE GUIDELINES FOR
IMPLEMENTATION OF THE MAJOR PROJECTS FINANCING PLAN
PUBLIC FACILITIES FEE PROGRAM FOR AUTO SALES**

WHEREAS, on September 3, 1991, the City Council of the City of Woodland adopted Resolution No. 3629 establishing capital improvement facilities fees (hereinafter “development fees”) as a means of providing funding for the public facilities needed to serve new development in the City, which facilities are identified in the City of Woodland Major Projects Financing Plan (MPFP) dated August 15, 1991, and

WHEREAS, on September 3, 1991, the City Council of the City of Woodland adopted Ordinance No. 1193, which enacted section 6-1-2 of the Woodland Municipal Code to condition the issuance of building permits upon payment of the development fees, established by Resolution No. 3629, and

WHEREAS, on November 5, 1991, the City Council of the City of Woodland adopted Resolution No. 3639, which implemented the administrative guidelines for the development fees established by Ordinance No. 1193 and Resolution No. 3629, to address the applicability of the development fees in specified circumstances, and

WHEREAS, the City Council of the City of Woodland has considered and now wishes to adopt a revised set of administrative guidelines to enable the proper categorization and collection of development fees for Auto Sales and directs staff to develop a separate Automotive Sales land use category in the 2012 MPFP Nexus study update.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Woodland that the “Public Facilities Fee Program Administrative Guidelines,” be adopted, a copy of which is attached hereto.

PASSED AND ADOPTED this 18th day October, 2011 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Artemio Pimentel, Mayor

ATTEST:

Ana Gonzalez, City Clerk

**PUBLIC FACILITIES FEE PROGRAM
ADMINISTRATIVE GUIDELINES
REVISION DATED October 18, 2011**

I. Introduction

These guidelines primarily apply to the implementation and administration of City of Woodland Code Sections 6-1-2 (c) et seq., which imposes Capital Improvement Facilities Fees on development. When applicable, these guidelines shall also apply to the implementation and administration of all other code sections which impose fees on new development.

Should any situations arise which are not covered by the guidelines, the City Manager or the City Manager's designee shall have the authority to make a written decision as to how the ordinance and any corresponding resolution are to be administered.

Any applicant dissatisfied with the decision of the City Manager may appeal such decision to the City Council by filing written notice thereof with the City Manager within ten (10) days of receipt of the City Manager's decision.

II. Definitions

For the purposes of this resolution, certain terms and words are herewith defined as follows:

"Development Fees" shall consist of

- General City Facilities Fee
- Fire Facilities Fee
- Library Facilities Fee
- Park and Recreation Facilities Fee
- Police Facilities Fee
- Wastewater Facilities Fee
- Water Facilities Fee
- Storm Drainage Facilities Fee
- Road Improvements Fee

"Existing Development" - Buildings which have been in existence prior to any current request for a building permit or City utilities.

"Improvements to Existing Development" shall consist of an additional square footage to any existing building, any new buildings on a previously developed property or the connection to City utilities of a previously developed property.

"Non-Residential" – Any retail, service, office, or industrial uses.

“Land Use” - Land use is used as an indicator of service needs and hence as a basis for all non-residential development fees. A land use table is attached. The City Manager or the manager’s designee shall interpret the appropriate zone for any land use not specifically listed in the table.

“New Development” - Vacant parcels of land that are proposed to be improved with buildings, parking lots, outdoor storage areas or landscaping.

“Square Footage” - The gross floor area of all stories of a building or structure, including basements, above ground stories, interior balconies and mezzanines.

“Single Family” - A building designed for occupancy by no more than two (2) families living independently of each other.

“Multi-Family” - A building designed for occupancy by three (3) or more families living independently of each other.

III. Fee Applicability

A. New Construction

1. Residential

Single Family Dwelling Units shall be subject to development fees on a per dwelling unit basis at the single family rate.

Multi-Family Dwelling Units shall be subject to development fees on a per dwelling unit basis at the multi-family rate.

2. Non-Residential

Retail, service, and office uses will be subject to development fees on a square footage basis using the land use categories found on the attached land use table.

Industrial uses shall be subject to development fees on a square footage basis at the industrial rate.

B. Improvements to Existing Development

1. Residential - Building permits for the purpose of creating more than one (1) additional dwelling units (detached or attached) will be subject to development fees at the single family rate. A dwelling unit is defined as a structure having more than 640 square feet (sf).

A structure having 640 sf or less is considered a secondary dwelling unit.

Improvements or additions to existing dwelling units that do not create an additional dwelling unit are not subject to fees.

2. Non-residential - Additions to existing buildings or new buildings on partially developed properties will be subject to development fees on a per square foot basis for the applicable land use type, for the addition of new building square footage only.

For non profit businesses that demonstrate little or no impact, the Public Works Director may approve fee exemption for building additions up to 640 sf.

C. Outdoor Storage, Canopied Areas, Pole Barns

When a non-residential property has storage or sales areas that are not under a defined building and the enclosure or cover requires a building permit, the area will be subject to fees on a square footage basis for the applicable land use type. If the structure does not have water or sewer connection and is an auxiliary structure to the primary structure on the property, the Public Works Director may reduce or eliminate the fees.

D. Utility Connections

When the only requested improvement is connection to City utilities, development fees will be due for the affected services only. City water (for domestic use, fire protection or irrigation, or any combination) or sewer will not be provided individually if both are readily available to a property. A request for either service will require a connection to both water and sewer and payment of the development fee for each.

