

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

**CITY COUNCIL
CLOSED SESSION AGENDA**

JULY 3, 2012

5:00 P.M.

A. CALL TO ORDER

B. CLOSED SESSION

B.1 Conference with Labor Negotiators, Pursuant to Section 54957.6

Agency Designated Representatives: Paul Navazio, Amy Buck

Kimberly McKinney and Dania Torre Wong

Employee Organization(s): Professional Police Employees' Association, Police Supervisors Association, Police Mid-Management Employees, Professional Firefighters' Association, Fire Mid-Management Employees, Woodland City Employees' Association, Mid-Management Association and Confidential Employees

B.2 Conference with Real Property Negotiators, Pursuant to Section 54956.8

Property: Woodland Regional Park

Agency Negotiator: City Manager

Negotiating Parties: Paul Navazio and The California Native Plant Society & Tuleyome, Inc.

Under Negotiation: Price and Terms of Payment

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

6:00 P.M.

A. CALL TO ORDER



- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. COMMUNICATIONS-PUBLIC COMMENT

This 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 March 19, 2012
- F.2 Receive the Minutes of the Library Board of Trustees Meeting of May 3, 2012

- G. PRESENTATIONS

- 1. Adopt Certificate of Achievement for Veronica Perez

- H. CONSENT CALENDAR

- 2. Authorize City Manager to Execution of Agreements with Pacific Gas and Electric for Joint Use of Easement, the Transfer Possession of Rights and Right of Entry



3. Adopt Ordinance Amending Article XII of Chapter 23C of the Woodland Municipal Code Related to Waste Recycling
4. Adopt Ordinance Amending Sections 1-3-7 and 5.1 of the Woodland Municipal Code Related to Penalties for Violations of the Code
5. Accept the 2012 Road Maintenance Project, CIP 12-07 as Complete; Authorize City Clerk to File Notice of Completion
6. Adopt Resolution Approving Funding to Support Countywide Homeless Services Coordinator and Cold Weather Shelter Program
7. Approve Bid Documents and Authorize Bid Advertisement for the First Ground Level Tank, Project No. 08-33
8. Approve Contract Amendment to Renew Ferguson Group Agreement

I. PUBLIC HEARING

9. Authorize the use of Measure E Revenue to Cover On-going Annual Debt Service Requirements; Direct a Loan be Established from Measure E to the Necessary Development Fee Fund; Approve the Updated Measure E Spending Plan

J. REPORTS OF THE CITY MANAGER

10. Receive Status Update of the Successor Agency of the Woodland Redevelopment Agency (Oversight Board)
11. Approve the Use of the State Theater as a Children's Performing Arts Center; Authorize City Manger to Negotiate an Agreement with the State Theater of Woodland Management Group
12. Approve Relocation of the Regional Water Treatment Facility; Approve Project Design and Bid Package; Authorize Bid Advertisement; Authorize City Manager to Award and Execute Contract

K. ADJOURN

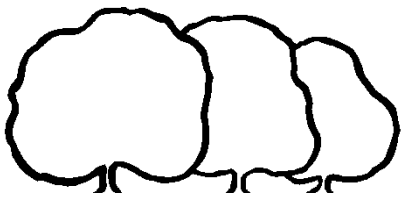


I declare under penalty of perjury that the foregoing Agenda for the Joint City Council/Woodland Finance Authority Regular meeting of the City of Woodland scheduled for Tuesday, July 3, 2012 was posted on June 29, 2012 in the outside display case at City Hall, 300 First Street, Woodland, CA, and was 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: July 3, 2012

SUBJECT: Water Resources Association Board of Directors Meeting Minutes for
March 2012

Report in Brief

Attached are the March 19, 2012 Water Resources Association Board of Directors Meeting Minutes. These minutes were approved at the June 7, 2012 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

Paul Navazio
City Manager

Attachments: March 19, 2012 Water Resources Association Board of Directors Meeting Minutes

**MINUTES OF MARCH 19, 2012
OF THE BOARD OF DIRECTORS
WATER RESOURCES ASSOCIATION OF YOLO COUNTY**

1. CALL TO ORDER & INTRODUCTIONS

The meeting was called to order at 3:00 p.m. by Chair, William Marble.

Board members present:	William Marble – City of Woodland, WRA Chair Cecilia Aguiar-Curry – City of Winters, Treasurer Sid England – University of CA Davis Regina Cherovsky - Reclamation District 2035 Don Peart – Colusa County Water District
Alternate members present:	Tim O'Halloran – Yolo County Flood Control & WCD Jacques De Bra – City of Davis Lewis Bair – Reclamation District 108 Duane Chamberlain – Yolo County Kurt Balasek – City of Winters Donita Hendrix – Dunnigan Water District
Associate members present:	Lynnel Pollock – Cache Creek Conservancy
Members of the Public & Agency Staff:	Mark Cocke - City of Woodland Max Stevenson -Yolo County Flood Control & WCD Cindy Tuttle – Yolo County Betsy Marchand -Yocha Dehe Wintun Nation Dave Pratt Don Saylor – Yolo County Elly Fairclough – Congressman Thompson
Member Agencies Absent:	City of West Sacramento

2. APPROVAL OF AGENDA – The Board motioned, seconded and unanimously approved the agenda.

3. PUBLIC FORUM – Lynnel Pollock, Cache Creek Conservancy, distributed fliers for a Riparian Restoration Workshop co-sponsored with Yolo County Resource Conservation District on 4/18 and the 2012 Fun Run and Creek Fest on 4/21.

4. CONSENT ITEMS - The Board motioned, seconded and unanimously approved all consent items.

- a. Approved minutes: January 9, 2012 Board meeting
- b. Received financial reports: December 2011 – February 2012
- c. Approve FY 2011-12 budget amendment #2
- d. Received minutes of Executive Committee: 12/5/11, 2/2/12
- e. Received minutes of Technical Committee: 1/5/12, 2/2/12

5. INFORMATIONAL ITEMS

- a. *Report from WRA Chair:* Chair Marble informed that he received a copy of the “*Climate Change Handbook for Regional Water Planning*” from DWR. A copy can be downloaded from DWR’s website at: <http://www.water.ca.gov/climatechange/CCHandbook.cfm> He also reported on a successful lobbying trip to Washington, DC for the Woodland Davis Surface Water and RD 2035 Joint Intake Project. He also received a copy of a letter from John Laird, California Natural Resources Commission, that acknowledged State support to fully fund their share of the joint intake structure.
- b. *Correspondence sent:* Support letter for Yolo County’s Delta Plan EIR Comments sent to the Delta Stewardship Council, 2/2/12. Distributed at the meeting - FY 2013 Federal funding priorities, Critical Infrastructure Improvements letter to Congressman Thompson, 3/15/12

**MINUTES OF MARCH 19, 2012
OF THE BOARD OF DIRECTORS
WATER RESOURCES ASSOCIATION OF YOLO COUNTY**

6. UPDATE ON WATER LEGISLATION & REGULATORY ISSUES

Tim O'Halloran deferred to David Guy's presentation to address various Delta related legislation updates. Cindy Tuttle previously reported on Yolo County's concerns about the Yolo Bypass expansion in the Central Valley Flood Protection Plan (CVFPP). There have been several meetings between the CVFPP and Yolo County to discuss these concerns. As a result, the CVFP Board will be holding one of their Board meetings in Woodland at the County Board of Supervisors chambers in April. She encourages any one with concerns about the Plan to attend that meeting. Yolo County has also created a list of "asks" for Delta-related projects in response to the Delta financial plan prepared by the Delta Conservancy. Yolo County has coordinated with local agencies to compile this list that will be available after review by the Yolo County Board of Supervisors.

7. WRA TECHNICAL COMMITTEE (TC) UPDATE

- a. Technical Committee Activities Update: Jacques De Bra, TC Chair, reported all FY11-12 projects are on track and providing the TC with regular updates. He briefly summarized their efforts. Donita Hendrix summarized their AB303 grant report provided by Ken Loy, West Yost Associates, at the March 1st TC meeting. The District constructed two dedicated groundwater monitoring wells and has collected groundwater data that has been very useful for their groundwater management plan.
- b. Update on Westside IRWMP/Prop. 84 Planning Grant Process: Jacques reported that the next Westside public outreach meetings are scheduled for 4/23 in Woodland at the Woodland Community & Senior Center and 4/24 in Clearlake in a location to be determined. Max Stevenson gave an update on the invoicing process; YCFCWCD is the grant's fiscal agent. The 4th Quarter 2011 invoice was submitted to DWR, but reimbursement is still pending. YCFCWCD has been clear from the beginning that they could not "finance" the project and reserves the right to halt consultant work if payments are not received in a timely manner. Everyone is hopeful that this first invoice will work through any snags in the process in preparation for the next invoice that will be a larger sum of money. Jacques reiterated that all parties involved in the project are aware of YCFCWCD's concerns.

8. PRESENTATION: Historical Overview of Sacramento River Water Rights & Federal Contracts

Lewis Bair, Reclamation District 108, gave a presentation on the history and experiences of RD108 as a settlement contractor. His presentation covered a definition of settlement contracts and why they were created, and what challenges are currently facing settlement contractors. RD108's settlement contract is comprised of several historical water rights: pre-1914, riparian water rights and several state water licenses. RD108 primarily performed levee construction and drainage during the first 40 years beginning in 1870. Lewis continued with a chronicle of the drought years and how the District managed water during those challenging times in the 1920's. The drought years prompted the State development of the Central Valley Project (CVP), but when the depression left California unable to continue funding the CVP, it was taken over by the US Bureau of Reclamation (USBR) in the early 1930's under the Reclamation Reform Act. The Act included a provisional limitation allowing water delivery to lands by a single owner of 160 acres or less, which was a difficult constraint for the larger land owners in the west.

When Shasta Dam was completed in 1945, it changed the summer and winter flows of the Sacramento River. What constituted stored water released from the CVP, natural river water flows and whose water was it? These questions prompted disputes and contract negotiations in the 1950's over diversion rights and determination of allocation between the USBR, California and the major diverters. The Sacramento River Water Users Committee was formed as an offshoot to the 1926 Central Valley Flood Control Association (CVFCA) to represent the local settlement contractors in the negotiation process. Lewis continued to describe the ongoing negotiations throughout the 1950's and 60's to resolve water rights and contract issues. A final decision was made in 1963 with a reduction in the volume of water classified as "Project Water". The acreage limitation was applied only to the "Project Water" portion of the contract. Project Water must

**MINUTES OF MARCH 19, 2012
OF THE BOARD OF DIRECTORS
WATER RESOURCES ASSOCIATION OF YOLO COUNTY**

be purchased from the USBR by the settlement contractor. The Base Water allocation is based on the contractor's original water rights. The amount of Project Water allocated is determined by the difference between the Base allocation and the contractor's total irrigation acreage. All contracts were for 40-year terms. Lewis outlined the details of RD108's contract changes from 1964 to 1974, including "base" supply acre feet (AF) versus "project" supply. Monthly water diversions allocated from base and project supply are governed by the seasonal flows. Under their contract, RD108 pays for their Project Water whether or not they use it. Lewis explained the shortage provisions during "critical years" affecting AF reductions in relationship to Lake Shasta inflows. RD108's 40-year contract expired in 2004 and although USBR began negotiations in 2000 the contracts were not ready to be signed by 2004. A new 40-year contract was signed prior to the 2005 irrigation season with the benefit of Senator Feinstein 2-year contract extension.

Lewis explained the intricacies of the contracts renewed prior to the 2005 irrigation season and the current renewal challenges facing settlement contractors. The Natural Resource Defense Council challenged RD108's 2005 contract renewal under the Endangered Species Act. An appeal was heard in the 9th Circuit court, but a decision is still pending as of this date. The USBR was taking liberties with the 3i contract language related to a settlement contractor's shortage provisions versus their liability. USBR has recognized the priority of RD108's "Project" water versus service contracts. They acknowledged that they would refrain from cutting their Project Water unless critical conditions existed. However, a disagreement remains whether RD108 could consider USBR in breach of their contract if they executed the 3i shortage provision.

The PowerPoint for this presentation can be viewed at: http://www.yolowra.org/meeting_directors.html. The District's history is also chronicled in the book "*Battling the River*" by George Basye, available from RD108: <http://rd108.org/>

9. PRESENTATION: Bay-Delta Issues Affecting Sacramento Valley

David Guy, Executive Director, Northern California Water Association, updated the WRA Board on Bay-Delta pressures on the Sacramento Valley region. The Delta is under intense scrutiny largely as a result of legislation adopted in 2009. The legislation has created a tangled web of Delta issues linking elements such as the Bay-Delta Conservation Plan (BDCP), the State Water Resources Control Board (SWRCB) regulations, and the Delta Stewardship Council's Delta Plan. The strategic challenge is sorting through this maze of interactive elements affecting all water purveyors, water dischargers and local governments in California. Some of the related challenges facing our region are threatened water rights and supplies, usurped local land use authority, and changing requirements for dischargers. Active engagement and sophisticated strategies are critical for protection from these challenges.

Flow requirement changes and more fees have potential redirected impacts to Sacramento Valley. Forced water supply reductions are an attempt to fix Delta problems by increasing water flows in Delta. Increased fees on diversions and certain land uses are promoted to fund Delta programs. David illustrated the regional elements of flow criteria north of the Delta. Flow scenarios to increase water into the Delta are cast in terms such as, "natural hydrodynamics, unimpaired flows and biological objectives". He gave an overview of the regulatory framework to give perspective to the discussion, including the Fish & Wildlife Service/National Marine Fisheries Service biological opinions, the BDCP with its proposed Delta solutions, and the SWRCB Bay-Delta Water Quality Control Plan for the Sacramento River and the San Joaquin River. The SWRCB has water quality and water rights authority, so Northern California water purveyors are monitoring the Board's regulatory decisions that could impact them. In an attempt to move all the various Federal and State processes forward, ambitious and unrealistic timelines have been set. The Plan documents are very large and challenging to review. One alternative solution garnering focused attention is the Delta conveyance with a 15,000 cfs pipeline. Habitat water conservation plans are also being discussed, such as in

**MINUTES OF MARCH 19, 2012
OF THE BOARD OF DIRECTORS
WATER RESOURCES ASSOCIATION OF YOLO COUNTY**

the Yolo Bypass. He discussed watershed flows specific to the BDCP and the Delta Plan and the criticisms they have received. The proposed flows could have detrimental impacts on Sacramento Valley water supplies, the Pacific Flyway, salmonids, hydropower, recreation and groundwater pumping. David briefly touched on the water rights, water quality and diversion fees that would have detrimental repercussions for local water agencies and purveyors.

He wrapped up his presentation by focusing on some of the positive work supporting sustainability in the Sacramento Valley: efficient water management, active groundwater management, the salmon action plan, Sites Project Authority, reliable supplies for the Pacific Flyway and information management. David encouraged everyone to visit his blog <http://www.waterfoodandtheenvironment.com> and give him their input. NCWA's website is <http://www.norcalwater.org> to keep informed about the association's activities. David answered questions from the WRA Board. He invited Lewis to give an update on the Sites Project Authority. David also mentioned the North State Water Alliance partnership has launched their new website: <http://northstatewater.org/>.

The PowerPoint for this presentation can be viewed at: http://www.yolowra.org/meeting_directors.html.

10. PRESENTATION/DISCUSSION: Annual Water Conditions Update

Tim O'Halloran, General Manager, Yolo County Flood Control & WCD, gave his annual update on local water conditions. He recapped the YCFCWCD's Clear Lake and Indian Valley Reservoir storage capacity and preliminary acreage signed up for irrigation this year. Current water levels indicate a normal delivery season without the need for reduced allocations. In general groundwater conditions for our region are good. Most local agencies and agriculture rely on groundwater supplies. Tim summarized DWR's seasonal precipitation totals for the Northern Sierra and current reservoir conditions. As of February 22nd, the State Water Project allocations are 50%. The Central Valley Project water allocations are 30% for agricultural, 75% municipal /industrial and 75% for water rights. Tim listed some of the Yolo County agencies that are tied to the CVP supplies. Sacramento River Settlement Contractors are: RD 108, Conaway Conservancy Group, Colusa Drain Mutual Water Company, River Garden Farms and Sacramento River Ranch. The Yolo County CVP Contractors are the City of West Sacramento, Dunnigan Water District and the Colusa County Water District. Lewis Bair (RD108) and Donita Hendrix (Dunnigan) contributed their District's current water conditions.

The PowerPoint for this presentation can be viewed at: http://www.yolowra.org/meeting_directors.html.

11. MEMBERS' REPORTS & FUTURE AGENDA ITEMS: Nothing discussed due to time constraints.

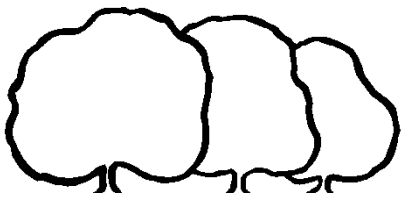
12. NEXT MEETING DATE: Thursday, June 7, 2012 from 3-5 pm, Woodland Community Center

13. ADJOURNMENT - The meeting adjourned at 5:00 p.m.

Respectfully submitted,



Donna L. Gentile
Board Secretary & Administrative Coordinator



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: July 3, 2012

SUBJECT: Library Board of Trustees minutes for the May 3, 2012, regular meeting

Report in Brief

Staff recommends that the City Council receive the Library Board of Trustees minutes for the May 3, 2012, regular meeting

Recommendation for Action

No action required.

Prepared by: Heather Muller
Library Services Director

Reviewed by: Woodland Library Board of
Trustees

Paul Navazio
City Manager

Attachment

**WOODLAND PUBLIC LIBRARY
BOARD OF TRUSTEES
Minutes, May 3, 2012**

Present: Alain Traig, Bod Goding, Tom Pavao and Kay Hodges
Staff: Heather Muller, Sue Bigelow
Excused Absence: Jorel Difuntorum

The meeting was called to order at 5:30 pm.

- I. Welcome Visitors
Alain welcomed representatives from the Rose Club and the Friends of the Library and Bobby Harris.
- II. Public Comment:
Friends' President Diana Dearmore thanked the Board for changing their meeting time to accommodate attendance by the Friends.
- III. Review of Agenda
The agenda was accepted as corrected, i.e., deletion of item A under New Business.
- IV. Approval of Minutes
The minutes of the April 5, 2012 meeting were approved as submitted..
- V. Communications

The City tree trimmer has recommended removal of a tree. Heather has requested the Rose Club to provide a replacement.

City Councilman Tom Stallard has requested that minutes from all department meetings be sent to the Council immediately after they have been approved. The Board agreed to comply with this request.

"My Abandonment" by Peter Rock is this year's Woodland Reads selection. On May 17th, the author will speak at a luncheon (ticket cost is \$25) and at 7:00 pm, he will speak at the library. This event is free and open to the public. In addition, on May 10th, at 5:00 pm, there will be a "book chat" about "My Abandonment" at the library.

Esther Guardado is organizing a pajama party for children on May 10th from 5:00 to 6:00 pm in the Leake Room.

A history exhibit, "Wherever There's A Fight" will be on display at the library from May 7 to June 20, 2012. This exhibit presents a history of civil

liberties in California. A reception celebrating this exhibit is scheduled for May 10th from 5:00 to 6:30 pm.

VI. Old Business

A. Literacy Learning Center update

Alain reviewed the current status of the Measure E funding for the library. It is highly unlikely that the amount of funding originally intended for an extensive library expansion will come to fruition anytime in the foreseeable future. As a result of several “2 by2” meetings between the Board and the Council, it has been determined that funding could be provided to establish a Literacy Learning Center in the storage space currently designated as the “sculpture garden”. The next step in the process is for the Community Development Agency to put together a more formal plan as well as to provide a cost estimate.

