

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

**CITY COUNCIL
CLOSED SESSION AGENDA**

REVISED

NOVEMBER 29, 2011

5:00 P.M.

A. CALL TO ORDER

B. CLOSED SESSION

B.1 Conference with Legal Counsel - Anticipated Litigation,
Initiation of Litigation Pursuant to Section 54956.9(c)
Number of Cases: 1

B.2 Public Employee Performance Evaluation, Pursuant to Section
54957
Title: City Manager Evaluation

B.3 Threat to Public Services or Facilities, Pursuant to Section 54975(a)
Consultation with: Chief of Police

SPECIAL MEETING/STUDY SESSION

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. REPORTS OF THE CITY MANAGER

1. Receive Report on Freeman Park (Farmer's Market) Project
2. Receive Report on Main Street Beautification Project
3. Receive Report on City Sidewalk Policy
4. Receive Report on Memorial Policy

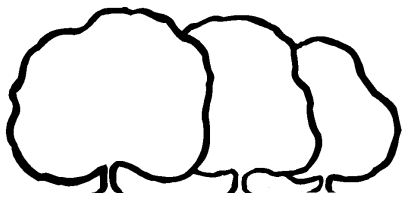
G. ADJOURN

I declare under penalty of perjury that the foregoing Agenda for the special meeting of the City Council of the City of Woodland scheduled for November 29, 2011 was posted on November 22, 2011 in the outside display case at City Hall, 300 First Street, Woodland, CA, and was available to the public during normal business hours.

Ana B. Gonzalez
City Clerk

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

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



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: November 29, 2011

SUBJECT: Freeman Park (Farmer's Market) Project

Report in Brief

Staff has prepared a special study session for Council to receive an update and provide direction regarding the Freeman Park (Farmer's Market) improvement project. Staff's presentation will provide information on the studies and public outreach completed, planned improvements, budget and next steps for this project.

Staff recommends that the City Council receive this update and provide comments, suggestions and direction in response to the information described herein.

Background

In June 2011, under the direction of the Redevelopment Agency (RDA) Board, RDA staff contracted with Indigo – Hammond and Playle Architects to perform an assessment of the existing Woodland Farmer's Market and provide a schematic design for improvements to Freeman Park to accommodate a permanent location for the Market as well as create a destination for the community.

Indigo prepared two separate schematic designs for Freeman Park; a long range vision concept design and a concept design for Phase 1 Freeman Park (Farmer's Market) project that could be constructed with current funding.

Farmer's Market Assessment

Details about the Farmer's Market assessment study will be presented to council during the study session. The study discusses the results of surveys conducted via telephone and surveys conducted at the Farmer's Market Tomato Festival the fiscal benefit the market brings to downtown Woodland, and how physical, marketing and management changes might enable the market to expand its size and season.

Sonia and Danny Mora, the managers of the Market, acknowledge that the Market will benefit from the park improvements and feel very strongly that improvements to the park should be for the benefit of the community, not the Market alone. The renovation of the park will help the downtown by increasing park use, and in turn, bring more people downtown. They are in favor of expanding the

Market while still maintaining a certified farmer's market with farmers as the primary vendors and are willing to work with the City to expand the Market and park use.

Public Outreach

To date, two public planning meetings have been held at Freeman Park as well as three separate vendor meetings. In addition, as stated previously, surveys were conducted via telephone and at the Farmer's Market Tomato Festival . These studies emphasized the need to create activity points within the park that would draw people throughout the week. Staff presented the project design to the Parks & Recreation commission in October and received a favorable response toward the design elements and the project as a whole. Staff anticipates future public meetings will be held to obtain public input during the design of the park improvements.

Project Budget

The long range vision concept design plan is estimated at \$2 million.

For the Phase 1 Freeman Park (Farmer's Market) project, design and construction are proposed to be funded from the following sources:

- \$250,000 RDA funds

- \$250,000 Proposition 50/Measure E Park Irrigation funds

- \$100,000 SACOG Community Design Grant funds

- \$ 97,000 Housing Related Park money programmed for Freeman Park

- \$250,000 Proposition 84- State Safe Drinking Water Fund/RDA funding swap (funding not confirmed)

In addition, repaving the area adjacent the well site as a parking lot to benefit the park is included in the Water Well construction project.

Two of the funding sources (Park Irrigation and Community Design) are regulated and can only be used for specific improvements. This means that project funds cannot be moved around to fund differing features. The Park Irrigation funding must be spent toward improvements that accomplish the goals of the grant funding to minimize water and energy consumption. The Community Design funds can only be spent on improvements within the public right-of-way (from the back of the sidewalk to the street).

There are also funding restrictions related to the State Safe Drinking Water funding swap with RDA funding. The water well project in Freeman Park has \$250,000 of RDA funding programmed for the project. Staff has applied for a \$250,000 grant from the State Safe Drinking Water fund to use toward the well project and an approval determination is expected from the State in June 2012. If the grant funding is received, the \$250,000 of RDA funds could be released for use on the Freeman Park project upon RDA Board approval.

The last funding variable is the status of the existence of the Redevelopment Agency. If the California Supreme Court permits the state to abolish municipal redevelopment agencies, all RDA funding associated with the project may cease to exist.

Park Improvements

The study session presentation will provide preliminary design concepts for the park that includes input received at the public meetings.

The long range vision concept plan was pared down to an initial Phase 1 Freeman Park (Farmer's Market) project based on expected construction budgets. Given the variability in the funding sources, staff explored the impacts to the initial Phase 1 plan under three different budget scenarios.

1. If existing redevelopment funding is taken away (due to Court decisions regarding redevelopment funding) and the Safe Drinking Water fund swap does not happen, the project can be constructed without the permanent structure and without the hardscape area thus maintaining the area in its current fair-weather use condition.
2. If existing redevelopment funding is available and the Safe Drinking Water fund swap does not happen, the project can be constructed without the permanent structure but with a minimized hardscape area to allow for inclement-weather event use.
3. If existing redevelopment funding and the Safe Drinking Water fund swap does happen, the project can be constructed as shown in Exhibit B which would include a permanent structure and hardscape to allow all-weather events in the park without detriment to the turf.

Discussion

In initial discussions about the long range vision plan for the Farmer's Market, it was requested that a driveway be provided off Main Street into the hardscape area of the park. Staff was initially opposed to this proposal as there are negative implications to driveways on Main Street that allow left turns across traffic. Additionally, there was concern about general public driving on the park hardscape areas. After further review and discussion, it was determined that a rolled curb access point could be provided for event vendors (Farmer's Market or otherwise) to access the site while discouraging general public vehicular access. This issue does not apply to the initial Phase 1 project as the existing United Way/Toy Library driveway will be used for access.