E. Change in Use

When a business license is requested for a new business that is going to occupy an existing building, an evaluation of land use shall be made. If the proposed use is of a higher intensity than the user for which development fees were originally paid, then additional fees will be due.

Additional fees are calculated based on trip generation, storm water acreage impact, and dwelling unit equivalent (DUE) water usage, and sewer impact.

F. Structure Exempt From Building Permits

Fees will be imposed to the extent permitted by law on any development which does not require a building permit from the City of Woodland (refer to Government Code 54999 regarding public entities). Such development will often be required to apply to the City for a permit other than a building permit, for example, when requests are made for a use permit, encroachment, water or sewer connection permit. Any such permit shall be conditioned to include development fees on a per square foot basis at a rate appropriate for the proposed use.

IV. Exemptions

- A. Interior alterations that do not increase the gross square footage of a building and do not result in a more intense land use will not be subject to development fees.
- B. Replacement of a prior building (that was removed by demolition, fire or act of God) shall not require payment of development fees providing that the new building is of equal or lesser square footage than the prior building and the proposed use is of equal or lesser land use intensity and the property has been vacant for less than one year or has evidence that entitlements have been actively pursued within the past year when the permit for the new building is applied for.

V. Credits

- A. For land that has been vacant with no building for more than one (1) year (prior to building permit application) and evidence exists that some development fees have been paid in the past (evidence can consist of property development agreements with fees identified, or a engineers report from an assessment district), a credit towards currently applicable fees will be made. Full credit will be given for each category of development fee that was previously paid. For example, if water, sewer and storm drainage development fees were paid as part of a project in 1980, then for a current project on the same property water, sewer and storm drainage development fees shall be considered paid in full. All other development fees shall be due. The amount of credits will be determined by the City Engineer.
- B. When buildings have been cleared within the last year, a credit for the previous uses shall be applied towards the development fees now due. The amount of credit will be for the equivalent of the development fees that would currently be assessed against the prior building (as if a building permit for the prior building were pulled simultaneously with the permit for the new building). Credit is not to exceed fees due by both fee category and net overall.

- C. If the proposed subdivision contains fifty or less parcels, the subdivider shall pay an in-lieu fee in the amount specified in the City Municipal Code relating to Dedication of Park Lands and Facilities. If the proposed subdivision contains fifty-one or more parcels, the City has the discretion of accepting land dedication, an in-lieu fee or a combination of both.

VI. Adjustments

- A. The development fees have been established using certain averages for water use, sanitary sewer flow, storm water runoff, and trip generation. Any proposed non-residential project that exceeds these averages will be subject to a case by case analysis by the City Engineer and possibly revised fee schedule. The averages that each project will be compared with are as follows:
1. Water - domestic and irrigation
 - a. Retail > 317 gal/1000 sq. ft./day
 - b. Service > 346 gal/1000 sq. ft./day
 - c. Office > 244 gal/1000 sq. ft./day
 - d. Industrial > 317 gal./1000 sq. ft./day
 2. Sanitary Sewer: Note that for excessive BOD or TSS it is typically more economical for businesses to pretreat the waste water prior to discharge into the City system. Likewise there is a quantitative limit to how much waste water the City system can take. Excessive flows would require either expansion City treatment capability or pre treatment. The timing of expansions of the Wastewater Treatment Plant is planned to accommodate normal build out of the City. Because expansions can take 4-5 years to plan and construct, abnormal demands on the system may not be able to be accommodated without significant lead time. Fees for development with abnormal flows are based on equivalent dwelling unit cost calculations by the City Engineer and approved by the Public Works director.
 3.
 - a. Retail > 110.2 gal/1000 sq. ft./day
 - b. Service > 137.7 gal/1000 sq. ft./day
 - c. Office > 91.8 gal/1000 sq. ft./day
 - d. Industrial > 103.3 gal./1000 sq. ft./day
 - e. BOD > 235 ppm or mg/L
 4. Storm Drainage
Non-Residential Building size < 25% or > 45% of property.
 4. Traffic
 - a. Retail > 31 trips/1000 sq. ft./day

- | | | | |
|----|------------|---|---------------------------|
| b. | Service | > | 12 trips/1000 sq. ft./day |
| c. | Office | > | 18 trips/1000 sq. ft./day |
| d. | Industrial | > | 5 trips/1000 sq. ft./day |

No credits or reduction of fees are allowed for projects falling below these averages.

B. Affordable Housing

1. Qualifications

A developer constructing a project that meets the affordable housing requirements as set forth in section 6A of the municipal code shall be eligible for a deferral.

Waiver of development fees is prohibited unless an alternative source of funding is secured.

2. Process

For qualifying projects, the City shall offer a deferral of development fees. The developer must show that the deferral is necessary to allow housing units to be available for the specified household income level.

Procedures:

- a. Each eligible project seeking a deferral of development fees shall submit such a request in writing in duplicate to the attention of the City's Community Development Director and Public Works Director.
- b. Director Approval: The Finance Director may approve an affordable housing no interest fee deferral, provided that the applicant/developer pay fees in full on each unit prior to Certificate of Occupancy. Any other request shall be subject to section below.
- c. City Council Ratification: Each request made by a developer shall be subject to ratification by the City Council. Such ratification shall include the Finance Director's determination of the method and the length of time for repayment.
- d. Certification Required: Low income or lower income units must be available to qualified persons and families

permanently. The developer shall, upon deferral by the City, certify that the moderate, low income, or lower income units were sold or rented to qualified persons and families.