B. Budget Update

The City Council has scheduled a budget workshop for May 22nd, with the intention being to have a final budget approved on June 19th or, at the latest, June 26th. The June 5th City Council meeting is being cancelled.

VII. New Business

A. Policing Program

The library has been identified as falling under the City’s “Problem Oriented Policing” (POP) program due to several recent incidents at the library. The police recently visited the library, issued several citations and made recommendations including removal of a tree and providing additional lighting.

VII. Reports

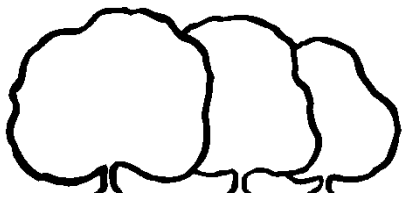
A. Director: Heather provided the Board with her Third Quarter Report.

B. Board: None

The meeting was adjourned at 6:40 p.m.

The next meeting will be June 14, at 4:00 pm

Minutes prepared by Kay Hodges



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: June 29, 2012

SUBJECT: Certificate of Achievement for Veronica Perez

Report in Brief

Veronica Perez will be heading to London for her second Olympic Games and the City Council has received a request to present a Certificate of Achievement to Veronica Perez.

Recommendation for Action

Staff recommends that the City Council present Veronica Perez with a Certificate of Achievement for her participation in the upcoming Olympic Games and her many accomplishments during her career.

Prepared by: Ana B. Gonzalez
City Clerk

Paul Navazio
City Manager

Attachment

City of Woodland

CERTIFICATE OF ACHIEVEMENT

PRESENTED TO VERONICA PEREZ

WHEREAS, Veronica was born and raised in Woodland and currently resides in Sacramento; and

WHEREAS, Veronica graduated from Sacramento State and holds a Masters degree in Public Policy and Administration and a Bachelor's degree in Government; and

WHEREAS, Veronica Perez will be heading to London for her second Olympic Games; and

WHEREAS, Veronica also participated in the Beijing Olympics in 2008. Last year, she officiated at the FIFA Women's World Cup in Germany; and

WHEREAS, At the World Cup Veronica worked in four matches, including the 3rd/4th place match between Sweden and France; and

WHEREAS, Veronica has officiated some of the top matches in this country including several NCAA Division I and Division II Championship tournaments and matches in the Women's Professional Soccer League (WPS); and

WHEREAS, To date, Veronica has referred in seven countries outside of the U.S. She has been officiating since 1996, and has served on the International Panel for the United States Soccer Federation as an Assistant Referee since 2008.

NOW, THEREFORE BE IT RESOLVED, that the City Council does hereby recognize Veronica Perez as a distinguished citizen of the City of Woodland who will represent the City and the United States at the 2012 Olympics.

DATED: July 3, 2012

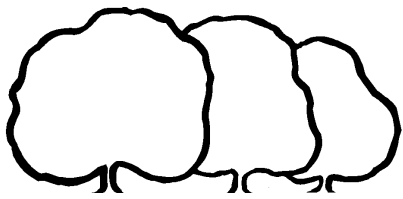
Artemio Pimentel Mayor

Marlin H. "Skip" 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: July 3, 2012

SUBJECT: Authorize City Manager to Enter into Agreements with PG&E for
Joint Use of Easement and Transfer Possession of Rights

Report in Brief

On May 15, 2012, Council approved Amendment No. 1 to the Subdivision Improvement Agreement ("Amendment") for Subdivision No. 3675 (Parkside at Spring Lake, A.K.A. Huntington Square). The amendment, dated May 15, 2012, was entered by and between the City of Woodland and Standard Pacific Corporation.

The Amendment was necessary to provide Standard Pacific Corporation with additional time to complete the public improvements associated with the connection of Sports Park Drive to East Street. Additional time was needed because of the ongoing right of way issues. The City, adjacent property owner, and PG&E are close to a resolving the right of way matters. The expectation is for the right of way matters to be settled in the next five (5) weeks. Council is not meeting during this timeframe; therefore City staff is asking the Council to authorize the City Manager to enter into the necessary agreements with PG&E to allow for the utility relocations to occur.

Staff recommends that the City Council authorize the City Manager to enter into agreements with PG&E for joint use of easement, the transfer possession of rights, and right of entry.

Background

Parkside at Spring Lake is a subdivision of 162 single-family lots in the Spring Lake Specific Plan area. The subdivision is also known as Huntington Square. City Council approved a tentative map and development agreement for the Parkside at Spring Lake project on January 13, 2004. The final maps for the project, which created "for sale" lots, were approved by the City council on February 15, 2011 and June 7, 2011.

The City Council adopted Resolution 6042 on December 20, 2011 which authorized the City to partially accept the subdivision improvements. A partial acceptance was warranted as most public improvement activities were complete and there was no need to hold up City acceptance of completed improvements while waiting resolution of right of way and easement issues.

During the course of the right of way acquisition process, City staff met with the City Council in closed session on three occasions. Unfortunately, the acquisition process required Council to adopt Resolution 5181, a Resolution of Necessity, on May 3, 2011 declaring that eminent domain was necessary for completing the construction of Sports Park Drive.

The City obtained court ordered possession of the necessary right of way and easements on September 6, 2011. Since that date, the City has been working with PG&E to move their utilities so that the road can be constructed. However, PG&E has not been satisfied with the language of the court ordered possession documents. City staff has been working with the City Attorney's office to obtain the desired PG&E language that is workable for all parties involved. As an alternative solution, the City is attempting to settle with the affected property owner so PG&E can move forward with their process to move the utilities that hinder the construction of the western extension of Sports Park Drive to East Street.

Discussion

Once the right of way issues are resolved, it is expected to take two to three months for PG&E to move the conflicting power pole and related utilities. Road completion work will take about three months but the schedule may be impacted by the weather. The City is still optimistic that the remaining required public improvements will be completed by the end of 2012. However the completion date may go into Spring of 2013.

The joint use of easement document (Joint Use Agreement) is to allow construction, reconstruction, maintenance or use by PG&E over City's right of way (public road). The document transferring the possession of rights is the agreement whereby the City acquired PG&E easement will be transferred by the City to PG&E. A right of entry agreement may or may not be required. If the City is able to come to agreement with the property owner, then a right of entry agreement would not be required. If the City uses the Court possession documents, then a right of entry agreement will be required.

Fiscal Impact

All costs for the acquisition of right of way are paid by the Developer, Standard Pacific Corporation. There is no fiscal impact to the General Fund.

Public Contact

Posting of the City Council agenda.

Recommendation for Action

Staff recommends that the City Council authorize the City Manager to enter into agreements with PG&E for joint use of easement, the transfer possession of rights, and right of entry.

Authorize City Manager to Enter into Agreements with
SUBJECT: PG&E for Joint Use of Easement and Transfer
Possession of Rights

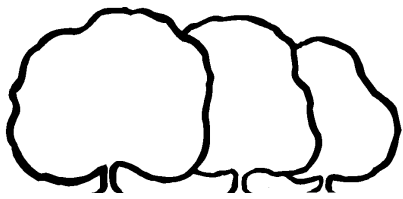
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ITEM:

Prepared by: Christopher Fong, PE
Associate Civil Engineer

Reviewed by: Brent Meyer, PE
City Engineer
Principal Civil Engineer

Reviewed by: Nicholas J. Ponticello
CDD Director

Paul Navazio
City Manager



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: July 3, 2012

SUBJECT: Second Reading of Amendment of Municipal Code Chapter 23C,
Article XII, Recyclable Materials

Report in Brief

This is the second reading of the ordinance to amend Chapter 23C, Article XII, of the Woodland Municipal Code, to incorporate new state requirements for mandatory commercial recycling and to update general recycling provisions. The first reading of the ordinance occurred at the June 19, 2012 City Council meeting. The Council requested the addition of a provision deferring the implementation of penalties for the first year. This provision has been added to the ordinance, which is attached.

Staff recommends that the City Council adopt Ordinance No. _____, "An Ordinance of the City Council of the City of Woodland, California Amending Article XII of Chapter 23C of the Woodland Municipal Code Related to Waste Recycling."

Background

The recycling of solid waste has been an important emphasis of the State of California for more than two decades because of the desire to reduce the landfilling of waste and the land use, groundwater quality, and air quality issues associated with landfills. In 1989, the landmark California Integrated Waste Management Act, commonly referred to as Assembly Bill (AB) 939, was passed. Among other provisions, AB 939 requires each California jurisdiction, beginning in 2000, to divert a minimum of 50% of its municipal solid waste from landfill disposal through source reduction, recycling, and composting programs.

Recycling has subsequently been identified as an important component of efforts to reduce greenhouse gas (GHG) emissions. Recycling is linked to reducing GHG emissions from multiple phases of product production, including extraction of raw materials, preprocessing, and manufacturing. A co-benefit of increased recycling is avoided methane emissions at landfills from the decomposition of organic materials. Consequently, the state recently committed to pursuing more ambitious recycling goals. In October 2011, Governor Brown signed into law AB 341, which set a

policy goal for the state that no less than 75% of solid waste generated be source reduced, recycled, or composted by 2020.

A major provision of AB 341 is the requirement that any commercial or public entity that generates 4 cubic yards or more of commercial solid waste per week and any multifamily residential dwelling of 5 units or more must arrange for recycling services by July 1, 2012. About 470,000 businesses and multifamily residences, approximately 20 percent of the statewide total, will have to take specific actions to comply with the new regulations. According to CalRecycle, the regulated businesses are responsible for about 75 percent of the commercial waste generated in California and the regulated multifamily dwellings account for about 60 percent of the waste generated by multifamily housing.

To support commercial waste generators' compliance with AB 341, the legislation also requires each local jurisdiction to implement a mandatory commercial recycling program that applies to this group, and it authorizes the local agencies to collect a fee from these entities to recover the costs incurred in complying with the state requirements. The local programs must include education, outreach, monitoring of compliance with the state regulations, and a process for notifying businesses and multifamily residential complexes when they are not in compliance. CalRecycle strongly encourages cities to enact ordinances that establish procedures for local compliance. CalRecycle can place a local jurisdiction on a compliance order and subject it to fines if it determines that a good-faith effort at program implementation has not been made.

The new regulations apply to approximately 270 businesses and multifamily complexes in Woodland that were not subscribing to recycling services through Waste Management as of mid-May 2012. Public Works staff determined that the best way to ensure the City satisfies AB 341 requirements and to assist these entities in demonstrating compliance with state law will be to establish, by ordinance, a clear procedure for documenting commercial recycling efforts or reasons regulated entities are unable to recycle. To this end, staff drafted commercial recycling program requirements for addition to Chapter 23C, Article XII of the Municipal Code, using model ordinance language prepared by the Institute for Local Government and examples of programs and ordinances successfully implemented in other jurisdictions. While drafting the commercial recycling requirements, staff recognized that clarifying and updating the existing sections of Article XII would promote better communitywide understanding of overall recycling program guidelines. Consequently, the existing general provisions were modified as well. The resulting draft ordinance, which is attached to this report, provides a proposed replacement of existing Chapter 23C, Article XII, in its entirety.

Discussion

The City of Woodland is committed to complying with AB 939 through a wide range of waste reduction and recycling efforts. These include, for example, an array of cooperative regional and local education and outreach activities, rebates to encourage composting of yard and food waste, annual events for the collection of bulky waste and its separation into landfill waste and recyclables, and direct assistance to commercial entities for recycling program setup. The City also sponsors

programs for the collection and appropriate disposal of certain types of hazardous waste, including unused pharmaceutical products, used batteries, motor oil, and oil filters. Nevertheless, the City only reached the AB 939 50% diversion requirement in 2009 and 2010 after several years of falling slightly short.

Statewide, commercial recycling typically lags far behind residential efforts. Woodland waste diversion data are consistent with the state trend. Waste Management data for Woodland show recycling rates of 8%-10% for mid-size and large commercial entities (those using waste bins rather than carts), while residential recycling rates are typically over 50%. Additional efforts, particularly in the recycling of paper, cardboard, and other recyclable materials discarded from commercial premises, including multifamily residential properties, are needed to ensure that the City can continue to meet and exceed the state waste diversion requirements.

The commercial recycling provisions of the proposed ordinance require that any business that generates 4 cubic yards or more of waste per week and any multifamily residential complex of 5 units or more either subscribe to recycling services through the City's exclusive waste hauler, Waste Management, or submit an exemption request to the Public Works Director or his designee. Exemptions may include internal company recycling processes, selling or donating recyclable materials, or self-hauling materials to recycling facilities. In these cases, the commercial entity would provide documentation of its recycling activities. The ordinance also allows for exemptions in cases where an entity has no practical means to recycle because there is no accessible market for the recyclable materials it generates, site conditions preclude the placement of a recyclables bin on a property, or another reason exists that is accepted by the Public Works Director. The ordinance also describes the procedures to be followed by both the City and the waste generator if an exemption request is denied and in case of appeal of such a denial.

Newly proposed general ordinance provisions clarify that all residents and the commercial waste generators covered by the commercial recycling provisions are expected to make reasonable efforts to separate recyclable materials from all other solid waste, define requirements for minimizing the contamination of recyclables with non-recyclable materials that are consistent with waste industry practices, and update information on ownership and appropriate placement of recycling containers. Provisions have been retained and reorganized that prohibit scavenging, reinforce the right of any waste generator to sell or donate recyclable materials, and specify that the City may designate an authorized contractor for recyclable collection service.

Through spring 2012, City and Waste Management staff members provided information about the state requirements to many of the affected entities and offered them assistance in determining best approaches to implementing recycling programs. Staff applied to CalRecycle for grant funding to provide direct assistance and conduct in-depth outreach to the residents of multifamily complexes. Unfortunately, we learned in April that the grant request would not be funded. In May, Environmental Services sent a letter to the 270 remaining businesses and multifamily complexes that are required to take action, informing them of AB 341 requirements and offering them program assistance. Information about the requirements and the availability of City and Waste Management staff assistance for setting up effective programs and assisting with employee and tenant education is also being provided to businesses through the Chamber of Commerce newsletter. An important

consideration is that most businesses can realize cost savings by recycling, and many can realize substantial cost savings, because of the difference in Waste Management's service rates between recycling and trash collection.

Although the ordinance describes enforcement procedures for non-compliance, staff intends to continue working cooperatively with the affected entities to obtain compliance before taking any enforcement steps.

Fiscal Impact

The implementation of recycling programs by the regulated commercial entities will reduce the amount of waste disposal by these entities and, in most cases, should also reduce the fees they pay to Waste Management. For these waste accounts, the amount of the franchise fees that Waste Management pays the City will also drop. It is not possible at this time to estimate the amount of any franchise fee reduction. Staff is not proposing to collect a new fee from the affected commercial waste generators to recover costs of complying with AB 341 requirements. However, a fee for exemption requests is anticipated to cover the costs of processing applications and providing follow-up site visits.

Public Contact

Posting of the City Council agenda.

Council Committee Recommendation

The proposed ordinance was discussed in concept at the June 6, 2011 meeting of the City Council Solid Waste Committee. On May 9, 2012, the committee discussed the draft ordinance and commercial recycling program implementation and agreed that the ordinance should go forward for City Council approval.

Alternative Courses of Action

1. Adopt Ordinance No. _____, "An Ordinance of the City Council of the City of Woodland, California Amending Article XII of Chapter 23C of the Woodland Municipal Code Related to Waste Recycling.
2. Do not adopt the ordinance, and provide alternative direction to staff.

Recommendation for Action

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

Prepared by: Roberta Childers
Environmental Resource Analyst

Reviewed by: Gregor G. Meyer
Public Works Director

Paul Navazio
City Manager

Attachment: Ordinance No. _____ Amending Article XII of Chapter 23C of the Woodland
Municipal Code Related to Waste Recycling

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND, CALIFORNIA
AMENDING ARTICLE XII OF CHAPTER 23C OF THE WOODLAND MUNICIPAL CODE
RELATED TO WASTE RECYCLING**

WHEREAS, the California Integrated Waste Management Act of 1989, commonly referred to as Assembly Bill 939 (AB 939), codified in substantial part at Public Resources Code §40000 et seq., requires all jurisdictions within California to divert a minimum of 50% of municipal solid waste generated annually from landfill disposal through source reduction, recycling and composting programs; and

WHEREAS, the City of Woodland is committed to AB 939 compliance through a combination of efficient, progressive, and customer friendly-waste reduction and recycling programs; and

WHEREAS, the City of Woodland in 2009 and 2010 met the waste diversion requirements of AB 939 but recognizes that additional efforts, particularly in the recycling of paper, cardboard, and other recyclable materials discarded from commercial premises, including multi-family residential properties, will be necessary to ensure that the City can maintain and exceed the goal of diverting 50% of its waste from landfill disposal; and

WHEREAS, in October 2011, Governor Brown signed into law Assembly Bill 341 (AB 341), which set a policy goal for the state that not less than 75% of solid waste generated be source reduced, recycled, or composted by the year 2020; and

WHEREAS, AB 341 requires that all businesses in California that generate four (4) cubic yards or more of commercial waste and all multi-family residential properties of five (5) units or more arrange for recycling services on or before July 1, 2012; and

WHEREAS, AB 341 also requires a jurisdiction, on and after July 1, 2012, to implement a mandatory commercial solid waste recycling program for this class of waste generators and authorizes a local agency to charge and collect a fee from a commercial waste generator to recover the local agency's costs incurred in complying with the commercial solid waste recycling program requirements; and

WHEREAS, the City Council wishes to amend the Woodland Municipal Code to add commercial recycling requirements to facilitate compliance with AB 341 and increase the City's waste diversion rate above the 50% minimum requirement of AB 939; and

WHEREAS, it is the intent of City staff to work closely with, monitor, and educate the commercial waste sector in implementing these requirements.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND DOES ORDAIN AS FOLLOWS:

Section 1. Recitals. The recitals set forth above are true and correct and are incorporated as though fully set forth herein.

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 23C, Article XII of the Woodland Municipal Code is hereby amended to read as shown in Exhibit "A," attached hereto and incorporated herein by reference.

Section 4. 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 5. 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 _____, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marlin "Skip" Davies, Mayor

ATTEST:

Ana Gonzalez, City Clerk

APPROVED AS TO FORM:

Andrew Morris, City Attorney

EXHIBIT A

CHAPTER 23C. UTILITY SERVICES

Article XII. Recyclable Materials

Section 23C-12-1. Purpose.

It is the intent and purpose of this Article to promote recycling to enable the City of Woodland to meet and maintain the State of California waste diversion requirements set forth in Public Resource Code Section 41780(a)(2) and to work toward future state policy goals for waste diversion rates. This Article meets this purpose by requiring all residents and covered generators as defined in Section 23C-12-2 in the City of Woodland to make reasonable efforts to separate recyclable materials from all other solid waste, unless exempted as described in Section 23C-12-5.

Section 23C-12-2. Definitions.

The following terms are defined for the purposes of this Article:

“Alternative recycler” means a firm, partnership, corporation or other entity, other than an authorized contractor, with which a customer contracts for the removal from the customer's premises of specified recyclable materials generated by the customer and which pays the customer for the recyclable materials, or which accepts donations of recyclable materials from customers; in no case shall an alternative recycler charge or collect any fee or charge from a customer for the collection or processing of recyclables..

“Approved recycling container” means a recycling cart or other wheeled container, front-load bin, or other container provided by an authorized contractor or an alternative recycler or approved by the city for the collection and removal of recyclable materials.

“Authorized contractor” means a firm, partnership, corporation or other entity authorized under and by virtue of a contract with the city to collect recyclable materials within the city limits.