Concerns have also been raised about access from the new courthouse to the park and requests have been made for bulb out crossings at Fifth and Sixth streets and possibly a mid-block crossing in front of the court to the park. The Main Street Beautification project includes a signal at Fifth Street that will provide signalized crossing of the intersection, bulb outs to shorten crossing distances and increase visibility. A bulb out crossing at Sixth Street is infeasible in that there are conflicting driveway access points to the Rainbow Sales and Budget Inn properties across the street. Providing mid-block crossing is not encouraged as drivers do not expect mid-block pedestrian crossings. However the option was explored and since the main access to the courthouse is directly across from the United Way/Toy Library the crossing would have to be shifted to the west. Shifting it to the west means the mid-block crossing would be less than 100 feet from the signalized intersection at Fifth Street.

Lack of parking has been cited as a concern for the park. The project will not reduce the existing parking along Main and Court streets and will continue use of the United Way/Toy Library parking

lot. Additionally, the water well project will pave the area surrounding the well to provide 16 additional parking spaces.

Staff is seeking comment and direction on prioritization of improvements to the park if additional funding above the baseline budget is available due to low bid prices at the time of bidding or if additional funding becomes available.

Fiscal Impact

Funding associated with the Freeman Park (Farmer's Market) project is identified in the Capital Budget.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

Staff presented the project design to the Parks & Recreation commission in October and received a favorable response toward the design elements and the project as a whole

Recommendation for Action

Staff recommends that the City Council receive this update and provide comments, suggestions and direction in response to the information described herein.

Prepared by: Katie Wurzel, PE
Transportation Engineer

Reviewed by: Brent Meyer, PE
City Engineer

Reviewed by: Nicholas J. Ponticello
CDD Director

Kevin O'Rourke
Interim City Manager

Attachments: Exhibits A & B

Exhibit A

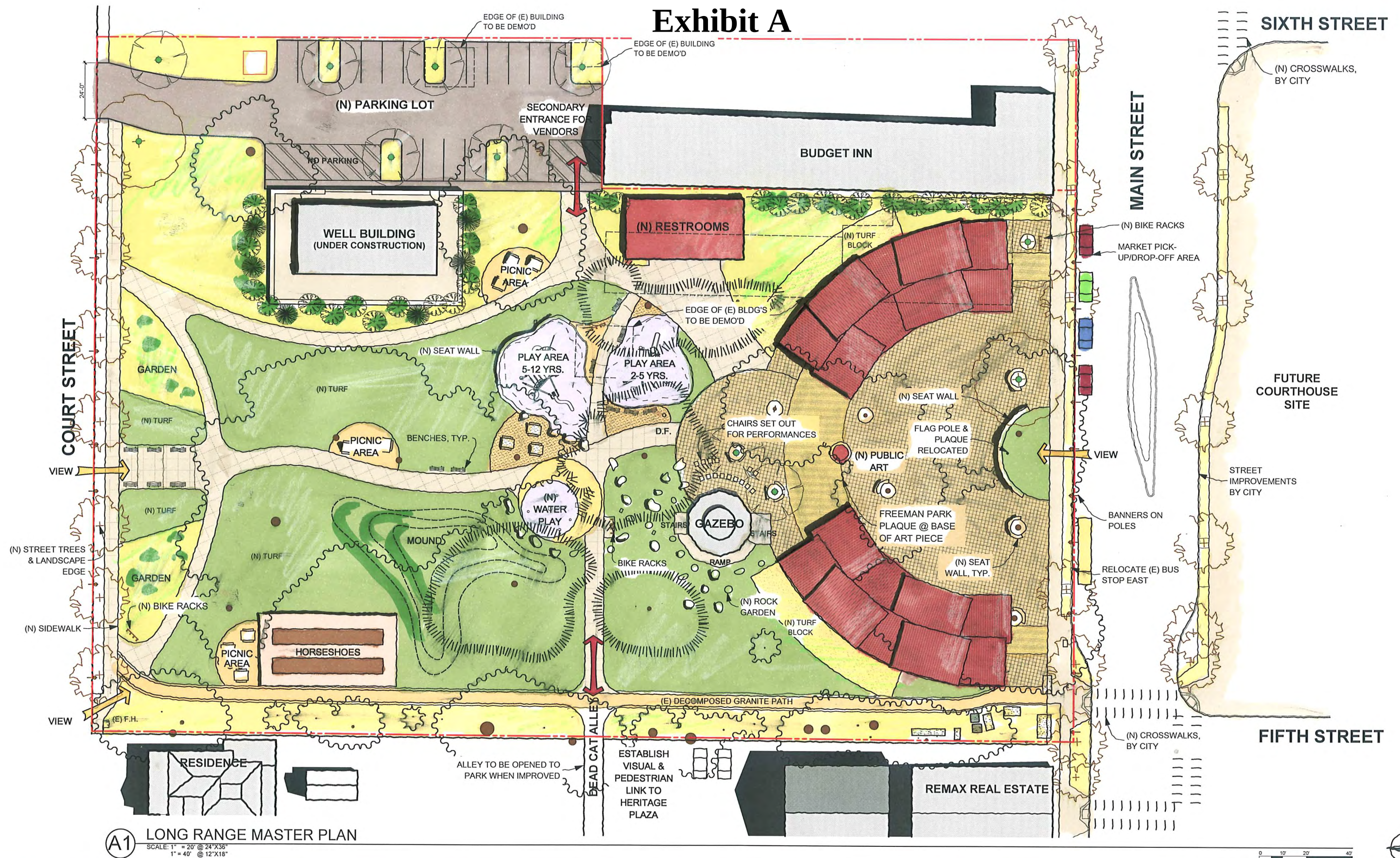
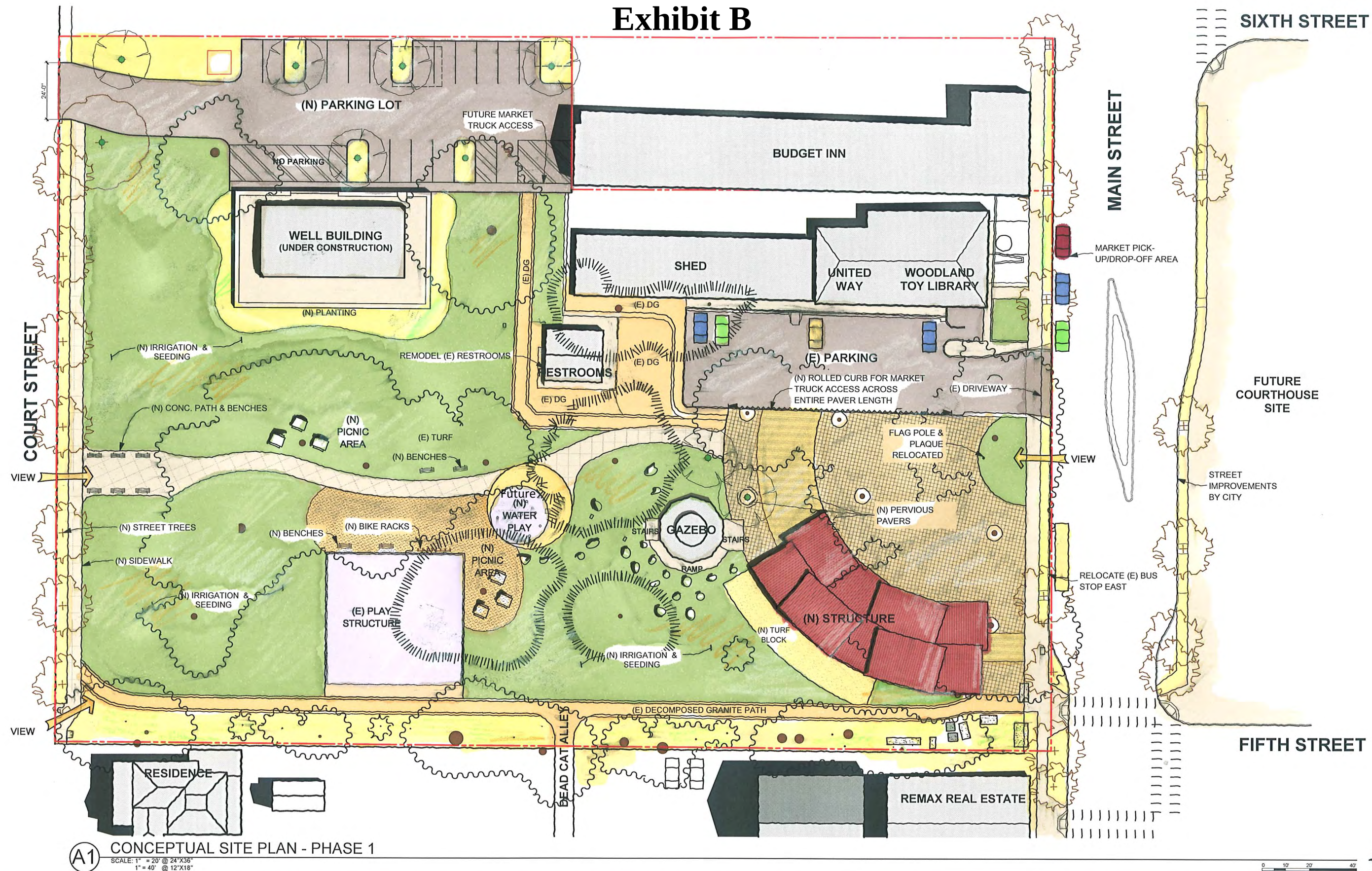
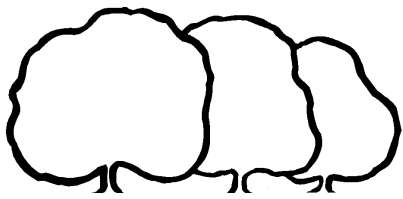