The developer shall sign an agreement with the City to pay for the annual monitoring required to verify compliance.

For those for-sale units, monitoring shall occur at time of sale or transfer of property. Once the deferred fee is repaid, monitoring shall cease.

In addition, reasonable conditions may be imposed to assure availability of such housing as low income or lower income housing.

C. Fee Deferral for Development

There are generally no other cases in which a fee deferral would be appropriate, and any agreements shall be ratified by the City Council. Should a developer wish to request a fee deferral it shall be in writing and the request shall include a statement of why a fee deferral is economically necessary to the project. Any deferment to non affordable housing/bonus density projects shall be deferred at an interest rate to be determined by the City Finance Director.

The City Council ratification shall occur prior to the issuance of Certificates of Occupancy and include approval of the City Finance Director determination of the method and the length of time for repayment.

D. Facility Fee Waiver

“In no event shall any facilities fees be waived unless an alternative source of funding to replace the fees has been secured.”

VII. Fee Calculation

Upon receipt of an application for a building permit, the Community Development Department (CDD) shall determine the number of single family DU's , multi-family DU's or the square footage and proposed use in the case of commercial/industrial projects, and adds this information to the application. An inter-department development fee request form is prepared by CDD. CDD will forward the request form to the Public Works Department to take the following actions:

- A. Public Works will determine if any development fees have been previously paid.
- B. Any fee categories that were previously paid on an acreage basis, and included in the land of the currently proposed project, shall be considered paid in full. Fee categories that were established after the prior payment, will be charged at the time of the building permit application.
- C. Public Works determines if the project qualifies for any credits or adjustments and so indicates on the form. When a single industrial building is divided for the purpose of leasing to separate users, the development fees will be calculated based on the separate uses. For example, a 40,000 sq. ft. building in an industrial area is divided into two 20,000 sq. ft. spaces. One is occupied by a small warehouse type operation. The other space is strictly office use. Development fees will be calculated for 20,000 sq. ft. of industrial use and 20,000 sq. ft. of office use.
- D. No differentiation will be made for mixed uses of a single user, such as the internal office area of an industrial building. In these cases the primary use is the basis of calculating the development fees.
- E. Storm drain impact fees are calculated on a per acre basis, to allow for collection at time of building permit. The fees will collected are based on a zone specific acreage basis:
 - 1. New Residential: Calculated at Final Map as the fee/acre times the number of acres divided by the total number of units and collected on an average cost per lot basis per the Map. The multi-family residential storm water fee is all due at the pulling of the first building permit
 - 2. Infill Residential: Calculated as either the lot size divided by infill acreage or lot size divided by the number of units divided by infill acreage.
 - 3. Commercial: Collected on the size of the lot unless the lot is not being fully developed. Fully developed means that the lot has no foreseeable future parceling out for other developments or the developed property is at the maximum floor area ratio (FAR). For prior development infill or additions, the fee is calculated as the square footage of the building footprint divided by the floor area ratio of 0.4 divided by 43,560 sf.
- F. The fee calculations are drafted by Public Works staff and approved by a senior engineer or designee. Discretionary interpretations/credits/and

deferrals are approved by the Development Services Senior Engineer or City Engineer. Applicants may appeal to the Public Works Director.

- G. Public Works then computes the final total development fees due and returns the form to the CDD. The form is attached to the building permit and the development fees due are included in the cost of the building permit.

The developer shall pay capital improvement facilities fees in effect at time of the building permit issuance.

VIII. Developer In-Lieu Improvements

Whenever a developer is required as a condition of approval of a development project, or permitted in the City's discretion, to construct a public facility described in the MPFP, a reimbursement/credit agreement with the developer shall be executed. Any reimbursement, whether cash or a credit against the facilities fees which would otherwise be charged, shall not be made prior to the calendar year identified in the MPFP for construction of a particular public improvement. If this reimbursement/credit is not made in the same calendar year as the cost is incurred, the amount of the reimbursement shall be increased on January 1 of each year in the amount of the percentage increase in the Engineering News Record Construction Cost Index.

The timing and method of payment (credit/reimbursement) will be negotiated and included as part of the reimbursement agreement and approved by the City Council prior to construction of the improvements. If the improvements are to be financed by an assessment district (including Mello-Roos), credits may be given to the individual property owner and/or reimbursement shall be made to the district. The proposed spread of credits/reimbursement must also be approved by the City Council prior to construction of the improvements. If actual bid prices, or the need for change orders during construction, will cause the reimbursement or credit change from the amounts in the agreements, prior written approval to proceed from the City will be required. Failure to obtain written approval will be cause to disallow any adjustments to the reimbursement/credit.

In order to receive any reimbursement or credit for constructing a project identified in the MPFP, the developer must submit evidence that this work was secured through a competitive bidding process and certify that prevailed wages were paid appropriately.

If the developer has pulled building permits and paid public facility fees prior to the credits/reimbursement agreement being approved by the City Council, the developer will only receive credits/reimbursements on future permits. No refunds will be processed for the fees paid prior to the credit/reimbursement agreement being approved by the City Council.

A credit/reimbursement will be given to the developer to offset the development fee that type of facility imposed on subsequent development of the parcel. In other words, a street improvement cost will only be subject to credit/reimbursement against the road improvement fee.