“Business” means any commercial or public entity, including, but not limited to, a firm, partnership, proprietorship, joint-stock company, corporation, or association that is organized as a for-profit or nonprofit entity, property complex containing two or more commercial entities, industrial facility, special district or a federal, local, or regional agency or facility. In addition, to the extent that applicable law allows the City to regulate the disposal of waste by schools, school districts, and state agencies, such organizations shall be considered businesses for the purpose of this article.

“Commercial solid waste” means all types of solid waste, including recyclable materials, that are discarded from businesses (as defined) but does not include industrial waste.

“Covered generator” means an entity that is subject to the city’s commercial recycling program requirements and includes (a) any business as defined in this Article that generates four (4) cubic yards or more of commercial solid waste per week, and (b) any multi-family residential property as defined in this Article.

“Customer” means (a) a residential property owner or occupant, or (b) a business or multi-family residential property owner or generator that contracts for recyclable material removal services with an authorized contractor or alternative recycler. Where several businesses or multi-family residential properties share waste containers or service, “customer” refers only to the party that enters into a contract for removal services.

“Generator” means each residential property owner or occupant, business, or multi-family residential property that generates one or more recyclable materials as a result of its activities.

“Industrial waste” means the solid wastes and semi-solid wastes that result from industrial processes and manufacturing operations.

“Multi-family residential property” means five (5) or more residential dwelling units located on a single parcel of land, including any mobile home park, located within the city.

“Recyclable material” means material such as, but not limited to, newspapers, glass, metal and aluminum cans, plastic bottles, corrugated cardboard and used motor oil which is separated from other waste or refuse for the purpose of recycling.

“Recycling” means the process of collecting and turning used products into new products by reprocessing or remanufacturing them.

“Recycling center” means an operation, including a place, mobile unit, reverse vending machine, or other device, which is certified by the State of California and which accepts from consumers, and pays or provides the refund value for, empty beverage containers intended to be recycled.

“Self-hauling” means a covered generator transporting its own waste and/or recyclable materials rather than contracting with an authorized contractor or an alternative recycler for that service.

“Self-hauling/exemption form” means the form provided by the Public Works Director or his or her designee on which a covered generator certifies that it is exempt from the requirements of the commercial recycling program as set forth in Section 23C-12-4, it is using an alternative recycler, or it will be self-hauling and its activities will be completed in accordance with the provisions of this Article and any other applicable law or regulation.

“Source separating” or “Source separation” means the process of removing recyclable materials from solid waste at the place of generation, prior to collection, and placing them into separate containers that are separately designated for recyclable materials.

Section 23C-12-3. General provisions.

- (a) Ownership of recyclable material. Recyclable material placed at the curbside or other location for collection by an authorized contractor is the property of the customer until such time as it is collected for disposal, at which time it becomes the property of the authorized contractor.
- (b) Recyclable material collection and service.
 - (1) No person other than an authorized contractor or an alternative recycler shall remove recyclable materials which have been placed in an approved recycling container at the curbside or on the customer's premises. Any and each violation thereof from one or more recycling collection locations shall constitute a separate and distinct offense punishable as provided in this Article.
 - (2) Subject to the limitations contained in Sec. 23C-12-6, the city council may require all residents or any class of residents to obtain recyclable collection service from one or more authorized contractors. The city council may make such election by resolution or in any solid waste collection agreement entered into pursuant to Sec. 23C-4-5 and subject to such terms and conditions as the city council may prescribe.
- (c) Destroying, scattering, scavenging, or collecting recyclable material without the consent of the owner is prohibited. It is unlawful for any person to burn, break, destroy, scatter, scavenge, collect, contaminate, or take any recyclable materials without the consent of the owner of the recyclable materials.
- (d) Approved recycling containers—Ownership and unauthorized removal. It is unlawful for a person other than (1) the customer or his/her designee, or (2) the city, or (3) an authorized agent of the city, or (4) the authorized contractor or alternative recycler to remove any approved recycling container from the customer's premises or curbside.
- (e) Right of individual to dispose of recyclable material. Nothing in this Article shall modify, limit, or abrogate in any manner the right of any individual person, organization, or any other entity to donate, sell, exchange at fair market value or otherwise dispose of recyclable material, provided that any such disposal is in accordance with the provisions of this chapter.
- (f) Placement of recycling containers. No recycling containers or bins within the city shall be placed or located in such a manner that blocks or impedes vehicular or pedestrian traffic, falls within the designated visibility triangles, or obstructs egress from any building or property, whether or not such building or property may be abandoned or otherwise not in use.
- (g) Source separation of recyclable material. All residents and covered generators in the city shall make reasonable efforts to remove from the general waste stream by source separation any material designated by the city and/or an authorized contractor as recyclable material.
- (h) Contamination of recyclable material.

- (1) Recycling containers provided by the authorized contractor may not contain 10% or more of non-recyclable materials (contaminants). Any customer which violates this requirement may be charged at the solid waste disposal rate for the disposal of that container. Any customer whose recyclable material was not collected because it contained contaminants is responsible for properly separating recyclable materials from the non-recyclable materials for collection and proper recycling.
- (2) It shall be unlawful for an authorized contractor or alternative recycler to combine materials in solid waste bins or carts with materials in recycling bins or carts in one collection vehicle.
- (i) Civil action by authorized contractor. Nothing in this Article shall be deemed to limit the right of the authorized contractor to bring a civil action against any person who violates the above described sections of the Article, nor shall a conviction for such violation exempt any person from a civil action brought by an authorized contractor.

Section 23C-12-4. Commercial recycling program--Requirements for covered generators.

- (a) On and after July 1, 2012, each covered generator shall be responsible for ensuring and demonstrating compliance with the following requirements:
 - (1) Source separation of recyclable materials from the solid waste they are discarding;
 - (2) Providing for a basic level of recycling service that includes, at a minimum, the collection of recyclable materials; and
 - (3) Entering into a service agreement with an authorized contractor for the collection of recyclable materials; or completing a self-hauling/exemption form. The requirements for self-hauling may include, but are not limited to, maintaining written records demonstrating that all self-hauling activities have been completed in accordance with the standards imposed by the city in this Article.
- (b) Each covered generator shall provide containers for designated recyclable materials in common areas where recyclable materials may be collected.
- (c) Each covered generator shall ensure that designated recyclable materials generated at its site will be taken only to a recycling center, and not to a landfill for disposal, by complying with all the requirements of this Article.
- (d) Each covered generator shall prominently post and maintain one or more signs where designated recyclable materials are collected that set forth what materials are required to be source separated, in addition to collection procedures for such materials.
- (e) No covered generator shall be liable for the failure of an authorized contractor or alternative recycler to deliver designated recyclable materials to a recycling center.

Section 23C-12-5. Exemptions to the commercial recycling program requirements for covered generators.

- (a) Notwithstanding the requirements of this Article or any other provision herein, a business with less than four (4) cubic yards of waste per week or a residential property that is not a multi-family residential property as defined in this Article shall not be subject to the requirements of Section 23C-12-4.

- (b) Any covered generator seeking to be exempted from the commercial recycling program requirements of Section 23C-12-4, intending to conduct self-hauling of recyclable materials, or intending to contract with an alternative recycler instead of an authorized contractor must complete a self-hauling/exemption form annually. See Section 23C-12-6 for self-hauling and self-hauling/exemption form requirements. The application for exemption shall be submitted to the Public Works Director, and/or his or her designee, who will either approve or disapprove the exemption request within 30 days of the application submittal.
- (c) A covered generator may be exempted by the Public Works Director, and/or his or her designee, if it demonstrates to the Public Works Director and/or his or her designee that there is no collection service or other system available within a reasonable area for recycling the waste material generated. If the Public Works Director, and/or his or her designee, determines that such a collection service or other system is available within a reasonable area, the Public Works director and/or his or her designee may deny the exemption request, and the covered generator will be responsible for compliance with this Article.
- (d) A covered generator may be exempted by the Public Works Director, and/or his or her designee, if it is determined through a site visit requested by the covered generator: (1) that there is not adequate storage space for approved recycling containers for recyclable materials on site and that it is infeasible for the covered generator to share approved recycling containers for designated recyclable materials with another covered generator on an adjoining property; or (2) that compliance with this Article results in a violation of the city's zoning code, including city zoning regulations for minimum parking spaces. If the Public Works Director, and/or his or her designee, determines that it is feasible for recycling containers to be placed on site or shared with an adjoining generator, the covered generator will be responsible for compliance with this Article.
- (e) A covered generator may be exempted if utilizing other recycling efforts as approved by the Public Works director, and/or his or her designee.

Section 23C-12-6. Self-hauling requirements for covered generators.

- (a) A covered generator may transport the recyclable materials generated and collected at its premises by self-hauling to a recycling center, rather than using an authorized contractor or alternative recycler only if an owner, generator or employee of the covered generator completes this activity by utilizing a vehicle owned by either an employee or the entity.
- (b) A covered generator that transports recyclable materials generated and collected at its premises to a recycling center without the utilization of an authorized contractor or alternative recycler must complete a self-hauling/exemption form that certifies that all self-hauling activities will be completed in accordance with the provisions of all applicable laws and/or regulations. At a minimum, the covered generator shall provide the following information on the self-hauling/exemption form:
 - (1) The name, address and telephone number of the covered generator that is signing the self-hauling/exemption form;
 - (2) A list of the types of recyclable materials being self-hauled;

- (3) For each type of recyclable material, the estimated amount that is being taken to a recycling center quarterly;
- (4) The name and address of the recycling center(s).
- (c) The self-hauling/exemption form shall contain a written statement signed by the covered generator's owner or manager certifying that the covered generator is in compliance with the requirements of this Article.
- (d) Approval requirements for self-hauling may include, but are not limited to, requiring applicants to maintain written records demonstrating that all self-hauling activities have been completed in accordance with the standards imposed by the city's commercial recycling program, as described in this Article. These records shall be made available to the Public Works Director and/or his or her designee for review upon request.
- (e) The Public Works Director, and/or his or her designee, may restrict or prohibit self-hauling by a covered generator if the Public Works Director, and /or his or her designee, determines that the person's self-hauling activities violate the provisions of this Article or any other applicable law or regulation.

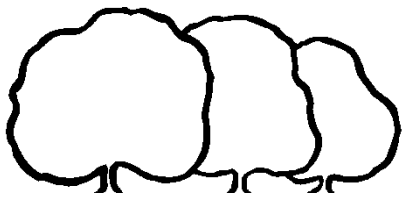
Section 23C-12-7. Appeal upon denial of self-hauling/exemption application.

- (a) Within thirty (30) days of written notification of denial of a self-hauling/exemption application, or within sixty (60) days of Public Works Director's and/or his or her designee's failure to act on the application, the applicant has the right to meet with the Public Works Director, and/or his or her designee, to review the items cited in the written notice and provide any additional evidence to support approval. Within fifteen (15) days of such meeting, the Public Works Director, and/or his or her designee, will make a final, written determination of the application based on the reviews of additional evidence, together with the original application. The Public Works Director, and/or his or her designee, will send a copy of all final, written determinations, including reasons for denial, if any, to both the applicant and the City Manager.
- (b) Within ten (10) days after receiving the final denial from the Public Works Director and/or his or her designee, the applicant may request that the City Manager reconsider the determination by submitting a written appeal to the City Manager. If the applicant's appeal includes a request for a meeting, the applicant has the right to meet with the City Manager within thirty (30) days of the written request to review the materials related to the application and the denial. The applicant shall have the burden of proof to show facts demonstrating that the applicant does, in fact, meet the requirements of this Article. The City Manager will provide the applicant with a written explanation of his or her determination on the application within thirty (30) days of such meeting or, if no meeting is requested, within 30 days of receipt of the applicant's request for City Manager review. The City Manager's decision is final.

Section 23C-12-8. Enforcement.

- (a) Authority. The Public Works Director, and/or his or her designee is authorized to administer and enforce the provisions of this Article. To the extent permitted by law, the Public Works Director and/or his or her designee may inspect any collection container, collection vehicle load, or receiving facility for collected trash or recyclable materials.

- (b) Remedies. It is unlawful to violate any provision or requirement of this Article. The failure to comply with any requirement of this Article constitutes a violation of this Article. Each instance of a violation of this Article is a separate offense. Violations of the provisions or requirements of this Article may be prosecuted as an infraction or misdemeanor subject to the penalties provided in Section 1-3-7 of this Code or the Public Works Director may issue an administrative citation as provided in Section 14A-7 of this Code.
- (c) Remedies cumulative. Remedies under this section are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.
- (d) Strict liability. Violations of this Article shall be treated as strict liability offenses regardless of intent.
- (e) Deferral of remedies. No remedy identified herein shall be applicable until one year after the adoption of this ordinance.



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: July 3, 2012

SUBJECT: Second Reading of Ordinance Amending Sections 1-3-7 and 5.1 of
the Woodland Municipal Code

Report in Brief

This is the second reading of the ordinance to amend Section 1-3-7 and 5.1 of the City of Woodland Municipal Code. The first reading of this ordinance occurred at the June 19, 2012 City Council meeting. The Council voted to approve the Ordinance, which is attached.

Staff recommends that the City Council adopt Ordinance No. 1542, An Ordinance of the City Council of the City of Woodland, California Amending Sections 1-3-7 and 5.1 of the Woodland Municipal Code Related to Penalties for Violations of the Code.

Background

Section 1-3-7 of the Woodland Municipal Code provides the general penalty for violations of the code where no specific penalty is previously provided. Currently, the general penalty for violations of the Woodland Municipal Code reflects the former maximum misdemeanor fine established by the California Penal Code and is a fine not exceeding five hundred dollars or imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

Chapter 5 of the Woodland Municipal Code regulates bicycle violations and section 5.1 sets forth the penalty for any person who does any act forbidden or fails to perform any act required in this chapter. Currently, all bicycle violations defined in Chapter 5 are considered misdemeanors.

Discussion

The California Penal Code, section 19, prescribes the punishment for every offense declared to be a misdemeanor. As previously mentioned, the general punishment set forth in the Woodland Municipal Code, section 1-3-7 reflects the former maximum misdemeanor fine. California Penal Code Section 19 now allows that every offense declared to be a misdemeanor is punishable by imprisonment in the

county jail not exceeding six months, or by fine not exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment.

At this time, the Woodland Municipal Code does not contain a provision for violations of the Code where no specific penalty is previously provided thus resulting in confusion as to whether such violations will constitute misdemeanors or infractions. The proposed amendment to Section 1-3-7 provides any violation of the Municipal Code will be classified as a misdemeanor unless otherwise designated as an infraction. Additionally, the proposed amendment allows the prosecutor the flexibility to treat a given misdemeanor offense as an infraction if such action would be in the best interest of justice.

Chapter 5 of the Woodland Municipal Code regulates bicycle violations ranging from equipment violations to rules of the road for bicyclists. Many of these violations are also prohibited by the California Vehicle Code and are punishable as infractions rather than as misdemeanors as set forth in the Woodland Municipal Code. Amending Section 5.1 and reclassifying violations of this chapter as infractions will bring the Municipal Code into line with the punishment set by the California Vehicle Code.

Fiscal Impact

This ordinance would increase the maximum fine allowed for misdemeanor convictions of violations of the Municipal Code; however, due to the flexibility provided to the prosecutor to charge misdemeanor violations of the Code as infractions if such action would be in the best interest of justice, any potential increase in revenue would be negligible.

Public Contact

Posting of the City Council agenda

Alternative Courses of Action

Staff foresees the following alternative courses of action:

1. Adopt Ordinance No. 1542 Amending Sections 1-3-7 and 5.1 of the Woodland Municipal Code Related to Penalties for Violations of the Code.
2. Do not approve the ordinance and provide alternate direction to staff.

SUBJECT: Second Reading of Ordinance Amending Sections 1-3-7
and 5.1 of the Woodland Municipal Code

PAGE: 3
ITEM:

Recommendation for Action

Staff recommends that the City Council adopt Ordinance No. 1542 amending Sections 1-3-7 and 5.1 of the Woodland Municipal Code Related to Penalties for Violations of the Code as stated in alternative 1.

Prepared by: Dan Bellini
Chief of Public Safety

Paul Navazio
City Manager

Attachment: Ordinance relating to penalties for violations of the Woodland Municipal Code

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF WOODLAND, CALIFORNIA
AMENDING SECTIONS 1-3-7 AND 5.1 OF THE WOODLAND MUNICIPAL CODE
RELATED TO PENALTIES FOR VIOLATIONS OF THE CODE**

WHEREAS, Section 1-3-7 of the Woodland Municipal Code currently specifies that the maximum fine for any misdemeanor violation of the Municipal Code is \$500; and

WHEREAS, this \$500 maximum fine reflects the former maximum misdemeanor fine established by the California Penal Code, but Section 19 of the Penal Code now allows misdemeanor fines of up to \$1,000 per violation; and

WHEREAS, the Municipal Code currently does not contain a general penalty provision establishing whether violations of the Code will constitute misdemeanors or infractions, and although some portions of the Code do specify how violations shall be classified, others do not; and

WHEREAS, in order to avoid ambiguity and allow for prosecutorial flexibility in deciding whether to treat a given offense as an infraction or a misdemeanor, the City Council wishes to adopt a general penalty provision specifying that offenses may be treated as either infractions or misdemeanors, and allowing fines and penalties as allowed by law; and

WHEREAS, the City Council also wishes to amend the treatment of certain offenses currently categorized as misdemeanors to reclassify them as infractions;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND
DOES ORDAIN AS FOLLOWS:**

SECTION 1. Recitals. The recitals set forth above are true and correct and are incorporated as though fully set forth herein.

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 to Section 1-3-7. Section 1-3-7 of the Woodland Municipal Code is hereby amended to read as follows:

Sec. 1-3-7. - General penalty; continuing violations; aiding or abetting.

- (a) Whenever in this code or in any other ordinance of the city or in any rule or regulation promulgated pursuant thereto any act is prohibited or is made or declared to be unlawful, or the doing of any act is required or the failure to do any act is declared to be unlawful, any person violating such provisions or failing to comply with the requirements of this code shall be guilty of a misdemeanor, unless such violation is specifically designated in this code as constituting an infraction. Notwithstanding the foregoing, where the city attorney or other prosecutor determines that such action would be in the interests of justice, the city attorney or other prosecutor may prosecute and/or cite any such offense as an infraction. In the event a notice to appear is prepared as a misdemeanor, the city attorney or other prosecutor may nonetheless prosecute any such offense as an infraction. The fines and penalties for such offenses shall be as established by applicable law. Such violations also may be redressed by civil action.
- (b) Every day a violation of this code or any other ordinance of the city or any such rule or regulation occurs shall constitute a separate offense.
- (c) In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this code shall be deemed a public nuisance and shall be deemed a new and separate offense for each day such condition continues.
- (d) Whenever in this code any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

SECTION 4. Amendment to Section 5.1. Section 5.1 of the Woodland Municipal Code is hereby amended to read as follows:

Sec. 5.1. - Compliance with chapter required; applicability of chapter.

- (a) Violations of this chapter shall constitute infractions.
- (b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.
- (c) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

SECTION 5. 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 this _____ day of June, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Artemio Pimentel
Mayor

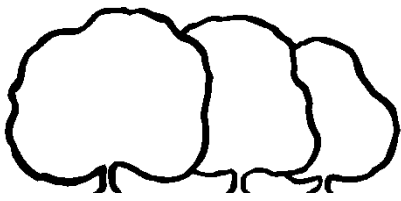
ATTEST:

Ana Gonzalez
City Clerk

APPROVED AS TO FORM:

Andrew Morris
City Attorney

82093.00001\7400397.1



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: July 3, 2012

SUBJECT: Final Acceptance and Notice of Completion for 2012 Road
Maintenance Project, CIP 12-07

Report in Brief

On August 12, 2011 the City Council awarded a construction contract to Intermountain Slurry Seals in the amount of \$892,947 to construct surface sealing streets in Zone 8 of the pavement management program. This is the residential area south of I-5 and Main Street bounded by CR102 on the east, SR113 on the west and Gibson Road on the south.