Exhibit B





REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: November 29, 2011

SUBJECT: Main Street Beautification Project

Report in Brief

Staff has prepared a special study session for Council to receive an update and provide direction regarding the Main Street Beautification project. Staff's presentation will provide information on the public outreach completed, planned improvements, budget and next steps for this project.

Staff recommends that the City Council receive this update and provide comments, suggestions and direction in response to the information described herein.

Background

In September 2009, staff submitted an application to SACOG for Community Design Grant funding to expand the downtown improvements on Main Street. The intent of the grant application was to obtain funding to improve the section of Main Street from Third to Sixth streets by improving sidewalks and adding bulb outs, street trees, street furniture and other enhancements similar to those that exist in downtown.

Public Outreach

To date, one public meeting has been held. The meeting was held in August 2009 as an agenda item during the meeting of the Historic Woodland Downtown Association. This was a preliminary planning meeting to discuss the concept proposed by staff to apply for grant funding to extend the downtown improvements from Third to Sixth streets. The meeting was an initial opportunity to hear from members of the public their opinions on what improvements are needed downtown.

Staff anticipates future public meetings will be held to obtain public input during the design of the project to obtain input on design features, street furniture, finishes and other details. The meetings are not currently scheduled. However, the meetings will be publicly noticed.

Project Budget

The City received \$915,000 in funding from SACOG for the project. Design of the project is funded with RDA funds and the construction will be grant funded with \$150,000 in RDA funds to meet the grant requirement for matching funds.

SACOG programmed funding for this project in the 2014/15 federal fiscal year which would have meant construction in the spring of 2015 however; staff is currently working with SACOG and Caltrans to advance funding for this project to the 2012/13 federal fiscal year to allow construction in the spring of 2013.

If the California Supreme Court permits the state to abolish municipal redevelopment agencies, all RDA funding associated with the project may cease to exist and another funding source will be required for use as matching funds for the grant.

Project Improvements

Preliminary concept designs used to prepare cost estimates for use with the grant application assumed improvements similar to those existing in downtown. The goal is to create a complete street through the segment of Main Street from Third to Sixth streets while harmonizing with the existing improvements. Exhibits C shows the grant funded improvements in blue and future proposed improvements in green. Exhibit D shows just the grant funded improvements.

Pedestrian improvements include reconstructed sidewalks with decorative strips, intersection bulb outs and enhanced crosswalks to increase pedestrian visibility. The inclusion of street furniture, bike racks, planters and banner hangers all coordinate to create a sense of place in downtown. Street trees will be planted to provide a shade canopy and reduce the heat island effects caused by the paved surfaces. The project also includes the construction of a signal at Fifth Street and pedestrian improvements to the signal at Third Street. Finally, it is anticipated that the roadway will be rehabilitated and restriped. The pavement restriping will include the use of “sharrows” which are share the road bike lane arrows used along bike routes and are intended to remind drivers to be mindful of cyclists.

The concept long range plan for the roadway also included the construction of medians within the roadway segment. These medians are intended to provide traffic calming as well as the potential opportunity for additional landscaping to ‘soften’ the roadway and make it more aesthetically appealing. However, due to cost and the access limitations associated with some of the medians, the medians were not included in the initial phase of the project.

Discussion

When preparing the grant application for this project, staff had two primary guiding principles with regard to traffic: Accommodate traffic in and through downtown and create pedestrian friendly downtown environment. Because Main St is listed as a minor arterial in the General Plan, there needs to be an accommodation for the movement of all modes of traffic in and through downtown. However, in order to create an attractive downtown environment, there needs to be an accommodation for patrons of downtown businesses as well as creating a desirable place for residents to enjoy. Staff intends to discuss these issues with the public during a future public workshop but would like Council to provide direction and feedback on the issue.