IX. Methods of Financing

Fees payable pursuant to Section 6-1-2(c) of the Woodland Municipal Code may, in the discretion of the City, be financed through the formation of a special benefit assessment district, a Mello-Roos Community Facilities District, or analogous financing mechanism. In the event such debt financing is authorized by the City, the City shall apply an in-lieu credit against the fee which otherwise would be charged. In the event a financing mechanism is approved to finance public facilities listed in the MPFP, the City may agree to reimburse the developer to the extent the developer has paid special taxes or assessments for such oversized public improvements or has otherwise provided advance funding for such public improvements and has not otherwise been reimbursed.

X. Annual Adjustment of Fees

The amount of fees approved in the Resolution adopted pursuant to Section 6-1-2(c) of the Woodland Municipal Code shall increased annually, on January 1 of each year, beginning in 1993, in the amount of the percentage increase in the Engineering News Record construction cost index, or any successor index which may be selected by the City Council. Fees may also be adjusted at other times during the year in conjunction with adoption of an updated Major Projects Financing Plan. Fees charged shall be based on the fees in effect at the time they are paid.

An Urgency Resolution was passed by the City Council on April 18, 2006. For those building applications that have been received by the City, but not yet issued the applicant will be allowed to pay the lesser of the 2005 or adopted April 18, 2006 development impact fees, assuming they pay for permits within 60 days from the April 18, 2006 (or the date the applicant is notified the permits are ready to issue).

Land Use Table

Land Use Type	Retail	Service	Office	Indust.
Adult Bookstores	X			
Adult Motion Picture Theaters		X		
Ambulance Services		X		
Animal and Food Processing				X
Appliance Sales, Service and Supply		X		
Auto - Lube Shop		X		
Auto - Major Service and Repair		X		
Auto - Minor Service and Repair		X		
Auto and Truck Service Stations		X		
Auto Parts and Accessory Stores	X			
Auto Rental and Lease Agency		X		
Auto Sales, New and Used				X
Bakeries	X			
Barber and Beauty Shops		X		
Bars, Cocktail Lounges, and Taverns		X		
Bowling Alleys		X		
Building Materials Sales Yard	X			
Cabinet, Carpenter & Woodworking Shops		X		
Cafes, Coffee Shops, and Restaurants		X		
Card Rooms		X		
Carwashes		X		
Churches		X		
Clothes Cleaning and Laundry Pickup Stations		X		
Commercial Recreation Facilities		X		
Communication & Pub. Utility Service Facilities		X		
Dance Halls		X		
Drive-In Theaters		X		
Drive-in, Fast Food, Self-Service, Take-Out Restaurants	X			
Drug Stores and Pharmacies	X			
Electrical Sales, Service and Supply		X		
Equipment Rental		X		
Farm Supply & Implement Sales and Service		X		
Film Processing and Pickup Stations		X		
Financial Institutions			X	
Fire Extinguisher Sales and Service		X		
Flea Markets	X			
Florists	X			
Food and Grocery Stores	X			
Fortunetelling		X		
Gift Shops	X			
Glass Sales and Service		X		
Hardware Stores	X			
Heating and AC Sales and Service and Supply		X		

Land Use Type	Retail	Service	Office	Indust.
Hospitals		X		
Hotels and Motels		X		
Hydraulic Equip, Well Drilling Sales, Service and Supply		X		
Institutional		X		
Janitorial		X		
Laundromats		X		
Laundry, Dry Cleaning Plants		X		
Liquor Sales, On and Off Sales	X			
Locksmiths		X		
Machine Shops		X		
Manufacturing and Assembly				X
Medical and Dental Clinics			X	
Medical Laboratories			X	
Mini Marts	X			
Mini Storage Facilities		X		
Miniature Golf		X		
Multi-use Developments		X		
Offices			X	
Opticians			X	
Parking Facilities		X		
Parking Facilities, Off-Sites		X		
Passenger Terminals		X		
Pipe Sales, Service and Supply		X		
Plant Nurseries and Greenhouses	X	X		
Plumbing Sales, Service and Supply		X		
Pool Halls		X		
Pool Service and Supply		X		
Prescription Pharmacies	X			
Produce Stands	X			
Public and Quasi-Public Building Uses		X		
Public Scales		X		
Pump Sales, Service, and Supply		X		
Recycling Service Centers		X		
Research and Development Facilities			X	
Residential Hotels		X		
Retail Stores and Shops Providing a Convenience Service	X			
Rice Storage		X		
RV and Boat Storage		X		
Shopping Centers	X			
Skating Rinks		X		
Social Halls, Lodges, Fraternal Organizations		X		
Swimming, Tennis, Racquetball, and Health Clubs		X		
Taxi Cab Service		X		
Technical, Trade, Craft Schools, and Studios		X		
Theaters		X		
Tire Recapping		X		
Travel Trailer Parks, and Overnight Campgrounds		X		

Land Use Type	Retail	Service	Office	Indust.
Upholstery		X		
Variety Stores	X			
Veterinary Offices and Clinics			X	
Video Game Centers		X		
Warehousing				X
Welding Shops		X		
Wholesale and Distributing Business		X		

Memorandum

October 12, 2011

TO: Honorable Mayor and Members of Council

FROM: Kevin O'Rourke, Interim City Manager
Lynn Johnson, Senior Management Analyst

SUBJECT: Questions Regarding Reclassification of Auto Dealerships in Impact Fee Program

Attached you will find a list of council questions and staff answers on the issue of reclassification of auto dealerships from Commercial-retail to Industrial in the impact fee program. You will also find a table showing development fee comparisons for Woodland, Davis, Elk Grove, and Roseville. Staff has worked together to respond to each of the questions with the responses shown in italics.