The work was performed in accordance with the plans and specifications and is ready for acceptance by City Council.

Staff recommends City Council accept the 2012 Road Maintenance Project, CIP 12-07 as complete and authorize the City Clerk to file a Notice of Completion.

Background

In 2006, voters approved the Measure E ½ cent sales tax along with advisory measures to identify voter preferences for use of those tax proceeds. Under the advisory measures, road maintenance and repair received the second highest voter response. Accordingly, staff identified road maintenance projects in conformance with the Road Report.

On October 2, 2007, the City Council acted to approve the annual use of Measure E funding for in-house completion of road maintenance and repair work (CIP 06-14). This funding use was approved with the understanding that all unused funding would be returned to the Measure E road allocation to fund road maintenance and rehabilitation capital projects. This project will utilize the accumulated unused funding.

Discussion

The contractor began construction of the 2012 Road Maintenance Project in August 2011 and finished the work June 2012.

Three (3) change orders were issued in the amount of (\$7,891). A fourth change order is not complete. It is estimated to be less than \$20,000. The change orders were for quantity adjustments based on actual quantities placed and added work on several streets. The total contract value paid to the Contractor is estimated to be \$905,000.

Fiscal Impact

The total project budget is \$1,100,000 which consists of Measure E funding previously identified and allocated in the Capital Budget as CIP 06-14. The total project cost is approximately \$1,035,000. The difference between the total project cost and the construction contract is the amount budgeted for design, construction management, inspection and construction contingency. There is no impact to the General Fund.

Public Contact

Posting of the City Council agenda.

Recommendation for Action

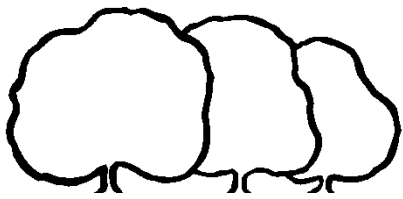
Staff recommends City Council accept the 2012 Road Maintenance Project, CIP 12-07 as complete and authorize the City Clerk to file a Notice of Completion.

Prepared by: Tamara Burnham
Assistant Engineer

Reviewed by: Brent Meyer, PE
City Engineer
Principal Civil Engineer

Reviewed by: Nicholas J. Ponticello
CDD Director

Paul Navazio
City Manager



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR AND
CITY COUNCIL

DATE: July 3, 2012

SUBJECT: Approval of Funding for Homeless Services Coordination Program

Report in Brief

The City has partnered with the other cities in Yolo County and the County since July 1996 to support the countywide Homeless Services Coordinator and Cold Weather Shelter Program. The program contracts for a coordinator to seek State, Federal, and private grants for countywide homeless services and provides funding assistance for a cold weather shelter at the Yolo Wayfarer Center in Woodland. The total cost of the program for Fiscal Year 2012/13 is \$80,000 with the City of Woodland's share being \$20,000.

Staff recommends that the City Council take the following action.

1. Adopt Resolution No.____, to approve funding of \$20,000 to support the countywide Homeless Services Coordinator and Cold Weather Shelter Program.

Background

The Homeless Services Coordination Program has provided two services. The program contracts for a Homeless Services Coordinator to identify and research collaborative grant opportunities and to assist the Homeless and Poverty Action Coalition (HPAC) member agencies in developing grant applications. The program also assists with the funding of a countywide Cold Weather Shelter located at the Yolo Wayfarer Center. The Fiscal Year 2013 contract between Yolo County and Wayfarer will require the shelter to provide 20 beds per night for 120 nights during the program year (November 15, 2012 through March 15, 2013). Other services required include an onsite breakfast, necessary personal cleaning and hygiene items, case management services after five nights of shelter, and assistance with access to resources. Wayfarer reported 245 persons being served at the shelter in the FY 2011/12 cold weather season and 295 persons during the 2010/11 cold weather season.

Discussion

Yolo County's Department of Employment and Social Services (DESS) released a Request for Proposals (RFP) earlier this year for the Homeless Services Coordinator position and received one response which was submitted by the existing coordinator, Janice Critchlow.

The term of the one-year agreement for the Homeless Services Coordinator and Cold Weather Shelter Program will begin on July 1, 2012. The agreement between the County and Yolo County cities will be finalized once funding commitments have been confirmed. City of Woodland funds will not be disbursed until the agreement has been reviewed and approved by the City Council at a later date.

Fiscal Impact

The City will incur a cost of \$20,000 for participating in the Homeless Services Coordinator and Cold Weather Shelter Program. The City will fund its participation through housing monitoring fees it collects on an annual basis. The City collects approximately \$16,000 each year. The difference (\$4,000) between the City's financial participation (\$20,000) and the annual monitoring fees revenue (\$16,000) will be funded through the City's Housing Assistance Fund.

Public Contact

Posting of the City Council agenda.

Staff Recommendation

Staff recommends that the City Council take the following action.

1. Adopt Resolution No.____, to approve funding of \$20,000 to support the countywide Homeless Services Coordinator and Cold Weather Shelter Program.

Prepared by: Dan Sokolow
Senior Planner

Reviewed by: Nick J. Ponticello
CDD Director

Paul Navazio
City Manager

Attachments: City Council Resolution No.____
Draft Scope of Services for Homeless Services Coordinator

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND APPROVING
THE EXPENDITURE OF \$20,000 FOR THE COUNTYWIDE HOMELESS SERVICES
COORDINATOR AND COLD WEATHER SHELTER PROGRAM**

WHEREAS, the City of Woodland has annually participated in the Countywide Homeless Services Coordinator and Cold Weather Shelter Program since 1996;

WHEREAS, the Countywide Homeless Services Coordinator and Cold Weather Shelter Program provides two services: (1) A Homeless Services Coordinator responsible for identifying/researching collaborative grant opportunities and assisting the Homeless and Poverty Action Coalition (HPAC) member agencies in developing grant applications and (2) Funding assistance for a countywide Cold Weather Shelter at the Yolo Wayfarer Center in Woodland during the November to March period;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council approves the expenditure of \$20,000 to support the countywide Homeless Services Coordinator and Cold Weather Shelter Program for Fiscal Year 2013.

PASSED AND ADOPTED by the City Council on July 3, 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Artemio Pimentel, Mayor

ATTEST:

APPROVED AS TO FORM:

Ana Gonzalez, City Clerk

Andrew Morris, City Attorney

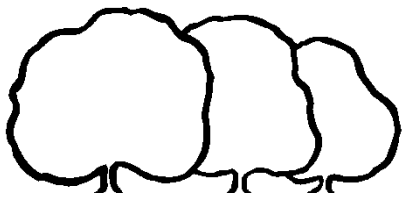
Dated:_____

Scope of Work

The Contractor will carry out duties with the goal of eliminating gaps in services to the needy and homeless of Yolo County as identified by the Homeless and Poverty Action Coalition (HPAC). In addition, the Contractor shall provide the following services:

1. The Federal Department of Housing and Urban Development (HUD) has emphasized that a Continuum of Care should involve multiple responsibilities. To that end, the Homeless Coordinator shall serve as the Continuum of Care Coordinator and with the assistance of member agencies of HPAC shall be responsible for conducting a single, well-coordinated, collaborative planning process for homeless assistance; creating an annual agenda of goals and objectives with year round activities; maintaining and expanding an active involvement by a broad, inclusive, and diverse group of agencies and organizations; coordinating with the community's Executive Commission of the Ten-Year Plan to End Homelessness; writing and coordinating the submission of a high quality annual Continuum of Care plan to HUD; and completing other activities and reports that adhere to the obligations and responsibilities of the local Continuum of Care in meeting HUD mandates.
2. Develop and maintain homeless grants, including but not limited to Community Development Block Grant, Emergency Solutions Grant, Supportive Housing Program/Continuum of Care, Emergency Housing Assistance Program, Emergency Food and Shelter Program and Community Services Block Grant, to support the work of HPAC and its member agencies with a focus on collaborative grant opportunities. Grant writing for individual agencies is permitted if it addresses an identified gap in services and award amounts will be counted toward performance goals (Exhibit B). The grants should be federal, state, local and private.
 - a. Research and present, orally and in writing, funding opportunities that are available to HPAC member agencies at the monthly HPAC meeting. Funding opportunities may be federal, state, local and private and may, but need not be, collaborative in nature. Information on funding opportunities may be used by HPAC member agencies to write their own grant applications to these funding opportunities.
 - b. Maintain a log in Excel spreadsheet form of grants identified, researched and presented to HPAC. In addition to other relevant information, the log shall contain:
 - The name of the grants applied for
 - The grants received by agency and by amount, and
 - A cumulative total of grant funds applied for and received.

3. Write and/or coordinate submission of grant proposals, making sure that all requirements are met, and, if approved, following through until funds are received. The Coordinator is responsible for coordinating and writing collaborative proposals, including but not limited to obtaining signatures and local government approvals. When the Coordinator writes and coordinates individual proposals as approved by the County and HPAC to address a gap in services, the Coordinator is responsible for obtaining signatures and local government approvals. For all individual proposals written by an applicant agency, the Coordinator is responsible for reviewing and providing technical assistance; applicant agency is responsible for obtaining signatures and approvals.
4. Attend monthly HPAC meetings and Continuum of Care meetings as scheduled and provide information as requested by HPAC. HPAC currently meets the fourth Wednesday of each month.
5. Provide written monthly reports and a final report at the end of each fiscal year in a format specified by the County, including information showing compliance with performance measures contained in Exhibit B of this RFP and set forth in the contract. Monthly reports are due with Contractor's monthly billing, no later than the 15th of the month. The annual report is due no later than 30 days after the end of the County fiscal year. Contractor shall also send copies of the reports to the HPAC Chair, and the City Managers, or designees, for the cities of Davis, West Sacramento, Winters, and Woodland.
6. Meet quarterly with the HPAC Chair and any County representative(s) as designated by the Director, to provide updates on the activities included in the monthly report and upcoming events.
7. Meet no less than twice per year with representatives from the County and Cities as requested by the Director, to provide information on current issues, including trends in funding, and gain an understanding of each community's concerns and priorities.
8. Assist HPAC with public relations as requested by the Director, by speaking about research and analysis at public forums, writing letters and reports to funding sources, and writing articles and press releases for local papers.



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: July 3, 2012

SUBJECT: Approve Plans and Specification and Authorize Bid Advertisement
for the First Ground Level Tank, Project No 08-33

Report in brief

The southwest portion of the City experiences the lowest water system pressure at times of peak water usage. In this regard, a three (3) million gallon tank was recommended in the southwest region to improve system pressure and increase the City's ability to deliver a firm and reliable water supply.

In general, the project will consist of the construction of three (3) million gallon tank and a booster station with a rated capacity of 6,000 gallon per minute at Davis Douglass Park. This storage is also needed for future construction of the Davis Woodland Water Supply Project's water treatment facility. The proposed tank is a circular concrete tank with a diameter of 130 feet and a height of 34 feet.

Staff recommends that the City Council approve bid documents and authorize bid advertisement for the First Ground Level Tank, Project No 08-33.

Background

According to the model results presented by West Yost Engineering Inc., it was determined that it is more cost effective to handle peak hour demand by using ground-level tanks rather than building new wells. In order to address the storage capacity deficit, a 3.0 MG storage tank was recommended for the southwest region. This storage capacity would provide the equivalent of two wells in the short run (3000 gallons per minute) and equivalent of 4 wells (6000 gallons per minute) in the long run during peak hour demand. The tank, when completed, would serve operational storage to meet diurnal demand, fire protection demand, and emergency storage demand requirement. The tank would also provide sufficient storage capacity that would enhance full utilization of the future water treatment facility by allowing night time surplus treatment production to be stored for use during the day peak period.

Discussion

Two alternative tank construction materials were evaluated for the tank project; they include pre-stressed concrete and welded steel. For this specific location, partial burying the tank is necessary for both esthetic reasons and to reduce the loading conditions on the underlying soils that support the tank. Steel tanks cannot be buried and have a higher maintenance cost than concrete tanks so they are not appropriate for this project.

Pre-stressed concrete tanks are circular tanks constructed of reinforced concrete and prestressing strands. The tank construction will conform to AWWA D110. The concrete tank walls are post tensioned vertically with steel rods, pre-stressed circumferentially with wrapped strands and protected with several coats of concrete.

As requested previously by the City Council, staff has reduced the visual impact of the tank to its surrounding neighbors by further lowering the exposed area of the tank by approximately 5 feet and incorporating landscape improvements in the design as indicated in Exhibit 1.

Fiscal Impact

This project is fully funded by the water enterprise fund. The breakdown of the total estimated construction cost of the concrete dome tank is as indicated in table 1 below:

Table 1

Item	Concrete tank (Dome roof) estimate in \$
Site Development	1,341,500
Pump Station	975,800
Electrical & Instrumentation	644,400
Tank	2,282,490
Landscaping	621,800
Security	55,700
Engineering, construction management and administrative cost	1,110,300
Environmental documentation and permitting	148,000
Subtotal	7,179,990
Contingency	1,400,000
Total	8,579,990

This project is part of the Surface Water Project's capital improvement plan budget .The total budgeted amount in the approved 2011-2021 capital budget is \$8,661,000.

Public Contact

This project has also included a public outreach component to facilitate public awareness. A community meeting was held for the project on March 16, 2011, 6.30 p.m., at the City of Woodland Community and Senior Center to provide an opportunity for the public to learn more about the project, ask questions, and provide necessary input on their concerns. Residents within 500 feet of the proposed location of the project were invited by letter to participate in the meeting; one resident attended and he was in favor of the project. The project was also approved by the Parks and Recreation Commission on April 23, 2011. The Initial Study/Mitigated Negative Declaration (IS/MND) was available for a 30-day public review period from July 29, 2011 to August 29, 2011 on the City's website www.cityofwoodland.org, at the City Manager's office, the Woodland Public Library, and at the Public Works Department. The IS/MND was adopted by Council on September 6, 2011.

Alternative Courses of Action

Alternative 1: Approve bid documents and Authorize bid advertisement for the First Ground Level Tank, Project No 08-33.

Alternative 2: Do not approve bid documents or authorize bid advertisement and give direction to staff for changes to be made to the bid documents of the First Ground Level Tank, Project No 08-33.

Recommendation for Action

Staff recommends City Council approve bid documents and authorize bid advertisement for the First Ground Level Tank, Project No 08-33.

Prepared by: Akin Okupe
Senior Civil Engineer

Reviewed by: Doug Baxter
Principal Civil Engineer

Reviewed by: Nicholas J. Ponticello
CDD Director

Paul Navazio
City Manager

Attachment: Landscape Plan

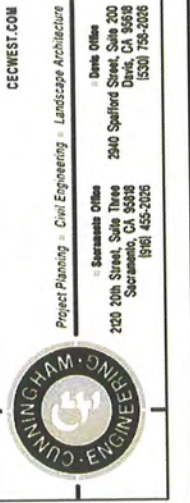


CONCEPTUAL PLANTING LEGEND

EVERGREEN SCREEN TREES	MATURE SIZE (HxW)
PINUS THUNBERGII - JAPANESE BLACK PINE	70'x30'
CEDRUS DEODARA - DEODAR CEDAR	70'x35'
QUERCUS AGRIFOLIA - COAST LIVE OAK	40'x35'
DECIDUOUS TREES	
LAGERSTROEMIA FAURIEI 'MUSKOGEE' - CRAPE MYRTLE	25'x15'
PLATANUS ACERIFOLIA 'COLUMBIA' - LONDON PLANE	70'x35'
PISTACIA CHINENSIS - CHINESE PISTACHE	30'x30'
ZELKOVA SERRATA 'GREEN VASE' - ZELKOVA	45'x15'
EVERGREEN SHRUBS FOR SCREENING	
CALLISTEMON CITRINUS 'VIOLEACEUS' - BOTTLEBRUSH	6'x4'
CEANOTHUS 'CONCHA' - WILD LILAC	6'x6'
HETEROMELES ARBUTIFOLIA - TOYON	8'x8'
ROSMARINUS OFFICINALIS 'ARP' - ARP ROSEMARY	6'x3'
NERIUM OLEANDER - OLEANDER	8'x8'
XYLOSMA CONGESTUM - SHINY XYLOSMA	6'x6'
GROUND COVER	
CEANOTHUS GRIS. 'YANKEE POINT' - CARMEL CREEPER	2'x6'
MAHONIA REPENS - CREEPING MAHONIA	1'x3'
MYOPORUM PARVIFOLIUM 'PUTAH CREEK' - MYOPERUM	6'x4'
ROSMARINUS OFF. 'HUNTINGTON CARPET' - ROSEMARY	4'x3'

TRAILS

PAVED, LOOP WALKING TRAIL (ACCESSIBLE)	2,443 L.F.
SOFT PAVE JOGGING TRAIL	2,443 L.F.

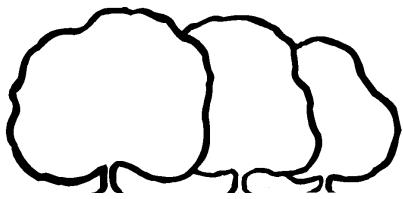


WEST YOST
ASSOCIATES
Consulting Engineers

2020 Research Park Drive
Suite 100
Davis, California 95618
(530) 756-5905
FAX (530) 756-5991

CITY OF WOODLAND
SOUTHWEST AREA TANK

JOB NUMBER
204-00-10-33
DRAWING NUMBER
SHEET NUMBER



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: July 3, 2012

SUBJECT: Amendment to Agreement With Ferguson Group for Federal Representation and Advocacy Services for Flood Mitigation

Report in Brief

In September of 2011, the City Council approved an agreement with the Ferguson Group to provide federal advocacy on the City's behalf to help with the City's need to develop comprehensive federal government relations to secure federal financial assistance for solving flood problems associated with Cache Creek. The original agreement expires on August 31, 2012 and needs to be amended to provide funding and on-going federal representation and advocacy services.

Staff recommends that the City Council approve a contract amendment to renew the Ferguson Group agreement for an additional 12 months, for an amount not to exceed \$40,000.

Background

Addressing the flood problem from Cache Creek is a complex process involving the City, County, State and Federal Governments. The Ferguson Group helps the City maintain a presence in Washington D. C. to help the City develop and maintain a relationship with the Senate, House of Representatives, and Army Corps of Engineers. If a nexus is developed and documented, it may also include the Department of Transportation (flood impacts on I-5), and the Environmental Protection Agency (Cache Creek mercury problems). The City engaged the Ferguson Group in 2011 to help in this process.

Discussion

The Ferguson Group is helping to insure that federal funding continues to be available for helping to solve Cache Creek flood problems. It also advocates for other agencies that may help define or address these problems. The work will continue for the next year at the same rate as originally contracted for in 2011.

Fiscal Impact

Approval of the amendment extending the agreement for an additional year with the Ferguson Group will cost \$40,000 for FY 2013. This project will be funded through Capital Project No. 09-15 Floodsafe Yolo/Cache Creek Feasibility Study. This project is included in the Capital program approved by Council on June 19, 2012. The total project budget is \$1.3M.

Public Contact

Posting of the City Council agenda.

Recommendation for Action

Staff recommends that the City Council approve a contract amendment to renew the Ferguson Group agreement for an additional 12 months, for an amount not to exceed \$40,000.