Staff has received multiple questions about the lack of bike lanes on Main Street. The placement of bike lanes on Main Street has been exhaustively studied and given the proposed geometry of the

roadway (matching sidewalk and roadway widths to the existing improvements) it is not possible to include bike lanes. Including bike lanes would require the removal of parking from one side of the roadway, significantly narrowing sidewalks or other such drastic and expensive measures.

Concerns have been raised about the medians included in the long range plan. Staff understands that there are access limitations caused by the medians that may be negatively perceived. Since there is a desire to slow down traffic staff feels that there is benefit to considering medians which have proven to help reduce speeds, especially in conjunction with bulb outs. This item may not apply to the initial construction project as the medians are not included in the budget. However, staff welcomes thoughts that Council has on the issue and direction that may be provided in the case that additional funding is available for their construction.

Staff received initial comments during the public meeting with the Historic Downtown Association about the types of street furniture, bike racks, etc. that are used downtown and the desire to be involved in the process of their selection. This comment has again been posed to staff and we wish to inform Council that it is intended that a public workshop be held to vet these design details.

Fiscal Impact

Funding associated with the Main Street Beautification project is identified in the Capital Budget.

Public Contact

Posting of the City Council agenda

Recommendation for Action

Staff recommends that the City Council receive this update and provide comments, suggestions and direction in response to the information described herein.

Prepared by: Katie Wurzel, PE
Transportation Engineer

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

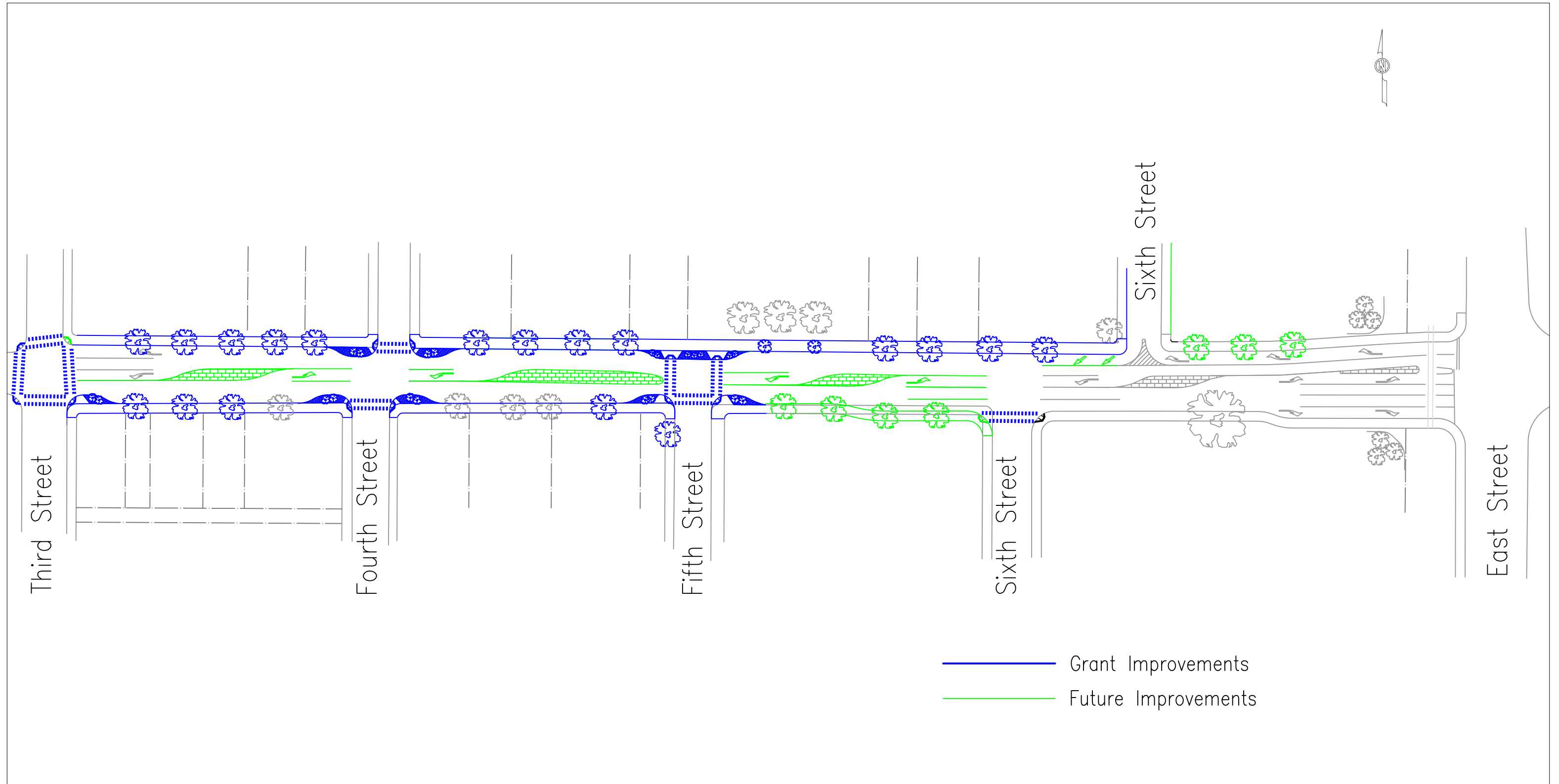
Reviewed by: Nicholas J. Ponticello
CDD Director