As requested at the October 4th Council meeting, staff has spent additional time researching comparison data from other cities and they have briefed me on the background information that supports the staff recommendation.

I have talked with the two auto dealerships and they have assured me that they have every intention of leaving Woodland if they are unable to relocate to the Panattoni site in the very near term. We believe the reclassification of auto dealerships to industrial in the impact fee program is the best alternative available to the City to encourage this relocation and retain these important businesses in our community. Both jobs and sales tax revenue are critical to Woodland as we continue to navigate an unstable economy.

Finally the movement of these dealerships to the Pannatoni site will boost their sales, add millions of dollars of new facilities and hopefully be the needed incentive for the development of the balance of the Pannatoni property

Please contact us if you have any additional questions.

Questions Regarding Re-categorizing Auto Dealerships as Industrial Use in the Development Impact Fee Program

1. What portions of Woodland are currently zoned for Auto Dealership? Zoning and location?

Auto Sales (Auto Dealers) are conditionally allowed (requiring a CUP) in all commercial zones, except Neighborhood Commercial (C-1). The issue is finding a site large enough for a new auto dealer, typically 5 acres.

2. Define mixed use, history, purpose and allowances?

Mixed - Use is defined by the General Plan as a project with different uses e.g., retail/office/food service/industrial. The 1996 and 2002 General Plans contained the Mixed-Use policy. The policy was to facilitate development along East Main Street.

General Plan Policy

1.H.7. The City shall allow mixed use projects (e.g., retail/office/food service/industrial) in industrial designations as appropriate, particularly along East Main Street. A maximum of 80 percent commercial uses will be allowed in mixed use projects along heavily-traveled arterials, and a maximum of 50 percent commercial within interior industrial areas. Commercial uses must comply with commercial development policies of the General Plan. A mixed use industrial designation shall be applied to the property designated on the south side of East Main Street immediately east of the General Commercial-designated area.

It was under this General Plan Policy and definition that the Home Depot Project was approved and developed.

In 2001 the City Council further modified the General Policy in an effort to facilitate development at the City's gateway, adopted the Entryway Overlay Zone and amended the Industrial Land Use table to allow Mixed-Use Development by right (no CUP required).

The proposed Mixed-Use Panattoni Project includes:

60,000 sq. ft. of Auto Dealers (2 Auto Dealers)

47,000 sq. ft of Professional Offices

60,000 sq. ft. of Retail Space

4,500 sq. ft. Restaurant Space

3. Purpose of changing Auto Dealers to Industrial from Retail?

- a. Rush, time constraints on either or both?

The Chrysler dealer has just less than two years to vacate the parcel at 333 Main Street due to the current building code issues. Additionally, the Chrysler Corporation is not pleased with the current location and may not approve an extension should one be requested. The General Motors dealership's lease with Lasher expires April 2012. They have indicated that they wish to find a new location due to the large infrastructure loan on the current property and expected increase to a future lease agreement. Additionally, there are septic issues on the site.

- b. First suggestion? Was based on proposed increase in sales tax, wanted reduced fees?

Did they say they would leave Woodland if not granted reduced fees?

The Chrysler and General Motors dealers have indicated that they are very interested in moving to the mixed use site and that they will leave Woodland if they are unable to make their respective projects fiscally viable.

- c. Is this proposal another option to assist them?

While this proposal reclassifies the development impact fees for any future auto dealership in Woodland, it is being proposed as an appropriate fee adjustment that would benefit two potential auto dealership projects as well as the current land owner of the proposed site.

- d. What would be the reduction in fees from the category of retail to industrial? Individual and total? Effect on planned construction and or maintenance?

The change in fee category from commercial-retail to industrial would decrease Hoblit's fees ~\$133K and Vanderbeek's by ~\$203K for a total of ~\$336K. There is no impact to planned construction or maintenance projects because the impact fee program already assumed an industrial use for the proposed land.

- e. What data do we have that indicates they are in the wrong classification?

Staff contacted EPS to find out how other cities have addressed new car sales and impact fees. EPS provided staff with an analysis that they had prepared of Roseville's traffic impact fees that shows that many new car sales traffic characteristics more closely

resemble industrial uses than retail uses. Additionally, the cities of Davis and Elk Grove have specific fee categories for auto dealerships.

- f. Why can't the City just average the fees for commercial and industrial and charge that fee for auto dealerships?

A fee can only be charged if it is in an already approved fee category as defined by the adopted Major Projects Financing Plan in compliance with AB1600 legislation.

4. What categories do other surrounding cities place Auto Dealers in? What are their fees as they relate to retail and industrial? Fee relationship?

Five cities have specific fee categories for car dealerships: Davis, Elk Grove, Roseville, Rocklin, and Lincoln. In the case of Roseville, Rocklin and Lincoln, the car dealership fee category applies only to their Traffic Impact Fee. A table showing the fee calculations for Woodland, Davis, Elk Grove and Roseville is included as an additional attachment. We also contacted 7 other cities: Folsom, Vacaville, Fairfield, Modesto, Stockton, W. Sacramento and Live Oak. These cities use a commercial or commercial/industrial category for auto dealerships.