Prepared by: Mark Cocke
Senior Civil Engineer

Reviewed by: Nick Ponticello
Community Development
Director

Paul Navazio
City Manager

Enclosure: September 2011 Council Report

ARTICLE 1. PARTIES AND DATE

This First Amendment to the Professional Services Agreement (“First Amendment”) dated as of the ____ day of _____ is entered into by and between the City of Woodland (“City”) and The Ferguson Group, a limited Liability Company (“Consultant”).

ARTICLE 2. RECITALS

2.1 City and Consultant entered into that certain Professional Services Agreement dated September 6th, 2011 (“Agreement”), whereby Consultant agreed to provide services described in Exhibit A of the original agreement.

2.2 City and Consultant now desire to amend the Agreement to :

include additional compensation,

extend the term of the Agreement to include the period from September 1, 2012 to August 31, 2013 in accordance with the Consultant’s proposal dated August 8, 2011 attached to the original agreement. The total additional compensation for the First Amendment shall not exceed (\$40,000.00).

ARTICLE 3. TERMS

3.1 Continuing Effect of Agreement. Except as amended by this Amendment, all provisions of the Agreement shall remain unchanged and in full force and effect. From and after the date of this Amendment, whenever the term “Agreement” appears in the Agreement, it shall mean the Agreement as amended by this Amendment.

3.2 Adequate Consideration. The Parties hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this Amendment.

3.3 Counterparts. This Amendment may be executed in duplicate originals, each of which is deemed to be an original, but when taken together shall constitute but one and the same instrument.

[SIGNATURES ON FOLLOWING PAGE]

**First Amendment To Professional Services Agreement Between The City Of Woodland
And The Ferguson Group**

CM# 000076

City Of Woodland

The Ferguson Group, LLC

By: _____
Paul Navazio
City Manager
City of Woodland

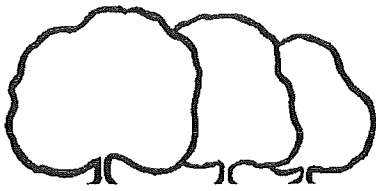
By: _____
W. Rodger Gwinn
President
The Ferguson Group, LLC

Date: _____

Date: _____

ATTEST:

Ana B. Gonzalez, City Clerk



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

8.

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: September 6, 2011

SUBJECT: Agreement With The Ferguson Group for Federal Representation and
Advocacy Services for Flood Mitigation

Report in Brief

The City of Woodland has been engaged in a focused flood mitigation program in collaboration with Yolo County and the Yolo County Flood Control and Water Conservation District since 2007. This program became known as floodSAFE Yolo. Through this effort, a strategy has evolved that has identified major issues and a potential solution. In order to facilitate implementation of this solution, the City must engage the US Army Corps of Engineers (USACE), State Department of Water Resources (DWR) and other local agencies. This process requires various studies necessary to validate assumptions associated with the potential solution and the resources necessary to fund these studies must be secured.

After reviewing strategies to secure these resources, City officials believe the engagement of a consultant that is skilled in the area of federal advocacy would be an appropriate investment of resources. The cost to conduct the necessary studies to validate the flood solution is estimated at \$5.6 million. At this time no federal resources have been allocated to the USACE to conduct the studies or coordinate review of information developed by the City or DWR.

Recently, City officials became aware of The Ferguson Group (TFG). This organization has a proven track record of successful federal advocacy on behalf of a wide variety of clients on matters such as flood control. Staff has received a proposal from TFG which has been favorably evaluated and prepared for Council consideration.

Staff recommends that the City Council approve a Professional Services Agreement between the City of Woodland and The Ferguson Group for advocacy services to develop a comprehensive federal government relations action plan to secure federal assistance to address the flood threat and water quality issues associated with the Cache Creek Settling Basin project as described herein.

Background

Addressing the flood threat to Woodland and other parts of Yolo County has been a challenging effort that has spanned several years. As the Council is aware, some of these efforts have fallen short of implementation. Recently, the City has focused on highly collaborative strategies to address the flood threat in a manner that meets the expectations of Woodland property owners and people who live in the rural area.

One example of the highly collaborative approach is working through the Yolo County Integrated Regional Water Management Plan (IRWMP). The IRWMP was adopted by the member agencies of the Water Resources Association of Yolo County (WRA) in June 2007 and was also adopted by the WRA Board in July 2007. During formulation of the IRWMP, the resource issue most critical to the participating organizations and citizens was resolving the flood risks associated with Cache Creek.

Respecting stakeholder concerns relating to flood-related issues, the City, the County of Yolo, and the Yolo County Flood Control & Water Conservation District, entered into a Memorandum of Understanding to formulate a flood management program for the western part of the County. Soon after embarking on the flood management efforts, the program was named the "floodSAFE Yolo Pilot Program" (floodSAFE Yolo). This was done, in part, to acknowledge agreement with the goals, objectives and purposes for flood management as identified by DWR for the FloodSAFE California Initiative.

A primary focus of floodSAFE Yolo was directed at identifying potential solutions to the flood risks from Cache Creek which would have high prospects of being accepted by the community. Concurrently, effort was directed at working with DWR and the USACE to continue the feasibility study that was discontinued in 2003. An important first step was to update the hydrology for Cache Creek. This was initiated by the City and completed by floodSAFE Yolo.

The report on the hydrology update for Cache Creek is currently being reviewed by the USACE. In association with this work, floodSAFE Yolo has identified a potential solution that is effectively aimed at recovering flood conveyance directly to the Yolo Bypass, a natural floodway that was removed with the construction of the Cache Creek Settling Basin.

Seeking a flood risk reduction solution for the City and adjacent properties has been somewhat frustrating. The parties responsible, the Central Valley Flood Protection Board (CVFPB) and the USACE, fail to acknowledge the impact to the City from construction of the Basin improvements in 1992. Similarly, Caltrans avoids entering into any discussion of the situation in spite of the fact that approximately two miles of Interstate 5 are subject to deep flooding for an indefinite period of time following a major event.

Efforts are underway to continue the feasibility study. A Non-Federal Cost Share Agreement has been executed between the City and the CVFPB and the Federal Cost Share Agreement between the City, CVFPB, and USACE was recently executed as well. Unfortunately, it does not appear that the USACE will have funding appropriated for the Lower Cache Creek Feasibility Study (LCCFS) in Fiscal Years 2011 and 2012.

In the course of reviewing strategies to engage the USACE and support the allocation of resources to perform the LCCFS, City officials became aware of The Ferguson Group. TFG provides advocacy services for several public agencies and private organizations and has been active in the annual Cap to Cap trip. After reviewing their qualifications and experience, TFG was asked to submit a proposal for federal advocacy services. This proposal has been favorably reviewed by staff and the floodSAFE Yolo Program Manager and a contract to engage the firm has been prepared for Council consideration.

Discussion

Prior to the submission of a proposal for federal advocacy services, City officials met with TFG to provide background and data associated with flood mitigation. Based on this meeting and TFG's review of the material, a proposal was developed and provided to the City in July and a follow up proposal was provided in early August.

The TFG proposal is for the City immediately initiate an effort to seek the following: 1) discretionary appropriated funds through the Corps of Engineers for FY 2012; 2) inclusion of funding in the Corps of Engineers' budget request for FY 2013; 3) an amendment to the Water Resources Development Act of 2011(12) that would authorize the Corps of Engineers to proceed on the project in advance of completing the feasibility study; and 4) assistance from other federal agencies, including the U.S. Geological Survey and the Bureau of Reclamation (CALFED) for efforts to address the mercury contamination in the lower Cache Creek watershed.

To carry out these tasks, TFG recommends that representatives of the City meet with the relevant federal agencies and the congressional delegation, both in California and in Washington, to impress upon them the importance of addressing these issues as soon as practicable. As noted above, there is an opportunity to secure discretionary General Investigations funds that are anticipated to be available to the Corps of Engineers in FY 2012. The Energy and Water Development Appropriations bill for FY 2012, which was recently approved on the Floor of the House of Representatives, includes \$3.65 million for "Additional Investigations." The Senate is likely to increase that significantly and, therefore, TFG anticipates that there will be an opportunity to secure additional resources for this project as early as later this calendar year.

The decision-making process for the FY 2013 budget request for the Corps of Engineers is also well underway. If the attached agreement is approved by the Council, TFG will make the case to the Corps of Engineers at both in the District Office and headquarters as well as to the Office of Management and Budget. In addition, TFG will explore other avenues for acquiring funds, such as the Water Resources Development Act.

TFG submitted a proposal that would have required a minimum annual payment of approximately \$50,000 for federal advocacy services. After reviewing the proposal, staff requested TFG to reduce the cost and the firm responded by submitting the same scope of work with an annual cost of

\$40,000. Staff believes the revised cost and proposal is fair and appropriate. In addition, staff will be working with other regional partners to explore cost sharing opportunities for the revised cost.

The City Council's approval of the attached agreement will enable work to begin immediately in association with this effort. Council member Marble will be in Washington in mid-September as part of the advocacy effort for the Woodland Davis Clean Water Agency in order to seek federal funds for the Surface Water Project. Engagement of TFG for flood advocacy will enable the firm to maximize Council member Marble's time in Washington on behalf of Woodland in order to begin the work necessary to seek federal resources to address this critical issue.

Fiscal Impact

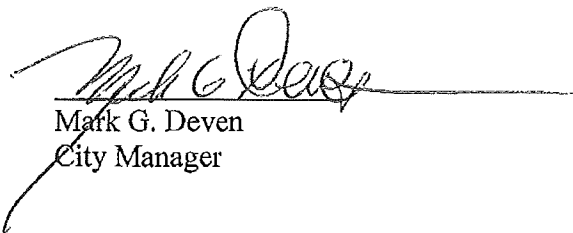
Approval of the agreement with TFG will cost \$40,000 for FY 2012. There have been no commitments made beyond FY 2012. This project will be funded through Capital Project No. 09-15, floodSAFE Yolo/Cache Cree Feasibility Study. This project was included in the capital program approved by the City Council on July 19, 2011. The total project budget is \$250,000.

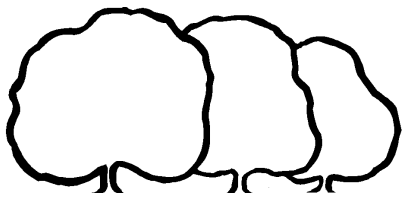
Public Contact

Posting of the City Council agenda.

Recommendation for Action

Staff recommends that the City Council approve a Professional Services Agreement between the City of Woodland and The Ferguson Group for federal advocacy services to develop a comprehensive federal government relations action plan to secure federal assistance to address the flood threat and water quality issues associated with the Cache Creek Settling Basin project as described herein.


Mark G. Deven
City Manager



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: July 3, 2012

SUBJECT: Measure E Spending Plan

Report in Brief

On February 21, 2012, the City Council received a presentation regarding the City's fiscal situation surrounding Measure E (MSE) and the Capital Improvement Program (CIP) and subsequently on March 20, 2012 Council was asked to authorize the use of Measure E revenue to cover on-gong debt service requirements related to the Community and Senior Center and Sports park up to \$2 million per year. Additionally, Council was provided with two alternative MSE spending plans for review and discussion. The Council authorized a MSE loan for annual debt service for FY2013 and directed City staff to work with the Council Infrastructure Subcommittee to update project costs and to develop a Spending Plan that would best accommodate both projects recommended through voter advisory measures and the City's need to loan MSE revenues to the development fee funds to cover annual debt service requirements.

An update to the MSE Spending Plan is required based on voter desire to receive an update bi-annually and Council's request to update the MSE Spending Plan annually. The last MSE Spending Plan was approved by Council on December 7, 2010.

Staff recommends that the City Council 1) adopt Resolution No. _____ authorizing the use of MSE revenue to cover on-going annual debt service requirements related to the Community and Senior Center and Sports Park up to \$2 million per year and direct that a loan be established from MSE to the necessary development fee fund to be repaid to MSE as revenue becomes available and; and approving the updated MSE Spending Plan which alters the allocation of these resources among the various projects as described. (Note: Changes to the adopted MSE Spending Plan require a 4/5 approval from the City Council.)

Background

On June 6, 2006 the Woodland voters approved MSE, which extended the ½ cent supplemental sales tax collected within the boundaries of and for the benefit of the City of Woodland. Additionally, the voters approved three advisory measures outlining the types of projects for which proceeds from MSE would be spent.

- Measure B allocated a minimum of \$30.2 million or 45% of MSE for road rehabilitation;
- Measure C approved funding for Community and Senior Center Phase II, Sports Park and renovation and improvements of parks, recreation facilities and pools;
- Measure D approved funding for expansion of the Library, City Hall and the Opera House.

The purpose of the MSE Spending Plan is to allocate the anticipated revenue between the various categories based on the advisory measures and overall community need.

During the Council Study Session on February 21, 2012, staff sought Council direction regarding the use of MSE to cover on-going debt service. This policy decision is recommended for several reasons:

- MSE is the only revenue source except for General Fund available to cover the shortfall in development revenue pledged to debt service;
- The majority of debt service obligation is related to the Community Senior Center and Sports Park projects, which were the highest vote recipient among the MSE advisory measures; and
- MSE has been utilized for the past two years (\$2 million each year) to cover debt service and sufficient development fee revenue will not be available in the foreseeable future to change the practice;
- A long term loan can be established whereby MSE will loan the necessary development fee funds up to \$2 million/year to cover debt service to be repaid as development fee revenue becomes available.

Although the use of MSE revenues for debt service was intended to be a short term inter fund loan, development impact fee projections over the next ten years do not show enough of an increase in revenue to allow the development funds to fully support their debt service obligation. Staff has just completed a refinancing of the 2007 Lease Revenue Bonds which are supported by MSE, Park Development fees, and Park Spring Lake Infrastructure fees. The refinancing will save approximately \$1.5 million over the remaining life of the debt. Because the annual debt payment reduction for MSE and Park Development fee is only \$60,000, no adjustment to project programming is recommended at this time. As we update the revenues and project costs annually, these savings will be incorporated into future updates. We will also be moving forward with an update to our AB1600 Development Fee Nexus Study in the next few months. We expect some of our impact fees to increase based on more realistic growth assumptions. If the number of new homes constructed rises and our development revenue escalates as a result of increases to our impact fees, we can reduce the amount of MSE required to pay debt service. Even with increased impact fee revenue, we will still need MSE to meet the majority of the debt service obligation.

On March 20, 2012, Council approved the use of MSE revenue as a loan to cover debt service related to the Community & Senior Center and Sports Park for FY2013. The approval allowed staff to develop the FY13 Operations and Maintenance Budget adopted by Council on June 19, 2012 including appropriations covering our debt service requirements. Before approving the use of MSE revenues for debt service beyond FY13, Council requested that the Infrastructure Subcommittee review the MSE Spending Plan and report back with a recommendation for City Council action.

Discussion

The list of projects included in the MSE Analysis on March 20 included out dated and in some cases very rough cost estimates. Staff has since completed more comprehensive project scoping and worked with architects and contractors to obtain updated cost estimates for the various projects. With the new estimates, staff was able to program more revenue towards road maintenance and still allow other important community projects to be included in the spending plan.

Besides continued road maintenance and rehabilitation and the annual long-term loan for debt service, the draft MSE Spending Plan includes the rehabilitation of the Brooks Swim Center including a new roof on the main building, new pool decking and pool resurfacing; construction of a Literacy Center at our Library; completion of the final phases of the park irrigation project; improvements to Clark Field including electrical work and a new backstop and driveway; and completion of the 6th sports field at the Woodland Sports Park. Additionally, as Council requested in 2010, a \$2,000,000 reserve has been established. This reserve helps the City with short term MSE cash flow on an annual basis, but based on the current assumptions, will be available for allocation in 2019. As the sunset of the ½ cent tax gets closer, Council can begin discussion of how best to use the reserve funds.

The current total MSE revenue estimate is \$50.8 million. This is consistent with the 10-year assumptions contained in the FY2013 Operations & Maintenance budget.

Measure E Spending Plan Summary

Internal Loan for Debt Service	\$18,000,000
Roads	\$16,669,199
Opera House	\$ 852,793
Community Senior Center/Sports Park	\$ 8,040,885
Parks/Pool Rehab	\$ 3,254,020
Library Renovation	\$ 873,688
Civic Center Expansion	\$ 329,455
Overhead Allocation	<u>\$ 806,296</u>
Project Subtotal	\$48,826,336
Reserve	<u>\$ 2,000,000</u>
	\$50,826,336

The Infrastructure Subcommittee has reviewed the projected revenues as well as the plan for project execution and is recommending Council approval of the MSE Spending Plan. The MSE Spending Plan will be updated for Council review and approval annually.

Fiscal Impact

Total MSE revenues are projected to be close to \$51 million, slightly more than projected in December 2010. **The revised spending plan utilizes a portion of the MSE revenue to pay on-going annual debt service on the Community & Senior Center/Sports Park bonds through the life of MSE.** If Council decides not to use MSE for on-going debt service, staff will return with several options for allocation of the full projected MSE revenue as well as reduction options in the General Fund to offset the appropriations that will be required to meet debt service obligations.

Public Contact

Council Infrastructure Subcommittee Meetings – March 20, 2012 and May 30, 2012

Posting of the City Council agenda.

Recommendation for Action

Staff recommends that the City Council 1) adopt Resolution No. _____ authorizing the use of MSE revenue to cover on-going annual debt service requirements related to the Community and Senior Center and Sports Park up to \$2 million per year and direct that a loan be established from MSE to the necessary development fee fund to be repaid to MSE as revenue becomes available and; and approving the updated MSE Spending Plan which alters the allocation of these resources among the various projects as described. (Note: Changes to the adopted MSE Spending Plan require a 4/5 approval from the City Council.)

Prepared by: Lynn Johnson
Sr. Management Analyst

Reviewed by: Kimberly McKinney
Finance Officer

Paul Navazio
City Manager

Attachments: Resolution
Measure E Spending Plan – 2012

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND AUTHORIZING THE USE OF MEASURE E REVENUE TO COVER ON-GOING DEBT SERVICE REQUIREMENTS RELATED TO THE COMMUNITY AND SENIOR CENTER AND SPORTS PARK UP TO \$2 MILLION PER YEAR AND DIRECT THAT A LOAN BE ESTABLISHED FROM MEASURE E TO THE NECESSARY DEVELOPMENT FEE FUND TO BE REPAID TO MEASURE E AS REVENUE BECOMES AVAILABLE AND; APPROVE THE UPDATED MEASURE E SPENDING PLAN

WHEREAS, on June 6, 2006 the Woodland voters approved Measure E (MSE) which extended the ½ cent supplemental sales tax collected within the boundaries of and for the benefit of the city of Woodland; and

WHEREAS, on February 6, 2007 the City Council adopted Resolution No. 4804 that approved a MSE Spending Plan and defined a strategy for financing and execution of projects as defined in the advisory ballot measures; and

WHEREAS, the MSE Spending Plan is updated at least bi-annually; and

WHEREAS, a revised MSE Spending Plan was approved by Council on May 13, 2008; and

WHEREAS, the most recent MSE Spending Plan was approved by Council on September 21, 2010; and

WHEREAS, as part of the September 21, 2010 Council action, the City Council requested that the Spending Plan be updated annually and that \$2 million of MSE revenue be set aside from project allocation as a reserve target to be programmed at the conclusion of the 12-year tax measure; and

WHEREAS, on March 20, 2012 Council authorized the use of MSE revenue as a loan to the Park Development Fund for the payment of debt service related to the Community Center and Sports Park facilities for FY2012 and directed staff to update project cost estimates and review the draft MSE Spending Plan with the Infrastructure Subcommittee prior to approving the Spending Plan.