Kevin O'Rourke
Interim City Manager

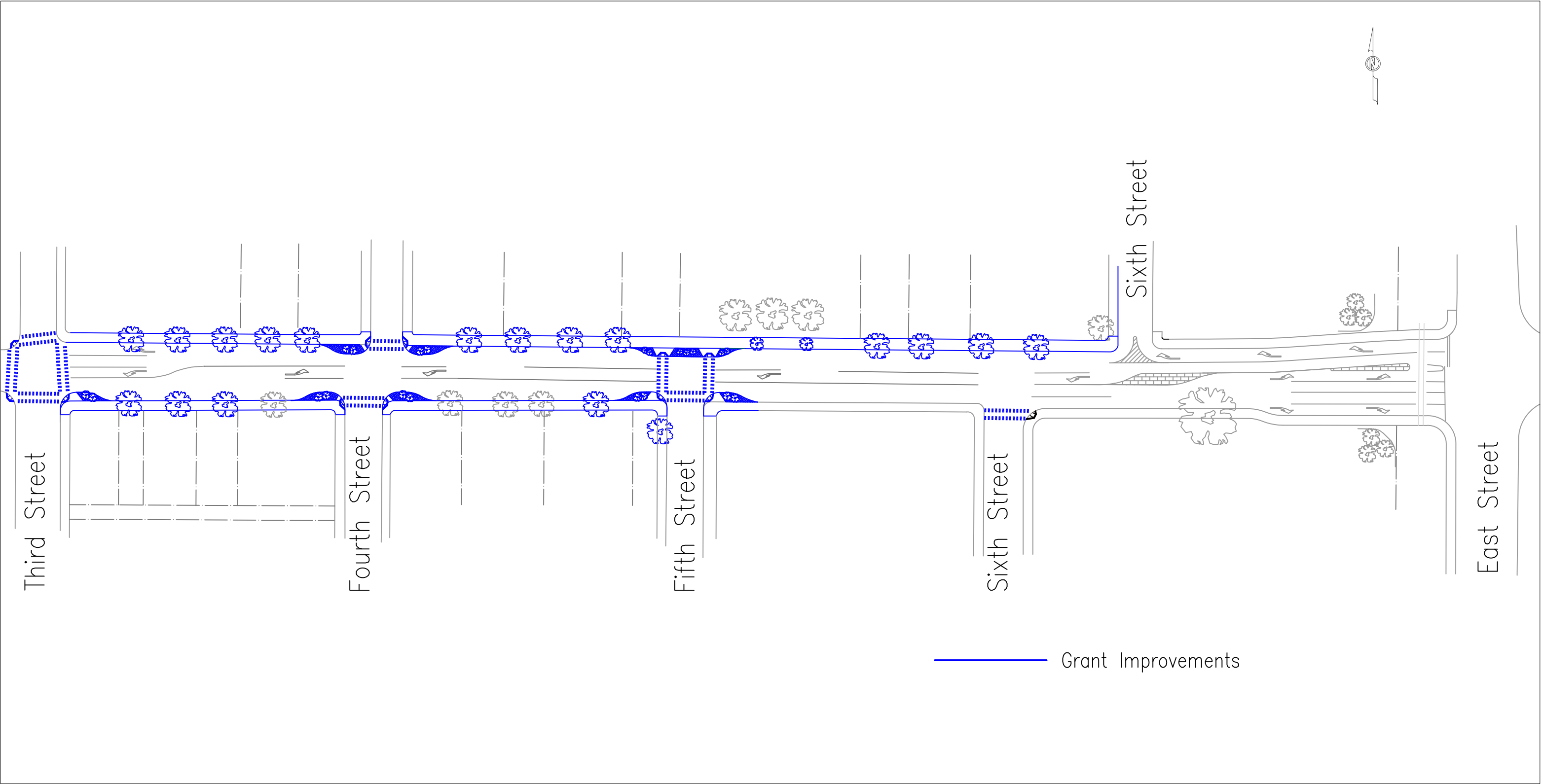
Attachments: Exhibits C & D

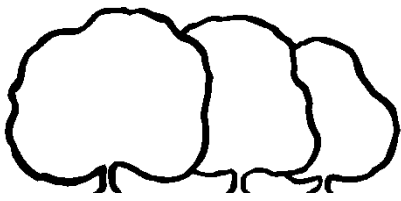
Exhibit C

SACOG MAIN STREET PROPOSED IMPROVEMENTS



SACOG MAIN STREET PROPOSED IMPROVEMENTS





REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: November 29, 2011

SUBJECT: City Sidewalk Policy

Report in Brief

City staff is formalizing a City-wide policy outlining how sidewalk deficiencies and the funding of their repairs will be addressed. The policy will identify financial responsibility for repairs, prioritization, notification process, repair procedures, as well as ADA compliance when performing repairs.

Staff is requesting the Council give the City Manager direction to finalize a City Policy for sidewalk repairs.

Background

The City of Woodland has approximately 350 miles of curb, gutter and sidewalks that are in various states of condition. Financial responsibility for repairs, as defined in section 5610 of the Streets and Highway Code, falls directly on the fronting property owner.

Public Works currently has a policy that outlines the procedures for prioritizing and making repairs to sidewalks that is based on a waiting list for repairs which have been identified, but not funded. This process is largely a complaint-based program due to the inadequate resources available to run a full sidewalk repair program.

Our sidewalk infrastructure needs to be maintained in a fashion that meets ADA requirements, reduces liability claims, and promotes a safe avenue for pedestrian traffic. We currently respond to complaints by grinding down offsets and then ramping with asphalt in an effort to reduce liability and tripping hazards on reported defects while waiting for repairs to be funded and finished, but this is only a temporary fix to a permanent problem. This City-wide policy will define a clear process on how to proceed with repairs to our sidewalk infrastructure.

Discussion

With our sidewalk infrastructure deteriorating and no clear source of funding, it's imperative that we have a straightforward process for determining the level of service the City can provide, assigning financial responsibility for the work that needs to be done, and a predetermined system of prioritization the City will utilize when preparing a waiting list for unfunded repairs.

Section 5600 of the California Streets and Highway Code identifies the fronting property owner as being financially responsible for keeping the sidewalk (which, by legal definition, includes the curb, gutter and park strip) maintained "in such a condition that the sidewalk will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience." This policy will allow the City to abate responsible property owners for sidewalks that have come under disrepair. (If the damage is caused by the City, i.e. a City tree root cracked the pavement, then the responsibility for repairs becomes a City obligation.)

Unfortunately this type of financial obligation could create hardship on those property owners that are without the means to enact repairs and is beyond our existing budget allotments. Our current sidewalk repair budget consists of only \$5k annually for contract repairs; the program also includes .5 FTE of City staff time that is used to address emergency callouts. (Only 3 small repairs per year can be accomplished with this level of funding) This falls far short of the revenue needed for a successful sidewalk maintenance program.

In order to provide even a minimum level of service, and/or provide 'seed' funds to assist property owners, this program would need a startup budget of \$50K annually just to address the more severe areas of town. This amount would not sustain an ongoing program, but it would enable staff to address some of the more distressed locations on a limited scale. A realistic starting annual budget for a basic program would be in the \$175K to \$200K range.

A fully functional sidewalk program would be in the \$300K to \$500K range. This would allow us to provide assistance to property owners in the form of decreased costs through City-wide contracts, short-term loans, or the City paying to abate the damage and then billing the property owner; even going so far as allowing the responsible parties to make payments over a short period of time.

In the meantime, as we work on a revenue source, the City must have a policy in place that outlines the process we will use to abate the damage; this includes placing the site(s) on a prioritized waiting list until funds are secured.

Even with an adequate funding source for a basic program in place, the City will still need to levy the responsible property owners to make needed repairs as outlined in this policy. Without additional action our infrastructure will continue to deteriorate, leading to possible trip and fall accidents and potential lawsuits.

Fiscal Impact

Without any increase in funding, developing and implementing this policy has no fiscal impacts.

Recommendation

Staff is requesting the Council give the City Manager direction to finalize a City Policy for sidewalk repairs.