5. What would be the correct/most common process to follow in changing the fee structure? Nexus study? Timing?

The most common process to follow would be to perform a nexus study to determine infrastructure impacts from a particular type of development. A nexus study takes at least 4-6 months or longer depending on the scope. Additionally, costs for such a study would range \$10K-\$60K depending on scope. A full nexus study is planned for this fiscal year and we are proposing to include a specific review of auto dealerships and their impact on infrastructure.

6. Would this set a precedent for future builders? If so what would it be and how would the City respond?

Any future auto dealerships would pay reduced development impact fees as well, either the industrial rate or a future fee specific to auto dealerships should a Nexus Study indicate that one is appropriate.

7. In the recent past what methods have the City used to assist builders? Gateway I, Rite Aid, Target, Agri Form, etc.?

In the recent past the City has assisted Gateway I, Gateway II, Gibson/Ogden, Wiseman Building, Lasher Auto (land), and the Arco Station @ Barnard Ct. Assistance has included capping development impact fees, freezing fees at a point in time for future development, long term fee

deferral with payment plans, and City contributions towards required infrastructure improvements.

8. Fee deferrals have been used; was that discussed with the parties?

Fee deferrals were discussed with the parties and will most likely be requested regardless of which fee category auto dealerships reside. In this case, fee deferral alone under the commercial-retail category was not sufficient to create financially viable projects.

9. Under the current interpretation of the City, could they build now without any action by the City?

The Panattoni Project is allowed by right. The process would include:

Site Plan and Design Review and CEQA review (Negative Declaration) similar to the Home Depot project. The Project would also require approval from the Planning Commission.

The Panattoni land was re-zoned more than ten (10) years ago and has remained undeveloped. The proposed auto dealership project creates a win-win situation for Woodland in that we retain two long standing auto dealerships in our community and we assist the land owner in developing his mixed use property. By locating the auto dealerships at this property, we hope to “jump start” further development including two more hotels and a restaurant that have been previously approved on Freeway Drive.

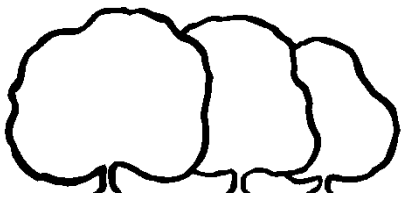
10. The process needs more study and additional options to be shared with the Council. This is too fast and without proper documentation.

Staff has been working with the auto dealerships for more than eight months on relocation options prior to making this recommendation. The auto dealerships have indicated that they will leave Woodland if they are unable to relocate to the Panattoni site. It is important to the City that we retain these businesses in Woodland to retain jobs as well as critical sales tax revenue. There have been other ideas vetted, however none that have been determined feasible in the long run for the City or the dealerships.

Preliminary Development Fee Comparison for New Auto Sales

PROJECT DETAILS					
Building Size	25,000 sq ft				
Site Size	5.0 Ac				
Meter Size	2 in				
Fee Type	Woodland (Retail)	Woodland (Industrial)	Elk Grove (Car Sales)	Davis (Auto Sales)	Roseville** (New Car Sales)
General City	\$ 15,750.00	\$ 4,000.00	\$ -	\$ 21,500.00	\$ 13,500.00
Fire	\$ 19,500.00	\$ 10,000.00	\$ 36,250.00	incl. in Police	\$ 8,500.00
Library	\$ 250.00	\$ -	\$ -	\$ -	
Police/Public Safety	\$ 20,750.00	\$ 5,250.00	\$ 1,500.00	\$ 23,325.00	
Wastewater	\$ 66,750.00	\$ 62,750.00	\$ 75,000.00	\$ 12,437.00	\$ 83,426.00
Water	\$ 3,500.00	\$ 3,500.00	\$ 40,165.00	\$ 47,830.00	\$ 45,856.00
Roads	\$ 153,500.00	\$ 62,250.00	\$ 127,750.00	\$ 91,350.00	\$ 21,100.00
Parks - Other	\$ -	\$ -	\$ 1,250.00	\$ 18,250.00	
Admin - Other	\$ 2,250.00	\$ 1,250.00	\$ 250.00	\$ -	
Civic Center	\$ -	\$ -	\$ 750.00	\$ -	
Corp Yard	\$ -	\$ -	\$ 1,500.00	\$ -	
Transit	\$ -	\$ -	\$ 11,750.00	\$ -	
Very low Income	\$ -	\$ -	\$ 19,250.00	\$ -	
Transportation Mitigation	\$ -	\$ -	\$ 31,750.00	\$ -	\$ 110,356.00
Open Space	\$ -	\$ -	\$ -	\$ 3,150.00	
Storm Drain	\$ 11,310.00	\$ 11,310.00	\$ 35,745.00	\$ 2,950.00	\$ 11,350.00
Surface Water	\$ 8,560.00	\$ 8,560.00	\$ -	\$ -	
TOTAL ESTIMATED FEES	\$ 302,120.00	\$ 168,870.00	\$ 382,910.00	\$ 220,792.00	\$ 294,088.00
Difference		\$ 133,250.00	\$ (80,790.00)	\$ 81,328.00	\$ 8,032.00

**New Car Sales category for traffic related fees only. All other fees by general commercial or retail category.



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: October 18, 2011

SUBJECT: Brief Summary of California Voting Rights Act

Report in Brief

Like most cities and schools in California, the City of Woodland (“City”) elects its governing board (i.e. the City Council) using an at-large election system. At-large elections are elections in which voters of the entire jurisdiction elect members of the governing board. The other option is to use district-based elections, in which officials are required to be from a specific geographic area and can only be voted for by voters residing in that same area. One member of the community has requested that the City shift to district-based elections. Staff recommends that the City Council provide direction to the City Attorney and City staff as to preferred next steps.