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby authorize the use of MSE revenue up to \$2 million per year to pay annual debt service related to the Community and Senior Center and Sports Park and direct that a loan be established from MSE to the necessary development fee fund to be repaid to MSE as revenue becomes available.

BE IT FURTHER RESOLVED, that a change in the use of funds as recommended by the three advisory measures adopted on June 6, 2006 requires a vote of four members of the City Council during a regular meeting following a public hearing.

BE IT FURTHER RESOLVED, that the attached MSE Spending Plan is hereby approved.

PASSED AND ADOPTED by the City Council of the City of Woodland this 3rd day of July 2012, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

Artemio Pimenel, Mayor

ATTEST:

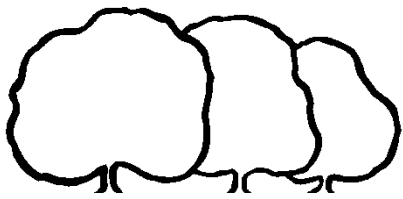
Ana B. Gonzalez, City Clerk

Measure E Spending Plan - 2012
7/3/12

MSE Annual Revenue \$ 18,335,818 \$ 3,895,434 \$ 4,088,438 \$ 4,277,509 \$ 4,463,072 \$ 4,655,954 \$ 4,847,303 \$ 4,992,722 \$ 1,285,626 Totals
\$ 50,841,876

	Previous Expenditures	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	Totals	% of Total
Roads	\$ 4,764,349	\$ 1,704,850	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
<i>Kentucky Avenue Widening & Recon Grant Match</i>	\$ -	\$ -	\$ 100,000	\$ 450,000	\$ 450,000	\$ -	\$ 800,000	\$ -	\$ -		
<i>E. Main St & SR2S Grant Match</i>	\$ -	\$ -	\$ -	\$ 500,000	\$ -	\$ -	\$ -	\$ -	\$ -		
<i>Grant Match</i>			\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ -		
<i>O&M Road Maintenance - In House</i>	\$ -	\$ -	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ -		
<i>Road Program Management</i>	\$ -	\$ -	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ -		
<i>Contract Pavement Maintenance</i>	\$ -	\$ -	\$ -	\$ 750,000	\$ 750,000	\$ 1,500,000	\$ -	\$ 1,700,000	\$ -		
Subtotal for Roads	\$ 4,764,349	\$ 1,704,850	\$ 550,000	\$ 2,250,000	\$ 1,750,000	\$ 2,050,000	\$ 1,350,000	\$ 2,250,000	\$ -	\$ 16,669,199	34%
Opera House	\$ 577,793	\$ 275,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 852,793	2%
Library	\$ 273,688	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
<i>Literacy Center</i>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 300,000	\$ 300,000	\$ -	\$ -		
Subtotal for Library						\$ 300,000	\$ 300,000	\$ -	\$ -	\$ 873,688	2%
Facilities/City Hall	\$ 279,455	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
<i>City Hall Renovation/ADA Improvements</i>	\$ -	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Subtotal for City Hall & Facilities										\$ 329,455	1%
Community Senior Center/Sports Park Debt Service	\$ 4,563,428	\$ 390,000	\$ 390,000	\$ 390,000	\$ 390,000	\$ 390,000	\$ 390,000	\$ 390,000	\$ 97,457		
<i>Addition of the 6th Sports Field</i>	\$ -	\$ -	\$ -			\$ 325,000	\$ 325,000	\$ -	\$ -		
Misc. Park Improvements	\$ 1,313,975	\$ 394,106	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
<i>Park Irrigation Phase 3 & 4</i>	\$ -	\$ -	\$ 430,479	\$ 262,460	\$ -	\$ -	\$ -	\$ -	\$ -		
<i>Rehabilitation of Brooks Swim Center</i>	\$ -	\$ -	\$ 188,000	\$ 290,000	\$ -	\$ -	\$ -	\$ -	\$ -		
<i>Clark Field Improvements</i>	\$ -	\$ 15,000	\$ 300,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ -		
Subtotal for Community Center/Sports Park/Park Maint.										\$ 11,294,905	23%
Overhead Allocation	\$ 356,296	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 30,000	\$ 806,296	2%
Long Term Loan for Debt Service on the CCS/Sports Park*	\$ 4,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	\$ 18,000,000	37%
Total Expenditures	\$ 16,128,984	\$ 4,873,956	\$ 3,633,479	\$ 5,552,460	\$ 4,215,000	\$ 5,140,000	\$ 4,440,000	\$ 4,715,000	\$ 127,457	\$ 48,826,336	
MSE Fund Balance	\$ 2,206,834	\$ 1,228,312	\$ 1,683,271	\$ 408,320	\$ 656,392	\$ 172,346	\$ 579,649	\$ 857,371	\$ 2,015,540		
MSE Reserve Target	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000		
Variance	\$ 206,834	\$ (771,688)	\$ (316,729)	\$ (1,591,680)	\$ (1,343,608)	\$ (1,827,654)	\$ (1,420,351)	\$ (1,142,629)	\$ 15,540		

* The repayment of the loan of MSE to the Park Development Fund to pay for debt service related to the Community & Senior Center/Sports Park will be available in the future to program towards other projects that fall within the advisory measures.



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: July 3, 2012

SUBJECT: Status Report of Successor Agency to Woodland Redevelopment
Agency

Report in Brief

Following the dissolution of redevelopment on January 31, 2012 and the City's decision to act as Successor Agency to the former Redevelopment Agency, several actions have occurred with respect to the implementation of state requirements and additional information has been received from the State regarding the City's enforceable obligations. The City Council has requested to receive a status update of the Successor Agency of the Woodland Redevelopment Agency and its Oversight Board since its establishment on April 20, 2012.

Background

Council has requested that Successor Agency staff to report on the business of the Oversight Board. Since the Oversight Board was established on April 20, 2012, staff has worked to meet the statutory requirements of AB1x 26, taking into considerations the California State Department of Finance (DOF), State Controller Office (SCO) and Yolo County Auditor-Controller interpretations and timelines.

The Oversight Board was required to be created not later than May 1, 2012. The initial meeting of the Woodland Oversight Board took place on April 20, 2012, where the following actions occurred:

1. Regular meetings are set for the third Wednesday of each month at 3:30 pm.
2. Swearing in of Oversight Board Members (see attached)
3. Officers appointed
4. Bylaws adopted per Resolution 12-03-OB
5. Rules and Procedures adopted per Resolution 12-04-OB
6. Certified Recognized Obligation Payment Schedule (ROPS) for the period of Jan 1-June 30, 2012 adopted per Resolution 12-05-OB
7. Certified ROPS for the period of July 1-December 31, 2012 adopted per Resolution 12-06-OB

The above referenced items, specifically the ROPS, were submitted to DOF prior to May 1, a statutory deadline. Upon receipt of the ROPS, the DOF is legally allowed three days to reply to the Successor Agency with comments, requests for further information or rejection of line items.

Following a DOF review period, Woodland's ROPS was returned with many items rejected, including the following from the ROPS for both periods:

- Outstanding RDA Projects- This item included projects intended to be completed with unspent bond proceeds including Children's Performing Arts Center at State Theater project, multiplex theater, Black Pine Holdings projects (Globe Rice Mill Rehabilitation, Gorman's Roadhouse, Burger Restaurant)
- Downtown Specific Plan Update & EIR
- Downtown Streetscape Improvements
- Freeman Park Improvements
- East Main Street Bike Lane Project
- Storm Deficiency Project (East & Main) on July-December 2012 only

The reason for denial of these items, as noted by DOF, was the lack of a third party contract executed on or before June 27, 2011, which is a requirement of AB1x26.

In addition to rejection of the projects noted above, DOF determined that costs associated with legal services are not considered an "enforceable obligation" and must be included in the Administration Budget which is capped at \$250,000. The only occasion where legal services are considered an enforceable obligation is if the services are project specific.

In order to meet the State's deadlines for final approval of the ROPS and authorization to the County Auditor Controller for release of funds, staff revised the ROPS by removing the rejected items. The Oversight Board approved the revised ROPS, and once again it was submitted to DOF.

On May 25, 2012, DOF approved the City's ROPS for Jan-June 2012 and July-Dec 2012.

Discussion

Under AB1x26, payments to successor agencies will occur on January 1 and June 1 of each year; these distributions are supposed to cover the enforceable obligations identified and approved by DOF for the next six month time period. For example, the June allocation is to cover eligible expenses for the July-December timeframe. This represents a shift in funding from former redevelopment agencies, which received property tax distributions twice per year that effectively reimbursed the expenses already incurred by the Agency.

The language in AB1X26 provides for a "waterfall" of allocation of revenues received for each ROPS period. The order and priority of payments are as follows:

1. County Administrative Costs
2. Pass Thrus
3. Enforceable Obligations
4. Successor Agency Administration

The June 1, 2012 allocation has been distributed by the County Auditor Controller and Woodland received an insufficient amount to cover the enforceable obligation for the July-December 2012 timeframe.

The following table illustrates the July through December 2012 ROPS and the variance between the originally approved ROPS, the DOP approved ROPS and the actual money received on the June 1 distribution. Note that the distribution will not include items from “other sources” because that cash is already on hand and available for spending.

Category	Original Submission	DOP Approval	Difference	Actual Distribution	Difference
Property Tax Trust Fund	2,383,103	2,383,103	-	291,395	(2,091,708)
Other Sources (Bonds)	1,310,311	490,311	(820,000)	n/a	
Administrative Allowance	125,000	125,000	-	125,000	-
Total	3,818,414	2,998,414	(820,000)	416,395	(2,091,708)

As shown in the table, the distribution is insufficient to cover the total of all items on the ROPS. The largest item on the ROPS was a \$1.3 million payment due on the CalHFA HELP loan; payment of this obligation will require further discussion, as the intended source of funds was intended to be a loan repayment that is due, and delinquent, from Community Housing Opportunity Corporation (CHOC) related to the Casa del Sol project.

The Redevelopment Agency received a property tax increment distribution in January 2012, prior to dissolution. This distribution was placed in the RDA fund balance; Legal Counsel advised staff that it is permissible to use the fund balance of the former Agency to cover the debt service on the 2007 Tax Allocation Bond payment due on June 1, 2012 in the amount of \$586,000; staff followed this advice and the current debt service payment was made.

On a go-forward basis, recurring items on the ROPS are expected to be annual debt service of approximately \$590,000 for the 2007 Bonds, \$125,000 for a Section 108 Loan payment, and the \$250,000 administrative allowance. This totals \$965,000 of annual expenditures. Annual revenues from property taxes in the former redevelopment area should be sufficient to cover these costs on an annual basis, but cash flow timing will need to be monitored and accounted for to ensure cash is available in the appropriate timeframe for payments.

Several small projects have been “approved” by DOF who has reserved the right to change their opinion at any time, so staff is carefully advancing on the following projects:

- Hunt Building
- Jackson Building
- Muscle World-exterior and interior improvements (July-Dec ROPS only)
- Porter Building (July-Dec ROPS only)
- Well 28 replacement

The Woodland Successor Agency files have been reviewed by VTD, a third party auditor contracted by the Yolo County Auditor-Controller. As required by DOF and SCO, a third party auditor is required to review Successor Agency files based on what is reported in each of the ROPS. The final report is due to the DOF by July 1, 2012 by the County Auditor-Controller office per HSC 34182 (a)(1).

Fiscal Impact

The Woodland Successor Agency July-December ROPS approved amounts of \$2,383,103 from the Redevelopment Property Tax Trust Fund (RPTTF; a term defined and required by the State). As mentioned previously, a large portion of this is \$1.3 million for the CalHFA HELP loan, which was included in the ROPS to ensure that the loan was considered an enforceable obligation. The debt service payment for the 2007 Bonds that totals \$586,000 (due June 1, 2012) has been paid from fund balance, therefore not affecting the available net RPTTF payment. Staff is reviewing other ROPS items for possible payment from fund balances or potentially unspent bond proceeds to free up annual allocations to allow some amount of Administrative money to be available.

Recommendation for Action

Staff recommends that Council receive this status update of the Successor Agency of the Woodland Redevelopment Agency (Oversight Board) since the establishment of the Board to the Successor Agency on April 20, 2012.

Prepared by: Wendy Ross
Economic Development Manager

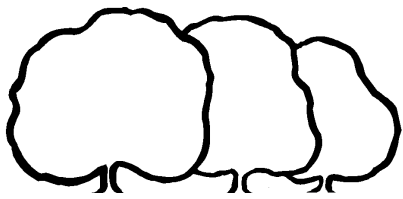
Prepared by: Kim McKinney
Finance Officer

Reviewed by: Nicholas J. Ponticello
Community Development Director

Paul Navazio
City Manager

Attachment:

1. Oversight Board of the Successor Agency to the Woodland Redevelopment Agency “draft”
Bylaws
2. Resolution adopting Bylaws
3. Oversight Board of Successor Agency of the Woodland Redevelopment Agency “draft”
Rules and Procedures
4. Resolution adopting Rules of Procedure



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: July 3, 2012

SUBJECT: Future Use of the State Theater

Report in Brief

On March 20, 2012, Council authorized the purchase of the State Theater for \$275,000 with Measure E revenue. The City's purchase of the facility is currently in escrow and due to close on July 10, 2012.

Several community members have formed a group called the State Theater of Woodland Management Group, a non-profit 501c3, whose purpose is to fund raise and perform the renovations to the State Theater with the intent of getting it ready to be used and operated by the Woodland Opera House through a lease agreement with the City of Woodland. Prior to this effort going forward, Council needs to take formal action as to the future use of the State Theater.

Staff recommends that the City Council;

1) Approve the use of the State Theater as a Children's Performing Arts Center, contingent upon the following:

Execution of an agreement between the City and the State Theater of Woodland Management Group for raising of funds and revitalization of the State Theater; and
upon completion of renovations, the execution of a follow-on agreement between the City and the Woodland Opera House for operation of the State Theater as a Children's Performing Arts Center/Event Center; and

2) Authorize the City Manager to negotiate an agreement with the State Theater of Woodland Management Group to lead the fund raising and revitalization efforts of the State Theater; or

3) Provide alternate direction for the use of the State Theater.

Background

When Measure E was approved in 2006, one of the voter advisory measures, Measure D, approved funding for expansion of the Woodland Opera House. The original Measure E Spending Plan and the subsequent Spending Plans in 2008 and 2010 identified Measure E revenue for the Opera House Expansion project.

In 2008, more than \$500,000 was spent to renovate the restroom facilities at the Opera House as well as other minor improvements. Preliminary design was completed on the proposed expansion which added a second theater, known as a black box theater, and classroom facilities just south of the current building.

As Measure E revenues have continued to decline below original projections, Council and staff have worked to try to allocate all the Measure E revenue as equitably as possible between the different advisory measure projects. Some projects have been eliminated or significantly downsized due to less realized and anticipated Measure E revenue. The expansion project at the Opera House was continually delayed hoping that the economy would improve and Measure E revenue would increase.

On June 21, 2011, The Redevelopment Agency Board allocated \$1,887,500 for architectural pre-design and rehabilitation work for the State Theater with the concept of developing a Woodland Opera House Children's Theater. Because of the decline in Measure E revenue, Agency Board members felt that the use of the Agency Bond funds to develop the Opera House Children's Performing Arts Center would be an effective alternative strategy to meet the original commitment of Measure E. Additionally, community interest in preserving the State Theater was evident through the "Friends of the State Theater" with its membership of more than a 1,000 people.

Unfortunately, through the State of California 2011/12 budget actions surrounding Redevelopment Agencies, all redevelopment funding was dissolved. Based on AB 1X 26 and current legal interpretation of the Health & Safety Code, there will be no redevelopment funding available for the State Theater project.

Council directed staff on March 20, 2012 to purchase the State Theater utilizing Measure E revenue with the intent of protecting the building from demolition or significant deterioration while discussions on future use continued. The State Theater is a longtime community landmark in Woodland and an important part of the downtown area. Because Measure E was originally programmed for an Opera House Expansion Project and the Redevelopment Agency Board was supportive of using the State Theater as a Children's Performing Arts Center, Council felt that purchase of the Theater with Measure E funds was consistent with the voters' intent and the passage of Measure D.

Discussion

The City has almost completed the due diligence process for property acquisition and escrow is due to close on July 10, 2012. Although there have been many public discussions about the use of the State Theater for a Woodland Opera House Children's Theater, Council has not taken formal action regarding usage.

Although there was initial interest in using the State Theater as a future downtown cinema, the Redevelopment Agency Board opted not to pursue that option.

Recently, several community members have formed a group called the State Theater of Woodland Management Group, a non-profit 501c3. The purpose of the State Theater of Woodland Management Group is to raise funds for the renovation of the State Theater and perform the renovations. The State Theater of Woodland Management Group intends to renovate the State Theater in phases. The first phase would be to construct improvements necessary to prepare the front portions of the theater for dance studios and acting lessons. The improvements would include renovations to the two storefronts for dance studios and acting lessons, upgrades to existing restrooms, construction of an ADA compliant unisex restroom and renovation of the existing snack bar. Prior to this effort going forward, Council needs to take formal action as to the future use of the State Theater.

Should the City Council take action to approve the use of the State Theater as a Children's Performing Arts Center, the State Theater of Woodland Management Group would be required to execute an agreement with the City identifying the terms of the agreement. Upon completion of the State Theater renovations, the City and the Woodland Opera House will be required to enter into a follow-on agreement for the Woodland Opera House to operate the State Theater as a Children's Performing Arts Center, which would include hosting and managing other events.

No other uses for the State Theater have been publicly vetted to date.

Fiscal Impact

The City Council already authorized the expenditure of Measure E revenue for the purchase of the State Theater. The Agreement for future use shall have no fiscal impact to the City of Woodland.

Public Contact

Posting of the City Council agenda.

Alternative Courses of Action

1) Approve the use of the State Theater as a Children's Performing Arts Center, contingent upon the following:

Execution of an agreement between the City and the State Theater of Woodland Management Group for the raising of funds and revitalization of the State Theater; and
upon completion of renovations, the execution of a follow-on agreement between the City and the Woodland Opera House for operation of the State Theater as a Children's Performing Arts Center/Event Center; and

2) Authorize the City Manager to negotiate an agreement with the State Theater of Woodland Management Group to lead the fund raising and revitalization efforts of the State Theater; or

3) Provide alternate direction for the use of the State Theater.

Recommendation for Action

1) Approve the use of the State Theater as a Children's Performing Arts Center, contingent upon the following:

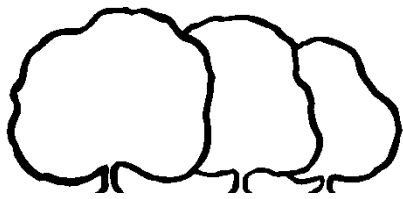
Execution of an agreement between the City and the State Theater of Woodland Management Group for the raising of funds and revitalization of the State Theater; and
upon completion of renovations, the execution of a follow-on agreement between the City and the Woodland Opera House for operation of the State Theater as a Children's Performing Arts Center/Event Center; and

2) Authorize the City Manager to negotiate an agreement with the State Theater of Woodland Management Group to lead the fund raising and revitalization efforts of the State Theater.