Prepared by: Robert G Sanders
O&M Superintendent

Reviewed by: Gregor G Meyer
Director of Public Works

Kevin O'Rourke
City Manager

Attachments: Draft Policy



City of Woodland

CITY OF WOODLAND SIDEWALK MAINTENANCE POLICY

Policy No:		Effective Date:	, 2011
Division:	Administration	Submitted By:	Rob Sanders
Related Policies:	None	Distribution:	All Staff

SUBJECT:	City of Woodland Sidewalk Maintenance Policy
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POLICY: This policy assigns responsibility for the repair and maintenance of sidewalks, curbs, gutters and their supporting infrastructure within the City of Woodland.

APPLICABILITY: This policy applies to all City of Woodland residents/property owners and Public Works employees.

BACKGROUND:

The City currently has approximately 350 miles of curb, gutter and sidewalks that are in various states of condition. Financial responsibility for repairs falls directly on the fronting property owner, as defined in section 5610 of the Streets and Highway Code (see 3.2 below).

Our sidewalk infrastructure needs to be maintained in a fashion that meets ADA requirements, reduces liability claims and promotes a safe avenue for pedestrian traffic. We currently respond to complaints by grinding down offsets and ramping with asphalt in an effort to reduce liability and tripping hazards on reported defects, but this is only a temporary fix to a permanent problem. This policy will define a clear process on how to proceed with repairs to our sidewalk infrastructure.

APPROVALS	
Approved by: Gregor G. Meyer	DATE:

POLICY

1. Definitions

- 1.1. **“City Maintained Trees”** means any tree that is physically located in the City’s maintenance strip or on City property.
- 1.2. **“Director”** means the Director of the Department of Public Works, or his/her designee; “Public Works Director” shall have the same meaning as the term “Superintendent of Streets” and “City Engineer” as those terms are utilized in the Streets and Highways Code, Division 7, Part 3, Chapter 22.
- 1.3. **“Defective”** means an area where, in the judgment of the Director, the vertical or horizontal line or grade is altered or displaced to the extent that a safety hazard exists, or the area is in such a condition as to endanger property or persons using the area in a reasonable manner, or is in such a condition as to interfere with the public convenience in the use thereof.
- 1.4. **“Maintaining or Repairing”** shall include, but not be limited to, maintenance and repair of sidewalk surfaces including grinding, removal and replacement of sidewalk, repair and maintenance of curbs and gutters, within the area between the property line of the adjacent property and the street pavement line, including maintenance strips, driveways and curbs, so that the sidewalk will remain in a condition that is not dangerous to or a threat to property or to persons using the sidewalk in a reasonable manner and will be in a condition which will not interfere with the public convenience in the use of said sidewalk.
- 1.5. **“Property Owner(s)”** means any person(s) owning a lot, lots, or portions of a lot within the City limits, adjacent to or fronting on any portion of a sidewalk or sidewalk area.
- 1.6. **“Lot, Lots or Portion of a Lot”** means a parcel of real property located within the City of Woodland fronting on any portion of a public street, alley or place where a sidewalk or sidewalk area exists.
- 1.7. **“Sidewalk(s)”** means any area provided for the exclusive use of pedestrian traffic or drainage for storm or irrigation runoff, including curbs, gutters, driveways within the right of way, retaining walls, or other works for the protection of any sidewalk, planting areas or any such maintenance strip between the public roadway and adjacent property line.
- 1.8. **“Inspector”** means any person(s) delegated by the Director to evaluate and/or inspect a sidewalk conditions and/or repairs.

2. Goals

- 2.1. Improve the City’s sidewalk system to encourage walking and improve safety by reducing the number of defects in the sidewalk area.
- 2.2. Improve the sidewalk system for persons with disabilities.
- 2.3. Reduce the City’s liability exposure and cost.
- 2.4. Follow State law to place appropriate costs with the responsible party.
- 2.5. Provide for procedures that are efficient to administer.

- 2.6. Implement California Street and Highway Code sections 5600-5602, 5610-5618 and 5625-5630.
- 2.7. Ensure compliance with the Americans with Disabilities Act (ADA).

3. Action

- 3.1. Property owners have the responsibility to report to the City of Woodland all defects in the sidewalk fronting their property.
- 3.2. Section 5610 of the California Streets and Highways Code stipulates that the owner of property fronting on a public street is responsible for maintaining the sidewalk in a good and non-hazardous condition. As necessary, the City shall promptly inform the property owner of his or her obligations for repairing defective or hazardous conditions in the sidewalk as set forth in the relevant provisions of the California Streets and Highways Code.
- 3.3. The Director will inspect and classify sidewalk repairs for action per this Policy. Generally, offsets or other defects less than $\frac{3}{4}$ " are considered minor and require only beveling of edges for ADA compliance. Determination for inclusion of these sites to be processed for repair and/or replacement shall be at the discretion of the Director, who shall take into account the City's ADA transition plan and ADA standards.
- 3.4. As a courtesy to residents, temporary reduced hazard repairs as described in Section 5, Sidewalk Maintenance/Repairs, may be performed for property owners by the City of Woodland as time, materials and staffing permits. However, property owners are legally and financially responsible for the maintenance and repairs of the sidewalk fronting their property as outlined in the State of California Streets and Highways Code. If repairs are determined to be necessary by the Public Works Director, the City may require property owners to undertake maintenance and repairs of the sidewalk. If the appropriate repairs are not made in a timely manner, the City may undertake the repairs and seek reimbursement from the property owner.

4. Notice

- 4.1. When the Director has actual notice of the existence of a defective sidewalk, the Director shall give written notice to the property owner of the lot, lots or portion thereof, fronting on the defective sidewalk. The Director may also give such notice to the person in possession of the said lot, lots or portion thereof, in addition to the notice given to the property owner.
- 4.2. "Notice to repair" may be given by delivering a written notice personally to the property owner or to the person in possession of the property fronting the sidewalk that needs repair, or by mailing a "notice to repair" to the person in possession of such property, or to the property owner at their last known address as it appears on the records of the County Recorder.

4.3. **Contents of Notice**

- 4.3.1. That the sidewalk is a defective sidewalk;
 - 4.3.2. The nature of the work required to be done;
 - 4.3.3. The manner in which the work is to be done, including the specifications required by the city as to materials and workmanship and any permits that may be required;
 - 4.3.4. That the owner must, within fourteen (14) days from receipt of the notice, elect to conduct the repairs in any way provided for in subsection 4.3.5. The property owner or his/her agent must also commence the repairs within thirty (30) days after notice is given and, once commenced, the repairs must be diligently and without interruption prosecuted to completion. The notice shall also state that if an election is not received and/or repairs are not commenced within the required time periods, the Director may elect to immediately commence and complete the repair, and the cost thereof shall be reimbursed by the property owner. If the City does not receive reimbursement, the costs and any other applicable penalties and charges shall become a lien on the lot or lots of the property owner, fronting on the defective sidewalk.
 - 4.3.5. The Director shall, in the notice of repair, provide that the property owner may elect to perform the repairs himself/herself, have the work performed by a licensed contractor, or have the work performed by the City, through a contractor selected by the City. The Director shall include with the notice an agreement, in such form as is established by the Director, which sets forth the selection of method of repair by the property owner and the City's requirements with respect to the manner in which the repairs must be performed. The property owner shall make the selection on the agreement and shall execute it and return it to the Director forthwith. If the owner elects to have the repairs performed by the City, the Director shall cause the work to be performed by the City within a reasonable period of time thereafter; as funds are available.
 - 4.3.6. Should the owner elect to have the City make the repairs, that does not relieve the owner of the responsibility and/or the liability associated with the sidewalk repairs should City funds not be available to make the repairs.
- 4.4. In addition, the Director shall mail, not less than seven (7) days and not more than ten (10) days after the mailing of the first notice, the property owner a second notice containing the information in the initial notice and marked "Second Notice." The Second Notice may also be posted on the property as provided for in Streets and Highways Code section 5613.