Background

THE CALIFORNIA VOTING RIGHTS ACT (“CVRA”), CALIFORNIA ELECTIONS CODE SECTIONS 14025 – 14032, WAS SIGNED INTO LAW IN 2002. LIKE THE FEDERAL VOTING RIGHTS ACT OF 1965, THE CVRA ATTEMPTS TO PREVENT THE DISENFRANCHISEMENT OF ANY PROTECTED CLASSES. A PROTECTED CLASS IS A CLASS OF VOTERS WHO ARE MEMBERS OF A RACE, COLOR, OR LANGUAGE MINORITY GROUP (COLLECTIVELY REFERRED TO HEREIN AS “MINORITY VOTERS”.) WITH THE PASSAGE OF THE CVRA, IT BECAME EASIER FOR CITIZENS TO SUE CITIES, SCHOOL DISTRICTS, COMMUNITY COLLEGE DISTRICTS AND SPECIAL DISTRICTS IF THESE PUBLIC ENTITIES ELECT THEIR MEMBERS TO ITS GOVERNING BODY THROUGH “AT-LARGE” ELECTIONS AND IF IT CAN BE PROVEN THAT THE VOTES OF MINORITY VOTERS ARE BEING DILUTED. THE CVRA DOES NOT MANDATE THE ABOLITION OF AT-LARGE ELECTION SYSTEMS, BUT MAKES THE USE OF AT-LARGE ELECTION SYSTEMS MORE SUSCEPTIBLE TO A LEGAL CHALLENGE.

Discussion

Since the California state legislature enacted the CVRA, there have been many lawsuits and/or threats of lawsuits against all types of public agencies. Bringing a legal challenge under the CVRA is relatively simple to do and involves a much lower standard than what is required under federal law. Pursuant to California Election Code section 14032, any minority voter who lives in the City

may file an action against City where an alleged violation of the CVRA has occurred. The party bringing the lawsuit need not prove discriminatory intent on anyone's part.

ASSESSING THE VALIDITY OF A CHALLENGE UNDER THE CVRA WOULD REQUIRE THE CITY TO STUDY ITS DEMOGRAPHICS AND ELECTIONS HISTORY TO DETERMINE IF MEMBERS OF PROTECTED GROUPS ARE FAIRLY REPRESENTED ON THE CITY COUNCIL. IF MINORITY-PREFERRED CANDIDATES CONSISTENTLY FAIL TO GET ELECTED TO THE CITY COUNCIL, OR IF MINORITIES ARE UNABLE TO INFLUENCE CITY COUNCIL ELECTIONS, IT MAY BE POSSIBLE FOR PLAINTIFFS TO PROVE THAT THE CITY'S USE OF AN AT-LARGE ELECTORAL SYSTEM VIOLATES THE CVRA. ON THE OTHER HAND, IF THE CITY CAN SHOW THAT MINORITY CANDIDATES HAVE BEEN ABLE TO GET ELECTED, THAT WOULD HELP SHOW THAT THERE IS NO VIOLATION.

UNLIKE THE FEDERAL VOTING RIGHTS ACT, PLAINTIFFS UNDER THE CVRA NEED NOT SHOW THAT MINORITY VOTERS LIVE IN A GEOGRAPHICALLY COMPACT AREA OR DEMONSTRATE AN INTENT TO DISCRIMINATE ON THE PART OF VOTERS OR OFFICIALS. UNDER THE CVRA, GEOGRAPHICAL COMPACTNESS IS NOT A PRECONDITION FOR ASSESSING WHETHER THE VOTING RIGHTS OF A MINORITY GROUP HAVE BEEN DILUTED OR ABRIDGED BY AN AT-LARGE ELECTION SYSTEM. NOT HAVING TO DEMONSTRATE THAT A MAJORITY-MINORITY DISTRICT CAN BE CREATED MAKES IT MUCH EASIER TO BRING CHALLENGES UNDER THE CVRA THAN THE FEDERAL VOTING RIGHTS ACT. THIS DISTINCTION IS IMPORTANT BECAUSE CHALLENGES TO AT-LARGE ELECTORAL SYSTEMS UNDER THE FEDERAL VOTING RIGHTS ACT HAVE ESSENTIALLY DISAPPEARED IN THIS CENTURY GIVEN CALIFORNIA'S DIVERSITY AND THE DIFFICULTY IN ESTABLISHING MAJORITY-MINORITY DISTRICTS. TO OVERCOME THIS LACK OF SUCCESS, THE CALIFORNIA STATE LEGISLATURE ADOPTED THE CVRA.

The CVRA allows successful challengers to recover reasonable attorneys' fees, and litigation costs. (Cal. Elec. Code § 14030.) These litigation costs can include expert witness fees, and costs can be awarded even where the plaintiffs and the public agency settle with the public agency not admitting wrongdoing. Unfortunately, the law does not allow a public agency which successfully defends a CVRA challenge to recover its costs in most cases. Upon a finding of a violation under the CVRA, the courts may tailor remedies, including imposing district-based elections, to remedy the violation.