Prepared by: Lynn Johnson
Sr. Management Analyst

Reviewed by: Nicholas J. Ponticello
Community Development
Director

Paul Navazio
City Manager



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: July 3, 2012

SUBJECT: Surface Water Project: Regional Water Treatment Facility Approve
New Site, Approve Project Design and Bid Package and Authorize
Bid Advertisement and Contract Award for Site Fill

Report in Brief:

The Woodland Davis Clean Water Agency (Agency) has identified a critical path timeline for construction of the Davis Woodland Water Supply (DWWSP) project in order to ensure the City of Woodland (City) can meet its regulatory deadlines for wastewater discharge. One of the critical path items is filling the proposed Regional Water Treatment Facility (RWTF) site with compacted soil to a level that places the facility out of the 200-year floodplain. The site needs to be filled at least one year prior to start of construction to allow settling and consolidation of the underlying soils. The Agency originally planned to advertise for bids in July and ask the Agency Board to award a contract for filling the site in late August; however, City of Woodland staff believe it is in the City's best interest to accelerate the schedule and undertake a City contract to fill the site prior to conveying the parcel to the Agency. The accelerated schedule takes advantage of dry weather to ensure completion during this construction season and reduces costs and risks associated with delays in filling the site. In addition, Agency and City staff have identified an alternate site located at the City's Wastewater Treatment Plant's (WWTP) North Ponds for the RWTF. Locating the RWTF at the alternate site has the potential to provide significant overall project cost savings (in the range of \$4 million) to the City over the original site identified in the 2007 EIR.

Staff recommends that City Council (1) approve relocation of the Regional Water Treatment Facility site to the City's Wastewater Treatment Plant North Ponds; (2) approve the project design and bid package and authorize bid advertisement for construction; and (3) authorize the City Manager to award and execute a construction contract in an amount not to exceed \$3,900,000 for the project. The total cost with construction management, inspection and geotechnical subsidence monitoring is \$4,200,000.

Background and Discussion:

Relocation of the Regional Water Treatment Facility to the City's North Ponds

The 2007 EIR for the DWWSP identified a regional water treatment facility on City-owned property located northeast of the City's existing WWTP on land originally used for processing tomato waste. As plans progressed for conversion of the site to a RWTF, it became evident that access to the site was problematic. Agency and City staff began looking at alternatives and a potential site was identified in the old North Ponds which were originally part of the treatment process at the WWTP, but they are no longer needed with the WWTP upgrades completed in 2007. The North Ponds have been decommissioned, cleaned of sludge and issued a closure letter by the Regional Water Quality Control Board. The ponds are identified for future storm water detention facilities, but there is adequate design capacity to utilize 40 acres of the site for the RWTF and still be able to meet the needs for future storm water detention demands with the remaining acreage. The new site offers several advantages over the original site including overall reduction in project costs, easier access to the RWTF, reduced impacts to adjacent property owners and significantly reduced environmental impacts when compared to building a new access road to the original site.

Critical Path and Accelerated Schedule

In December 2011, the Agency General Manager, Dennis Diemer, presented a critical path schedule for the surface water project to Council. The critical path includes tasks which cannot be delayed in order to maintain the project's scheduled completion in 2016, the date that is essential to Woodland meeting regulatory discharge requirements. One of the critical path items is filling the RWTF site with compacted soil in preparation for RWTF construction. In order to raise the site one foot (1') above the 200-year floodplain, 12-15 feet of compacted fill must be added to the site. The site must be filled at least one year prior to construction of structures for optimum settling and consolidation of the fill and underlying clay soils. Detailed geotechnical monitoring will be performed during the year to confirm settlement of the site is completed prior to the start of construction. This pre-filling of the site minimizes risks and associated costs incurred by the RWTF contractor which would be passed onto the Agency. In order to maintain the schedule, site filling must be completed during this (2012) construction season before the onset of wet weather. Clay soils are very sensitive to moisture levels and can only be compacted at a very narrow soil moisture concentration. Delaying until later in this construction season adds risk that site filling won't be finished before the onset of rain which could add considerable cost to the project and jeopardize the scheduled treatment plant construction and completion date.

At the February 21, 2012 Woodland City Council meeting, Council approved both the design and construction of the site filling. However, the City of Davis has only approved design and will likely not consider the construction phase of site filling until August 21, 2012 or later. This is, at least in part, based on their Water Advisory Committee schedule to study and explore this project and other options for the City of Davis. This delay will likely preclude the Agency from being able to execute a contract for site filling in a timely manner since both cities' councils must approve proposed construction prior to the Agency issuing contracts. City of Woodland staff is concerned that any delay in award of the contract could push the project past the optimal dry season for construction which, in turn, could jeopardize the overall project schedule and expose the City of Woodland to

significantly higher project costs. Woodland staff believes accelerating the schedule will provide significant benefits while minimizing risks.

Only a portion of the 40 acre site will need to be filled. There are two options for filling the site: 1) fill an approximately 19 acre pad to accommodate a Woodland-only treatment facility at a cost of \$3.5 million; or 2) fill 24 acres to accommodate a Woodland-Davis regional treatment facility at an estimated cost \$ 4.2 million. These estimates include the cost of construction, construction management, inspection, engineering design support during construction and geotechnical monitoring services.

City of Woodland staff believes it is beneficial to fill the 24-acre site and keep the option of a regional project open as long as possible. The economies of scale and potential savings associated with a joint project go beyond the initial cost of filling the site. If the City of Davis doesn't proceed with a regional facility at this site, the larger filled site will still provide benefits to Woodland. The additional area provides the contractor greater flexibility in design and construction layout, and provides a staging area for construction and equipment thereby likely reducing future construction costs. It is also probable that in the future the City would utilize the additional filled site, either for plant expansion or other operational uses.

Contract documents are being prepared with two alternatives for filling the site; one for the entire 24-acre site, the other for a Woodland-only site of 19-acres.

At its June 21, 2012 meeting, the Woodland Davis Clean Water Agency Board, acting as lead agency, adopted Resolution 2011-006, approving Addendum 2 to the 2007 EIR for the project. Addendum 2 considered the proposed change in location of the RWTF and concluded that the proposed change in location will not result in any new or more severe impacts than those discussed in the 2007 EIR. No further CEQA documentation is necessary prior to Council taking the recommended actions.

Fiscal Impact:

The estimated total cost of filling the 24-acre site is \$ 4.2 million. There are sufficient funds in the City's surface water Capital Project 08-007 for FY 12-13 to cover the entire cost of filling the site. The project is an enterprise-funded project based on water rates previously approved by Council.

If Davis continues with a joint surface water project through the Agency, they will reimburse the City of Woodland for their share of the cost of filling the site as defined in the JPA agreement

Public Contact:

Posting of the City Council and WDCWA agendas.

SUBJECT: Surface Water Project: Regional Water Treatment Facility Approve New Site,
Approve Project Design and Bid Package and Authorize Bid Advertisement
and Contract Award for Site Fill

PAGE: 4
ITEM:

Recommendation for Action

Staff recommends the following actions:

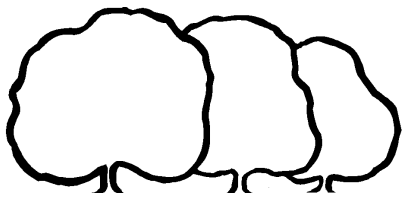
City Council (1) approve relocation of the Regional Water Treatment Facility site to the City-owned North Ponds; (2) approve the project design and bid package and authorize bid advertisement for construction; and (3) authorize the City Manager to award and execute a contract in an amount not to exceed \$3.9 million.

Prepared by: Liz Houck
Senior Engineering Assistant

Reviewed by: Doug Baxter
Principal Engineer

Reviewed by: Nicholas Ponticello
Community Development Director

Paul Navazio
City Manager



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: June 19, 2012

SUBJECT: Woodland Regional Park Site Analysis

Report in Brief

During the past year, there has been increased interest by various outside parties, requesting that the City consider their proposals for use of the City's property known as the "Woodland Regional Park Site" located at CR102 between CR 25 and CR25A.

The City Council has identified the property as surplus property to be included in strategies to utilize the property in the future, to address the City's unfunded OPEB liability.

Proposals the City has currently received are as follows:

Trina Solar- a solar development company proposing the development of a 20+ acres solar energy facility proposed to be located at the Woodland Regional Park site.

The California Wildlife Conservation Board, in cooperation with Conservation Groups- A conservation group proposing the purchase of the entire Woodland Regional Park Property for inclusion in Yolo County's Natural Heritage Plan's Reserve System.

Forensic Outdoor Training Facility (FORT) - The Tule Institute proposing development of approximately 40-60 acres of a portion of the Woodland Regional Park Site for the benefit of becoming the West Coast training center for forensic science and crime scene investigation.

Staff is requesting that Council give direction on the proposed future uses of this site.

Background

The Woodland Regional Park site (APN 042 030 012) is approximately 160 acres located on CR 25A, east of CR102. The site has had many uses over the past 75+ years since the City acquired it in

1935. One third of the site is a former City landfill. Approximately 29 or 31 acres of the site had been transferred for Spring Lake development purposes for storm drain canal uses. The city constructed a storm drain canal along CR25A for purposes of taking water from the Spring Lake Specific Plan area on the west side of CR102. The site was declared surplus by the City Council on September 8, 2008. In addition, there are several endangered species on the site, including Birds Beak (plant species).

Previous and Existing Uses of the Woodland Regional Park Site:

- City Landfill (approximately 60 acres of north portion of site) - fill was used from south portion of the site to cover the “burn site” which consequently created a “lake” during the winter months due to the city’s groundwater depths. The landfill was decommissioned in the late 1980’s and the process of officially closing the landfill per the California State Regional Water Quality Control Board (the “Board”) was started but was never officially completed. The city is currently in the process of officially closing the landfill, awaiting approval by the Board.

The City prepared a Landfill Mitigation Conceptual/Cost Estimates Report. The Report includes an assessment of landfill mitigation strategies and associated cost estimates for formally closing the old landfill site. The Report was prepared by Kleinfelder, Environmental/Engineering Consultant, who was hired in fall 2010 to assist the city in determining what mitigation measures would be required in formally closing the landfill. The Report includes a cost estimate based on the various levels of clean up and eventual closure considering the future use of the site. Their review considered the necessary steps to have the landfill site “officially closed” by the Board.

- In the late 1980’s to early 1990’s the landfill site was leased from the City as a BMX track.
- For many years Los Corporales occupied the northwest portion of the site. In September of 1995 the City of Woodland entered into an agreement with the Los Corporales de Woodland, a non-profit organization, to allow the use of City property at the Regional Park site for the establishment of a facility that would periodically accommodate a traditional Mexican rodeo or related equestrian events. Over the years, the programs provided by the organization had been well accepted by the community, particularly the Hispanic community, as they were interpretative of Hispanic culture and heritage. Los Corporales vacated the site in January 2009.
- In 1986 the Woodland/Davis Aeromodelers (WDA) relocated from their Davis site to the “Mavis Henson Field” designed and built at the Regional Park Site. WDA is a club-organized, volunteer organization dedicated to promoting the sport and hobby of Model Aviation, in and around the Woodland-Davis area. The Aeromodelers occupied and maintained the southern portion of the Regional Park until November 30, 2010 at which time they relocated to CR 29 in Yolo County. The site was vacated in January 2011.

- Well 26 is a city production well (approx 100 feet south of CR 25 to the north) and occupies approximately 200 ft x 200 ft. As a stand alone parcel, it would tentatively occupy approximately 1.5 to 2 acres.
- On September 21, 2010, City Council authorized the City Manager to enter into an Exclusive Negotiating Agreement with OPDE US Corporation (OPDE) in order to develop one or more multi-megawatt solar plants in Woodland. The Regional Park site was one of the sites identified in the agreement. It was understood that this project exposed the city to minimal risk with the potential gain from the generation of revenue from the use of the city property and the establishment of a green technology enterprise in Woodland that could facilitate further economic development within the community in alternative energy. The city entered into a 12 month due diligence period with the possibility of monthly renewals for the next 12 months (on a monthly basis). City staff and OPDE worked collaboratively on project development but unfortunately there were some roadblocks that delayed the process and eventually OPDE was not able to advance the project due to PG&E timelines, the cost of regulation (statewide interconnection rule) for the proposed solar projects, and the expiration of federal incentive programs. Through this process several opportunities were identified that could benefit the City from the development of a solar facility at this location:

- compatible with potential land uses;
- consistent with California Clean Air Action Plan (CAAP) objectives;
- developer proposes onsite mitigation that enhances habitat values (allowing significant land space between each solar array (up to 55 ft) only 5% of array occupies the land;
- ownership of facility at end of lease; opportunity to reinvest lease payments to ensure system is high performing at lease end;
- efficient utilization of existing energy infrastructure (e.g. power lines along CR 012).

CEQA/BIOLOGICAL RESOURCE CONSTRAINTS:

Depending on the type of future use approved for the property, the CEQA requirement could range from a Mitigated Negative Declaration (due to habitat restrictions/issues and possible landfill clean up issues onsite) to possibly an Environmental Impact Report (EIR).

Over the course of the past few years, biological resources reports have been commissioned by the City and various interested parties.

Woodland Regional Park Special-Status Plants Survey, prepared by Ellen Dean of UC Davis Center for Plant Diversity in cooperation with the Tuleyome Group of Woodland, July 2009. This survey detected the following species: alkali milk-vetch, brittlescale, San Joaquin spearscale, palmate-bracted bird's-beak, and Heckard's peppergrass. Many of these species were not detected by Bruce Barnett in 2011.

Biological & Wetlands Resources at the Woodland Regional Park Site, Woodland, CA, prepared by Bruce Barnett, Barnett Environmental Consultants, spring-summer 2011; Biological Constraints Analysis as part of the CEQA requirements for a solar development project at subject location generally concluded the following:

1. Identified a total of 19.626 acres of wetlands during April/May 2011 jurisdictional field delineation of the property. Wetlands features include hydric alkaline grassland, vernal pools, alkaline rain pools, seasonal wetlands and a reservoir/pond. Vernal pools could support fairy and tadpole shrimp (federally protected species) and/or California linderella.
2. Many of the above mentioned species detected by Ellen Dean and UC Davis were not detected in the 2011 survey.
3. A Swainson's Hawk was found foraging over the site but no raptor stick nests were found during the surveys. This species is "fully protected" under Section 3511 of the Ca Fish & Game Code, and under the U.S. Migratory Bird Treaty Act.
4. Two blue elderberry shrubs, the exclusive host for the valley elderberry longhorn beetle, were identified. No "exit holes" were evident on the plants of any beetle activity. Impacts to the species can be mitigated.

Discussion

Over the past several years since the time in which the city determined the landfill to "surplus property" several proposals have been submitted to the City for use of the property. Currently, there are three separate and unique proposals submitted for the use of the property.

The proponents of these submittals have asked city staff and the City Council to consider their proposals and discuss the benefits and impacts of the proposals to the community in order that the City Council may enter into a long term agreement with each various group.

Current Proposals for Woodland Regional Park:

Trina Solar proposal - Most recently, the City has been approached by Trina Solar, a solar development company proposing the development of a 20+ acres solar energy facility to be located at the Woodland Regional Park site. Trina Solar submitted a revised proposal to the City on June 4, 2012 requesting that the city enter into an Exclusive Negotiation Agreement for a 24 month due diligence period to determine if this site is suitable for solar development. Trina Solar would be responsible for obtaining entitlements, permits, rezoning the site to develop a solar facility as part of this lease for a period of 20 years and with an option for 10 additional years for a maximum of 30 years (following due diligence and construction periods). During the due diligence period, Trina Solar would pay an approved non-refundable good faith deposit to the City. The actual amount of

land needed would be determined during the due diligence period which is approximately 20 acres. Trina Solar proposes producing 1 MW of energy and putting on the grid based on future negotiations with PG&E and other power producers. Trina Solar would ultimately like to enter in to a power purchase agreement with the City in the future with the use of additional city parcels if that opportunity presents itself. Like previous interested solar development companies (ie OPDE), Trina Solar feels confident that they can coexist (ie. with HCP/NCCP) and enhance the habitat of the endangered species existing on the Woodland Regional Park Site. The fiscal benefit to the city by entering to a long-term lease agreement ranges from \$440,000 to over \$600,000 if the city exercises the option for the additional 10 years following the original 20 year lease. The proposal is attached for Council's review.

Forensic Outdoor Training Facility (FORT) - The Tule Institute is interested in developing a portion of the Woodland Regional Park Site for the benefit of becoming the West Coast training center for forensic science and crime scene investigation, similar to that of FBI training (at the Marine Corps training facility in Quantico, Virginia). It has been proposed that a full service training facility on the west coast is needed. According to the Tule Institute Preliminary Economic Impact Study completed in October 2011 the economic impact to the Woodland community would provide significant financial benefit to the City. It is proposed that in its first year of operation approximately \$650,000 would be generated impacting the local economy. And, estimates provided by Tule Institute suggests that the economic benefit to the Woodland Community could be in the millions of dollars per year when the training center is fully operational. It is proposed that FORT would be an economic engine for the City of Woodland that would act as a catalyst for a wide range of economic activities (direct, indirect and induced), that is related to training activities such that additional income would be created in the way of services and materials offered by local businesses, such as hotels, restaurants car rentals and travel agencies. The Proposal does not offer to the City any direct monetary compensation for the use of the site.

The California Wildlife Conservation Board, in cooperation with other conservation funders including the Center for Natural Lands Management, the Native Plant Society, and Tuleyome group desires to provide a minimum of \$625,000 to the City so that the site can be purchased for conservation purposes. A short-term management plan will need to be developed and funded after the purchase. The long-term management plan (LTMP) for the Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP) will incorporate the site's requirements such that the LTMP will require the management and protection of its rare species and habitat in perpetuity, once the HCP/NCCP is adopted and the site is incorporated into its preserve system. This group has a joint goal of providing habitat for mitigation in the area and the conservation of endangered species that currently occupy the 156 acre site.

An appraisal was prepared by James W. Herrman & Doug A. La Rocca, Pony Express. The appraisal was completed on April 1, 2011 for the Board of Directors of the Sacramento Valley Chapter of the California Native Plant Society & Tuleyome, Inc., stating the site was valued at \$625,000. Several assumptions were considered when the appraisal was prepared, including the assumption that the City of Woodland will be responsible for all current and future remediation of the site. Also, during the timeframe for the preparation of the Appraisal several site surveys were underway. They could

have significant impacts on the valuation of the site and it had been advised to review the reports for their impacts on the subject site.

As proposed, based on the structure of the identified partnership, this site would be able to mitigate and preserve the site known as the Woodland Regional Park site. Below is a limited list of what is proposed with the purchase of this site:

1. An existing organization, the Center for Natural Lands Management, has a strong local track record of high-quality management of similar sites, currently manages the adjacent property, and is ready to begin the steps to potentially manage this one.
2. This proposal allows for the entire site to be preserved for species and habitat, along with public access in appropriate areas (avoiding rare plant habitat). This complements the regional park as envisioned in the Spring Lake Specific Plan. Public access will be maintained at no cost to the City, but sensitive plant sites will need to be protected from potentially damaging activities. Access to these sensitive sites can occur through guided tours.
3. An existing pond south of the landfill can and should be used as a storm water basin.
4. An irrigated area south of the pond is an ideal location for an environmental education center, which would bring additional tourism dollars to Woodland. This center can be modeled on the Sacramento Splash education center at the former Mather Air Force Base, which is now exceeding its capacity to provide educational opportunities for Sacramento-area schools.

With any future use of the property, the City hopes to retain the southeasterly lake/pond site at the Regional Park site for future storm detention/water quality treatment for the south city urban growth area (aka “Spring Lake and remainder development area”). It occupies approx 25-30 acres of the total site and will need to connect to the existing storm water conveyance channel that travels around the southern and eastern borders of the site. Waters flow east at CR25A and north along eastern boundary offsite to municipal pumping station located at CR103 and East Main Street.

The proposals submitted to the City are attached for Council’s review.

Fiscal Impact

The Fiscal Impact may range from \$625,000 for the acquisition of the site by the California Wildlife Conservation Board and partnering funders to as much as \$2 million if the City also engages Trina Solar in a 20 acre 2-30 year lease for a solar facility and/or FORT for the development of a forensics outdoor training facility to be collocated at the Woodland Regional Park site.