5. **Sidewalk Maintenance/Repairs**

- 5.1. **Grinding (Minor Offset)** - If there is a vertical offset, up to $\frac{3}{4}$ ", the hazard may be reduced by grinding sidewalks smooth where needed.
- 5.2. **Patch or Ramp to Reduce Hazards (Moderate Offset)** - Where there is $\frac{3}{4}$ " - $1\frac{1}{2}$ " vertical offset or minor irregularities; the hazard may be reduced by grinding or installing a patch

or ramp with City approved material on sidewalks. This is considered a temporary repair and the property owner still has the responsibility to make permanent repairs. In addition, the property owner has the responsibility to notify the City of any change in the condition of the sidewalk or the repaired area.

- 5.3. **Replacement (Major/Severe Offset)** - When a vertical offset or irregularity in a sidewalk is greater than 1 ½", the location may be temporarily patched or ramped to reduce the hazard, or protective barriers installed, with City approved material, until the impacted area can be replaced by the property owner. Curb, gutter, drainage pipes, channels and driveways shall be replaced as necessitated by adjacent sidewalk work or if offsets are causing extended water holding or present a hazard. Such work is entirely the responsibility of the property owner except as otherwise specified in this policy. Driveways shall not be modified to include pipes, fill or similar use of the gutter. Legal gutter encroachments existing as of the adoption date of this policy may remain provided they are maintained so as to not impede water flow, street sweeping, or pose a hazard to the public.
- 5.4. The City's ADA transition plan and ADA standards shall be taken into account in determining when and how to repair offsets and irregularities in sidewalks.

6. **Tree Maintenance**

- 6.1. The City shall be responsible for root surgery on all City maintained trees (as determined by Chapter 20A of the Woodland Municipal Code) anytime it is required. This work will be done in conjunction with the replacement of the sidewalk.
- 6.2. Root surgery on privately-owned trees is the responsibility of the property owner.

7. **Prioritization of Work**

- 7.1. For situations where the City desires to or is required to conduct repairs, the Director shall maintain a list of defective sidewalks. All repairs will be done as funds are available on a dated priority system, taking into account the City's ADA transition policy. This is a first come first served list where an older request will take priority over a newer request with the same priority rating. An exception may be made for a higher priority offsets as outlined in this policy.

The Director shall have the final determination of priority ratings and where any particular location is placed on the list. All effort will be made to maintain a first come, first served format, but the Director holds the right to determine what is in the best interest of the community with the limited resources available.

Factors that may change the basic priority of any sidewalk defect may include, but are not limited to:

Volume of pedestrian usage;

Property use fronting the defect site (hospital, school, elder care facility, etc.);
Emergency Response;
Overwhelming public benefit;
Repetitive calls for service at the same site; or
City's ADA transition policy

Priority Definitions

Low Priority- Greater than $\frac{3}{4}$ " up to $1\frac{1}{4}$ "

Medium Priority- Greater than $1\frac{1}{4}$ " to $2\frac{1}{2}$ "

High Priority- Greater than $2\frac{1}{2}$ "

- 7.2. **Inspector's Visual Rating** - To allow for any extenuating circumstance that an inspector may encounter, a higher priority may be assigned to any hazardous section of curb, gutter or sidewalk by the designated inspector as they feel is warranted based on the above criteria. The Director will have the final determination of the actual placement on the priority list.
- 7.3. **Tree Removals** - Sidewalk repairs may supersede the dated priority system and take on a higher priority status where a City maintained tree has to be worked on or removed which directly affects the sidewalk adjacent to it.
- 7.4. **City Cost Participation** - Subject to the availability of funding, the City may provide 100% of the cost of repairs in cases where a City maintained tree has caused the damage to the sidewalk. This area will be placed on a repair list and will be done on a dated priority system as outlined in this policy. Repairs will continue until the available budgeted money for sidewalk repairs for the current fiscal year is exhausted.

8. Commencement and Completion of Repairs by Owner(s)

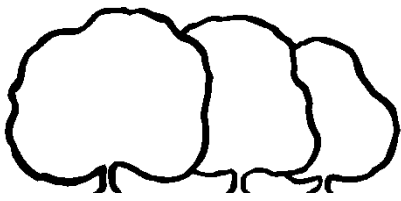
- 8.1. Pursuant to this policy, within fourteen (14) days from receipt of the first notice to repair, the property owner shall elect to perform the repairs him/herself, hire a licensed contractor to perform the repairs, or have the work performed by the City, through a contractor selected by the City. The property owner(s) shall through his/her repairs or through a licensed contractor hired by the property owner(s), commence the repairs within thirty (30) days after notice is given and, once commenced, the repairs shall be diligently and without interruption prosecuted to completion.
- 8.2. Should the owner elect to have the City make the repairs, that does not relieve the owner of the responsibility and/or the liability associated with the sidewalk repairs should City funds not be available to make the repairs.
- 8.3. Before any repairs may commence, an encroachment permit must first be acquired from the City of Woodland authorizing work in the public right-of-way.

9. Failure to Make Required Repairs

- 9.1. If, after notice to repair has been given, the property owner fails to make the repairs required by the notice within the time prescribed in this policy, the Director may within a reasonable time thereafter cause the City to make the required repairs, and the cost thereof shall be a lien on the lot or lots of the property owner, fronting on the defective sidewalk. If a lien becomes necessary due to the property owner's failure to reimburse the City, appropriate interest shall be included in the costs to be collected.

10. Assessment Proceedings

- 10.1. If the property owner fails to make the repairs required by the notice within the time prescribed within this policy, and the required repairs are made by the City, the Director shall, upon completion of the repairs, commence proceedings for assessment of the cost of repairs against the lot, lots or portions of a lot fronting on the defective sidewalk. The proceedings for levy and collection of the assessment shall be taken in accordance with the provisions of California Streets and Highways Code sections 5316 through 5630, as those sections now exist or as they may be amended or renumbered.