There have not been many cases addressing the CVRA, so nobody is entirely sure what combination of minority voters and a history of elected officials who are members of minority groups is sufficient to show that there is no violation of the CVRA. To prove a violation, plaintiffs must show "racially polarized voting". Racially polarized voting is voting in which there is a difference between the choice of candidates preferred by voters in a protected class and the choice of candidates preferred by voters in the rest of the electorate. This difference can be demonstrated by (1) a review of voting patterns of a protected class statistically correlate with members of that class; (2) the protected class is unable to influence elections for candidates or ballot measures. (Cal. Elec. Code §§ 14026, 14027.)

If the City is presented with litigation or a real threat of litigation under the CVRA, it will need to weigh the potential liability against the drawbacks and estimated costs of converting to a district-based election system. One benefit of voluntarily changing the method of City Council elections is that it would permit elected representatives and local voters to control the redistricting process,

rather than allowing a court to do so. Since the CVRA only applies to at-large election systems, a de facto safe harbor exists for those public agencies that voluntarily adopt a district-based election system or already have one in place.

Fiscal Impact

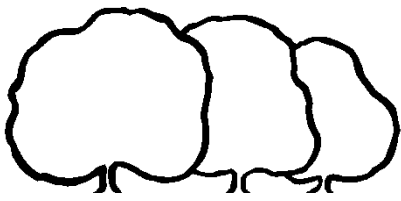
None at this time.

Recommendation for Action

Staff recommends that the City Council provide direction to the City Attorney and City staff as to preferred next steps.

Prepared by: Andrew Morris
City Attorney

Kevin O'Rourke
Interim City Manager



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: October 18, 2011

SUBJECT: Reassess Transportation Funding Priorities

Report in Brief

The City of Woodland has had a longstanding commitment to the I-5/State Route 113 freeway to freeway connector project. Over the last five years, concerns have been expressed by SACOG (Sacramento Area Council of Governments) and YCTD (Yolo County Transit District) regarding the financial feasibility of this project. Up until now, staff felt that there was a reasonable possibility of funding this project through multiple funding sources. Because of the decline in state and federal transportation funding sources, staff no longer believes this project to be financially feasible in the 5-10 year time horizon. Staff has been working with YCTD to defer the 5/113 project and prioritize other projects on behalf of the City. Staff has proposed five deal points for approval by the YCTD board as noted below

Staff recommends that the City Council direct staff to defer funding for the 5/113 project and negotiate the implementation of the five deal points noted in this staff report with YCTD and SACOG.

Background

From a funding standpoint, staff felt that this project had a feasible financial plan a few years ago. This project almost received funding through the proposition 1B bond process. It was expected that the project would compete well for proposition 1B funds when leftover funding was identified. It was generally acknowledged that it was Woodland's turn to receive federal earmark funding during the next federal reauthorization bill. The strategy was that the City would put together these two funding sources along with biennial funding from SACOG to fully fund the project. In reality, the first two funding sources never materialized and there is not enough SACOG funding to get the project to construction. Given the reality of state and federal transportation funding, it is unlikely that the project will receive construction funding in the next 5-10 years. The current construction cost estimate from Caltrans is \$45 million. Although staff considers this to be a somewhat conservative estimate, it is still a long way off from getting funded.

SUBJECT: Reassess Transportation Funding Priorities**Discussion**

Staff from Caltrans, YCTD and SACOG have been supportive of the proposed direction. Staff has proposed the following items be considered for adoption by the YCTD board. SACOG is not planning to have any specific action on the subject, although they do listen to what each County has to say about transportation funding priorities.

- 1) The City of Woodland will delay seeking construction funding of I-5/113 for the near term horizon and give up Woodland's place in line with the Kentucky Avenue Complete Streets project as the substitute project. The approximate funding request for Kentucky Ave is \$10-12 M (over this SACOG funding round and the next). \$2-\$2.5 million is sought this round, with the balance requested the next round.
- 2) Support the concept that the City of Woodland is not abandoning the I-5/113 project. The city is delaying the Project until a later time when traffic impacts more significantly require the project to be constructed. Woodland estimates this to be in the 10-20 year horizon.
- 3) Yolo County jurisdictions support the current SACOG staff recommendation to keep the I-5/113 project in the MTP (northbound I-5 to southbound 113).
- 4) That YCTD support the need for mitigation on Main Street in the City of Woodland to account for mainline freeway traffic on City streets. The approximate funding request for this project is \$2.5 M.
- 5) That the Kentucky Avenue project and Main St mitigation projects both receive construction funding in the near future (e.g., next funding round). Note that there may be some funding left over from the current I-5/113 project that can be applied to the Main Street project.

These five points have been approved by the YCTD technical advisory committee and the Yolo City Manager's group. The YCTD Board approved these five points at their meeting on 10/10/2011.

Fiscal Impact

There is no direct fiscal impact as a result of this Council action. If the City receives project grant funding as a result of this action, then those projects would need to be assessed in the capital budget process.

Public Contact

Posting of the City Council agenda.

Recommendation for Action

Staff recommends that the City Council direct staff to defer funding for the 5/113 project and negotiate the implementation of the five deal points noted in this staff report with YCTD and SACOG.

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