Public Contact

Posting of the City Council agenda

Recommendation for Action

Staff recommends that Council consider the above referenced proposals and give staff direction on how to proceed with the future use (s) of the Woodland Regional Park site located at CR102 and CR25.

Prepared by: Wendy Ross
Econ. Dvlpt. Mgr.

Reviewed by: Nicholas J. Ponticello
CDD Director

Paul Navazio
City Manager

Exhibits:

Trina Solar Proposal
Forensic Outdoor Training Facility (FORT) Proposal
California Wildlife Conservation Board Proposal

Proposed Purchase of the Woodland Regional Park Property for Inclusion in Yolo County's Natural Heritage Plan's Reserve System

April 16, 2012

A coalition of interested parties is prepared to purchase the Woodland Regional Park site to preserve extremely rare natural resources. The City of Woodland currently owns the 158.76-acre site known as the Woodland Regional Park.

The City of Woodland (City) has considered various revenue-enhancing projects on the site in the past that have all been infeasible because of the site's numerous environmental issues. Now these same environmental values promise the City badly needed revenue from preservation of the site.

The Yolo Natural Heritage Program, a local, state, and federal Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP), which Woodland fully participates in, identifies the site as one of its very highest conservation priorities. The site supports habitat for six of California's rarest plants, an extremely high number for such a small site. The rare plants found at the site include the following:

1. Alkali milk-vetch (*Astragalus tener* var. *tener*)
2. Britblescale (*Atriplex depressa*)
3. San Joaquin spearscale (*Atriplex joaquiniana*)
4. Palmate-bracted bird's beak (*Chloropyron* [*Cordylanthus palmatus*] *palmatum*)
5. Heckard's peppergrass (*Lepidium latipes* var. *heckardii*)
6. Saline clover (*Trifolium hydrophilum*)

The palmate-bracted bird's beak is a state and federally listed endangered species, and the saline clover was thought to be extinct until recently. So many rare plants occur on the site because of its unusual soils, but also because it is one of the very few places in California's Central Valley that has not been intensively farmed.

Additionally, the site is identified as important nesting and foraging habitat for Swainson's Hawk (*Buteo swainsoni*), a state-listed threatened raptor species. One of the densest nesting colonies of this species in California is found one hundred yards southeast of the site along Willow Slough, and a nesting site in the central part of the property has now been confirmed.

The California Wildlife Conservation Board, in cooperation with other conservation funders, desires to provide a minimum of \$625,000 to the City so that the site can be purchased for conservation purposes. A short-term management plan will need to be developed and funded after the purchase. The long-term management plan (LTMP) for the HCP/NCCP will incorporate the site's requirements such that the LTMP will require the management and protection of its rare species and habitat in perpetuity, once the HCP/NCCP is adopted and the site is incorporated into its reserve system.

In addition to immediately supplying significant funds to the City, its sale of this land for preservation purposes provides it the numerous additional benefits described below.

1. The City's cooperation in permanently protecting this critical area provides an opportunity to mitigate other City projects that provide economic benefit. The Yolo County HCP/NCCP has a program designed specifically to allow advanced mitigation for Swainson's hawks for properties such as this.
2. The City is freed from the ongoing cost of protecting the site's endangered and threatened species through activities such as weed control.
3. The sale of this entire property for conservation provides a solid, substantial, and upfront amount of cash for the City. In contrast, "competing" offers from solar companies to lease a portion of the site would not provide guaranteed funding, and would generate strong environmental and possible neighborhood opposition. As a result, costly environmental planning, mitigation, and avoidance measures would likely be required that would ultimately cause such proposals to be financially infeasible.
4. An existing organization, the Center for Natural Lands Management, has a strong local track record of high-quality management of similar sites, currently manages the adjacent property, and is ready to begin the steps to potentially manage this one.
5. This proposal allows for the entire site to be preserved for species and habitat, along with public access in appropriate areas (avoiding rare plant habitat). This complements the regional park as envisioned in the Spring Lake Specific Plan. Public access will be maintained at no cost to the City, but sensitive plant sites will need to be protected from potentially damaging activities. Access to these sensitive sites can occur through guided tours.
6. An existing pond south of the landfill can and should be used as a stormwater basin, which would relieve the city from the expense of acquiring land for and constructing such a basin.
7. An irrigated area south of the pond is an ideal location for an environmental education center, which would bring additional tourism dollars to Woodland. This center can be modeled on the Sacramento Splash education center at the former Mather Air Force Base, which is now exceeding its capacity to provide educational opportunities for Sacramento-area schools.
8. Restoration of rare species habitat has high potential in areas currently covered by the landfill since the unusual soils required are present beneath it. The landfill may also be a potential source of toxic substances to the Sacramento River watershed. Similar efforts to remove toxics from the watershed, such as mine cleanup in and near Yolo County, currently receive more than a million dollars in grant funding.
9. Woodland residents would obtain use of the site to view wildlife without tax money going toward the ongoing costs of maintenance for the site.

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April 16, 2012

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The City of Woodland (City) has considered various revenue-enhancing projects on the site in the past that have all been infeasible because of the site's numerous environmental issues. Now these same environmental values promise the City badly needed revenue from preservation of the site.

The Yolo Natural Heritage Program, a local, state, and federal Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP), which Woodland fully participates in, identifies the site as one of its very highest conservation priorities. The site supports habitat for six of California's rarest plants, an extremely high number for such a small site. The rare plants found at the site include the following:

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Additionally, the site is identified as important nesting and foraging habitat for Swainson's Hawk (*Buteo swainsoni*), a state-listed threatened raptor species. One of the densest nesting colonies of this species in California is found one hundred yards southeast of the site along Willow Slough, and a nesting site in the central part of the property has now been confirmed.

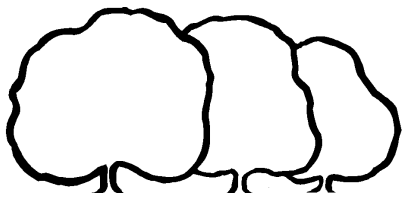
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1. The City's cooperation in permanently protecting this critical area provides an opportunity to mitigate other City projects that provide economic benefit. The Yolo County HCP/NCCP has a program designed specifically to allow advanced mitigation for Swainson's hawks for properties such as this.
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REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: June 19, 2012

SUBJECT: Woodland Regional Park Site Analysis

Report in Brief

During the past year, there has been increased interest by various outside parties, requesting that the City consider their proposals for use of the City's property known as the "Woodland Regional Park Site" located at CR102 between CR 25 and CR25A.

The City Council has identified the property as surplus property to be included in strategies to utilize the property in the future, to address the City's unfunded OPEB liability.

Proposals the City has currently received are as follows:

Trina Solar- a solar development company proposing the development of a 20+ acres solar energy facility proposed to be located at the Woodland Regional Park site.

The California Wildlife Conservation Board, in cooperation with Conservation Groups- A conservation group proposing the purchase of the entire Woodland Regional Park Property for inclusion in Yolo County's Natural Heritage Plan's Reserve System.

Forensic Outdoor Training Facility (FORT) - The Tule Institute proposing development of approximately 40-60 acres of a portion of the Woodland Regional Park Site for the benefit of becoming the West Coast training center for forensic science and crime scene investigation.

Staff is requesting that Council give direction on the proposed future uses of this site.

Background

The Woodland Regional Park site (APN 042 030 012) is approximately 160 acres located on CR 25A, east of CR102. The site has had many uses over the past 75+ years since the City acquired it in

1935. One third of the site is a former City landfill. Approximately 29 or 31 acres of the site had been transferred for Spring Lake development purposes for storm drain canal uses. The city constructed a storm drain canal along CR25A for purposes of taking water from the Spring Lake Specific Plan area on the west side of CR102. The site was declared surplus by the City Council on September 8, 2008. In addition, there are several endangered species on the site, including Birds Beak (plant species).

Previous and Existing Uses of the Woodland Regional Park Site:

- City Landfill (approximately 60 acres of north portion of site) - fill was used from south portion of the site to cover the “burn site” which consequently created a “lake” during the winter months due to the city’s groundwater depths. The landfill was decommissioned in the late 1980’s and the process of officially closing the landfill per the California State Regional Water Quality Control Board (the “Board”) was started but was never officially completed. The city is currently in the process of officially closing the landfill, awaiting approval by the Board.

The City prepared a Landfill Mitigation Conceptual/Cost Estimates Report. The Report includes an assessment of landfill mitigation strategies and associated cost estimates for formally closing the old landfill site. The Report was prepared by Kleinfelder, Environmental/Engineering Consultant, who was hired in fall 2010 to assist the city in determining what mitigation measures would be required in formally closing the landfill. The Report includes a cost estimate based on the various levels of clean up and eventual closure considering the future use of the site. Their review considered the necessary steps to have the landfill site “officially closed” by the Board.

- In the late 1980’s to early 1990’s the landfill site was leased from the City as a BMX track.
- For many years Los Corporales occupied the northwest portion of the site. In September of 1995 the City of Woodland entered into an agreement with the Los Corporales de Woodland, a non-profit organization, to allow the use of City property at the Regional Park site for the establishment of a facility that would periodically accommodate a traditional Mexican rodeo or related equestrian events. Over the years, the programs provided by the organization had been well accepted by the community, particularly the Hispanic community, as they were interpretative of Hispanic culture and heritage. Los Corporales vacated the site in January 2009.
- In 1986 the Woodland/Davis Aeromodelers (WDA) relocated from their Davis site to the “Mavis Henson Field” designed and built at the Regional Park Site. WDA is a club-organized, volunteer organization dedicated to promoting the sport and hobby of Model Aviation, in and around the Woodland-Davis area. The Aeromodelers occupied and maintained the southern portion of the Regional Park until November 30, 2010 at which time they relocated to CR 29 in Yolo County. The site was vacated in January 2011.

- Well 26 is a city production well (approx 100 feet south of CR 25 to the north) and occupies approximately 200 ft x 200 ft. As a stand alone parcel, it would tentatively occupy approximately 1.5 to 2 acres.
- On September 21, 2010, City Council authorized the City Manager to enter into an Exclusive Negotiating Agreement with OPDE US Corporation (OPDE) in order to develop one or more multi-megawatt solar plants in Woodland. The Regional Park site was one of the sites identified in the agreement. It was understood that this project exposed the city to minimal risk with the potential gain from the generation of revenue from the use of the city property and the establishment of a green technology enterprise in Woodland that could facilitate further economic development within the community in alternative energy. The city entered into a 12 month due diligence period with the possibility of monthly renewals for the next 12 months (on a monthly basis). City staff and OPDE worked collaboratively on project development but unfortunately there were some roadblocks that delayed the process and eventually OPDE was not able to advance the project due to PG&E timelines, the cost of regulation (statewide interconnection rule) for the proposed solar projects, and the expiration of federal incentive programs. Through this process several opportunities were identified that could benefit the City from the development of a solar facility at this location:

- compatible with potential land uses;
- consistent with California Clean Air Action Plan (CAAP) objectives;
- developer proposes onsite mitigation that enhances habitat values (allowing significant land space between each solar array (up to 55 ft) only 5% of array occupies the land;
- ownership of facility at end of lease; opportunity to reinvest lease payments to ensure system is high performing at lease end;
- efficient utilization of existing energy infrastructure (e.g. power lines along CR 012).

CEQA/BIOLOGICAL RESOURCE CONSTRAINTS:

Depending on the type of future use approved for the property, the CEQA requirement could range from a Mitigated Negative Declaration (due to habitat restrictions/issues and possible landfill clean up issues onsite) to possibly an Environmental Impact Report (EIR).

Over the course of the past few years, biological resources reports have been commissioned by the City and various interested parties.

Woodland Regional Park Special-Status Plants Survey, prepared by Ellen Dean of UC Davis Center for Plant Diversity in cooperation with the Tuleyome Group of Woodland, July 2009. This survey detected the following species: alkali milk-vetch, brittlescale, San Joaquin spearscale, palmate-bracted bird's-beak, and Heckard's peppergrass. Many of these species were not detected by Bruce Barnett in 2011.

Biological & Wetlands Resources at the Woodland Regional Park Site, Woodland, CA, prepared by Bruce Barnett, Barnett Environmental Consultants, spring-summer 2011; Biological Constraints Analysis as part of the CEQA requirements for a solar development project at subject location generally concluded the following:

1. Identified a total of 19.626 acres of wetlands during April/May 2011 jurisdictional field delineation of the property. Wetlands features include hydric alkaline grassland, vernal pools, alkaline rain pools, seasonal wetlands and a reservoir/pond. Vernal pools could support fairy and tadpole shrimp (federally protected species) and/or California linderiella.
2. Many of the above mentioned species detected by Ellen Dean and UC Davis were not detected in the 2011 survey.
3. A Swainson's Hawk was found foraging over the site but no raptor stick nests were found during the surveys. This species is "fully protected" under Section 3511 of the Ca Fish & Game Code, and under the U.S. Migratory Bird Treaty Act.
4. Two blue elderberry shrubs, the exclusive host for the valley elderberry longhorn beetle, were identified. No "exit holes" were evident on the plants of any beetle activity. Impacts to the species can be mitigated.

Discussion

Over the past several years since the time in which the city determined the landfill to "surplus property" several proposals have been submitted to the City for use of the property. Currently, there are three separate and unique proposals submitted for the use of the property.

The proponents of these submittals have asked city staff and the City Council to consider their proposals and discuss the benefits and impacts of the proposals to the community in order that the City Council may to enter into a long term agreement with each various group.

Current Proposals for Woodland Regional Park:

Trina Solar proposal - Most recently, the City has been approached by Trina Solar, a solar development company proposing the development of a 20+ acres solar energy facility to be located at the Woodland Regional Park site. Trina Solar submitted a revised proposal to the City on June 4, 2012 requesting that the city enter into an Exclusive Negotiation Agreement for a 24 month due diligence period to determine if this site is suitable for solar development. Trina Solar would be responsible for obtaining entitlements, permits, rezoning the site to develop a solar facility as part of this lease for a period of 20 years and with an option for 10 additional years for a maximum of 30 years (following due diligence and construction periods). During the due diligence period, Trina Solar would pay an approved non-refundable good faith deposit to the City. The actual amount of

land needed would be determined during the due diligence period which is approximately 20 acres. Trina Solar proposes producing 1 MW of energy and putting on the grid based on future negotiations with PG&E and other power producers. Trina Solar would ultimately like to enter in to a power purchase agreement with the City in the future with the use of additional city parcels if that opportunity presents itself. Like previous interested solar development companies (ie OPDE), Trina Solar feels confident that they can coexist (ie. with HCP/NCCP) and enhance the habitat of the endangered species existing on the Woodland Regional Park Site. The fiscal benefit to the city by entering to a long-term lease agreement ranges from \$440,000 to over \$600,000 if the city exercises the option for the additional 10 years following the original 20 year lease. The proposal is attached for Council's review.

Forensic Outdoor Training Facility (FORT) - The Tule Institute is interested in developing a portion of the Woodland Regional Park Site for the benefit of becoming the West Coast training center for forensic science and crime scene investigation, similar to that of FBI training (at the Marine Corps training facility in Quantico, Virginia). It has been proposed that a full service training facility on the west coast is needed. According to the Tule Institute Preliminary Economic Impact Study completed in October 2011 the economic impact to the Woodland community would provide significant financial benefit to the City. It is proposed that in its first year of operation approximately \$650,000 would be generated impacting the local economy. And, estimates provided by Tule Institute suggests that the economic benefit to the Woodland Community could be in the millions of dollars per year when the training center is fully operational. It is proposed that FORT would be an economic engine for the City of Woodland that would act as a catalyst for a wide range of economic activities (direct, indirect and induced), that is related to training activities such that additional income would be created in the way of services and materials offered by local businesses, such as hotels, restaurants car rentals and travel agencies. The Proposal does not offer to the City any direct monetary compensation for the use of the site.

The California Wildlife Conservation Board, in cooperation with other conservation funders including the Center for Natural Lands Management, the Native Plant Society, and Tuleyome group desires to provide a minimum of \$625,000 to the City so that the site can be purchased for conservation purposes. A short-term management plan will need to be developed and funded after the purchase. The long-term management plan (LTMP) for the Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP) will incorporate the site's requirements such that the LTMP will require the management and protection of its rare species and habitat in perpetuity, once the HCP/NCCP is adopted and the site is incorporated into its preserve system. This group has a joint goal of providing habitat for mitigation in the area and the conservation of endangered species that currently occupy the 156 acre site.

An appraisal was prepared by James W. Herrman & Doug A. La Rocca, Pony Express. The appraisal was completed on April 1, 2011 for the Board of Directors of the Sacramento Valley Chapter of the California Native Plant Society & Tuleyome, Inc., stating the site was valued at \$625,000. Several assumptions were considered when the appraisal was prepared, including the assumption that the City of Woodland will be responsible for all current and future remediation of the site. Also, during the timeframe for the preparation of the Appraisal several site surveys were underway. They could

have significant impacts on the valuation of the site and it had been advised to review the reports for their impacts on the subject site.

As proposed, based on the structure of the identified partnership, this site would be able to mitigate and preserve the site known as the Woodland Regional Park site. Below is a limited list of what is proposed with the purchase of this site:

1. An existing organization, the Center for Natural Lands Management, has a strong local track record of high-quality management of similar sites, currently manages the adjacent property, and is ready to begin the steps to potentially manage this one.
2. This proposal allows for the entire site to be preserved for species and habitat, along with public access in appropriate areas (avoiding rare plant habitat). This complements the regional park as envisioned in the Spring Lake Specific Plan. Public access will be maintained at no cost to the City, but sensitive plant sites will need to be protected from potentially damaging activities. Access to these sensitive sites can occur through guided tours.
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With any future use of the property, the City hopes to retain the southeasterly lake/pond site at the Regional Park site for future storm detention/water quality treatment for the south city urban growth area (aka “Spring Lake and remainder development area”). It occupies approx 25-30 acres of the total site and will need to connect to the existing storm water conveyance channel that travels around the southern and eastern borders of the site. Waters flow east at CR25A and north along eastern boundary offsite to municipal pumping station located at CR103 and East Main Street.

The proposals submitted to the City are attached for Council’s review.

Fiscal Impact

The Fiscal Impact may range from \$625,000 for the acquisition of the site by the California Wildlife Conservation Board and partnering funders to as much as \$2 million if the City also engages Trina Solar in a 20 acre 2-30 year lease for a solar facility and/or FORT for the development of a forensics outdoor training facility to be collocated at the Woodland Regional Park site.

Public Contact

Posting of the City Council agenda

Recommendation for Action

Staff recommends that Council consider the above referenced proposals and give staff direction on how to proceed with the future use (s) of the Woodland Regional Park site located at CR102 and CR25.

Prepared by: Wendy Ross
Econ. Dvlpt. Mgr.

Reviewed by: Nicholas J. Ponticello
CDD Director

Paul Navazio
City Manager

Exhibits:

Trina Solar Proposal
Forensic Outdoor Training Facility (FORT) Proposal
California Wildlife Conservation Board Proposal

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The palmate-bracted bird's beak is a state and federally listed endangered species, and the saline clover was thought to be extinct until recently. So many rare plants occur on the site because of its unusual soils, but also because it is one of the very few places in California's Central Valley that has not been intensively farmed.

Additionally, the site is identified as important nesting and foraging habitat for Swainson's Hawk (*Buteo swainsoni*), a state-listed threatened raptor species. One of the densest nesting colonies of this species in California is found one hundred yards southeast of the site along Willow Slough, and a nesting site in the central part of the property has now been confirmed.

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