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: November 29, 2011

SUBJECT: Memorial Policy

Report in Brief

The City of Woodland is looking to establish a policy prohibiting the placement of memorials and monuments in the City right-of-way.

The objective of this effort is the creation of a policy which prohibits the placement of memorials and monuments in the City right-of-way. By doing so, the City would establish enforceable regulations regarding their placement. As much as we would like to allow grieving friends and relatives to place personal tributes to memorialize lost loved ones, it isn't feasible or safe to have unregulated signage or monuments placed in our City right-of-way.

Staff is requesting the Council give the City Manager direction to finalize a City Policy banning the placement of memorials within the City right-of-way.

Background

Currently the City of Woodland lacks a policy regarding the placement of memorials in the City right-of-way. Safety, blight and possible legal issues are just a few of the reasons why a policy is needed.

As mentioned, memorials can be a distraction to motorists; they can create safety concerns for pedestrians and depending on their content, raise First Amendment freedom of speech constitutional issues. When left unregulated these memorials can grow in size, some to the point where they become a distraction to motorists, i.e. the site on CR98 just south of El Dorado Dr. where an individual constructed an elaborate block-long shrine with religious symbols, a make shift irrigation system and a overhead electrical connection to a nearby home. Not only were these code violations, but they created safety hazards for pedestrians and caused maintenance issues for staff by having unapproved hardscape and vegetation in the right-of-way, which in turn can damage our trees and block regulatory and warning signs.

Discussion

Over the years roadside memorials have been placed along our roadways without any type of directive regarding size, content, location or religious overtones. With no clear policy in place to regulate their placement or content, some have been allowed to grow in such size that they have become a nuisance to the public. Although we wish to sympathize with grieving family and friends of lost loved ones, we can ill afford to allow distractions in our right-of-ways which may in turn compromise public safety.

Without regulation, memorials can become very elaborate, such as the shrine that's been erected in our right-of-way on County Road 102 just south of El Dorado Dr. This shrine, which has grown to about 40 feet in length, has had electrical and water supplied to the site from a nearby home. The electrical conduit and waterline were strapped to the exterior of our sound wall, draped about 7 feet over the sidewalk and then permanently attached to one of our trees. Additionally, a bench has been placed in the walk path, plaques attached to the sound wall, hardscape placed around our trees and vegetation allowed to grow in front of a regulatory sign blocking its message. Granted, this site is an extreme exception, but this is what can happen when there is no clear policy in place regulating their installation.

Along with safety concerns comes the issue of allowable content. Currently there are no guidelines or restrictions on what constitutes an acceptable memorial. Religious symbols, i.e. cross or Star of David, are placed freely in our City right-of-ways, which according to our City law firm Best, Best and Krieger (BBK) may violate certain aspects of the constitution.

A policy that would allow the placement of memorials in our right-of-ways would be affected by two important constitutional issues and how they relate to each other: (1) free speech and (2) the prohibition against the City promoting religion. Under the First Amendment, the City cannot permit temporary roadside memorials if it prohibits other temporary noncommercial signs, because only allowing memorials would be a type of discrimination against signs based on their content, i.e. election signs, proposition endorsements, and to an extreme, messages with hate overtones.

Second, the Constitution prohibits the City from supporting or promoting any religion. In fact, a federal appellate court recently decided that government-approved roadside cross memorials were unconstitutional as they had the effect of promoting Christianity.

To avoid these types of issues BBK, as well as staff, has recommended that we draft a policy which prohibits the placement of memorials in the City right-of-way.

Fiscal Impact

Minimal; staff would be required to remove and store, on a temporary basis, memorials that have been left in place if removal notifications to the identified parties go unanswered.

Recommendation

Staff is requesting the Council give the City Manager direction to finalize a City Policy that prohibits the placement of memorials in the City right-of-way.

Prepared by: Robert G Sanders
O&M Superintendent

Reviewed by: Gregor G Meyer
Director of Public Works

Kevin O'Rourke
Interim City Manager

Attachments: Draft Policy



City of Woodland

CITY OF WOODLAND ROADSIDE MEMORIAL POLICY

Policy No: _____ Effective Date: _____, 2011
Division: Public Works – O&M Submitted By: Rob Sanders
Related Policies: _____ Distribution: All Staff

SUBJECT: City of Woodland Roadside Memorial Policy

POLICY:

The purpose of this policy is to clarify that the City of Woodland does not permit the installation of roadside memorials in City right-of-way areas.

APPLICABILITY:

This policy applies all individuals requesting the placement of a memorial tribute in the City of Woodland right-of way.

BACKGROUND:

Prior to the enactment of this policy, roadside memorials have been erected within the City of Woodland commemorating the loss of loved ones following fatal road accidents. The size, shape and type of memorials vary and the locations of the memorials are placed in areas within the City right-of-way which can be construed as a visual distraction for motorists and an eyesore for surrounding property owners. Once constructed, memorials are often left unattended and over time fall into disarray and become an area of blight within our City.

APPROVALS	
Approved by: Gregor G. Meyer	DATE:

POLICY

1. Definitions

- 1.1. **“Director”** means the Director of the Department of Public Works, or his/her designee; “Public Works Director” shall have the same meaning as the term “Superintendent of Streets” and “City Engineer” as those terms are utilized in the Streets and Highways Code, Division 7, Part 3, Chapter 22.
- 1.2. **“Roadside Memorial”** means any physical objects that are placed on the City right of way, memorializing the site of an incident/accident where injuries or fatalities occurred.
- 1.3. **“Right-of-Way”** means a form of easement typically dedicated to the City during subdivision for public use. Right-of-way is not part of the adjacent parcels; the right-of-way boundary usually coincides with adjacent parcel property lines. Right-of-way may also be deeded, in which case, it is not an easement, but land owned in fee by the City.

2. Goals

Prohibit the placement of memorials in the City’s right-of-way and establish procedures for the removal of memorials.

3. Policy

No memorials may be installed or maintained in City right-of-way areas. City employees who observe or become aware of a memorial installed in violation of this policy shall report the existence of the memorial to Public Works staff, who shall remove the memorial per this policy.

4. Maintenance of Roadside Memorials

The City of Woodland does not accept responsibility for the maintenance of any roadside memorial, or the loss, damage, removal or relocation of roadside memorials.

5. Roadwork / Maintenance Near Approved Roadside Memorials

The City of Woodland will continue to perform all construction and maintenance works required within the City right-of-way that may contain roadside memorials, and will remove such memorials when they are discovered.

6. Roadside Memorial Removal Procedure

All roadside memorials will be removed without notice. If the identity of the person installing the memorial can be ascertained, efforts will be made to contact that person and arrange for the return of the memorial materials. Memorials for which no responsible person can be identified, or which the responsible person declines to retrieve, will be removed, held for at least 21 days, and then disposed of in any fashion as determined by the Public Works Director to meet the needs of the community.