City of Woodland

Meeting Agenda

City Council

City Hall
Council Chambers
300 First Street
Woodland, CA 95695

October 1, 2019
6:00 PM

CITY COUNCIL

CLOSED SESSION
5:30 PM

A. CALL TO ORDER

B. CLOSED SESSION

1. COUNSEL WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Case name unspecified: Disclosure would jeopardize existing settlement negotiations

JOINT MEETING CITY COUNCIL/WOODLAND FINANCE AUTHORITY
6:00 PM

C. CALL TO ORDER

D. ROLL CALL

E. PLEDGE OF ALLEGIANCE

F. COMMUNICATIONS - PUBLIC COMMENT

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

G. 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.

2. SUBJECT: Long Range Calendar

RECOMMENDATION FOR ACTION: Staff recommends that the City Council receive the Long Range Calendar for informational purposes only.

H. MINUTES

3. SUBJECT: City Council Meeting Minutes of September 3, 2019 and September 17, 2019

   RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt the minutes of the Joint Regular City Council/Woodland Finance Authority meeting of September 3, 2019 and September 17, 2019.

I. PRESENTATIONS

4. SUBJECT: American Legion Centennial Day Proclamation

   RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt a Proclamation declaring October 11, 2019 as American Legion Centennial Day.

5. SUBJECT: Fire Prevention Week Proclamation

   RECOMMENDATION FOR ACTION: Staff recommends the City Council join the National Fire Protection Association in proclaiming October 6-12, 2019 as Fire Prevention Week.

6. SUBJECT: Youth Empowerment Summit

   RECOMMENDATION FOR ACTION: Staff recommends that the City Council receive a presentation from Jesse Salinas related to the Youth Empowerment Summit.

J. CONSENT CALENDAR

7. SUBJECT: League of California Cities 2019 Annual Conference Resolutions for Consideration

   RECOMMENDATION FOR ACTION: Staff recommends that the City Council authorize Mayor Xochitl Rodriguez, as voting delegate, to support two resolutions being considered by the General Assembly of the League of California Cities at the Annual Conference to be held on October 16-18, 2019.

8. SUBJECT: Appoint Member to the Library Board

   RECOMMENDATION FOR ACTION: Staff recommends that the City Council appoint Noel Rodriguez to the Library Board.

9. SUBJECT: FY20 Yocha Dehe Wintun Nation Community Fund Grant Award Acceptance

   RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, (1) authorizing the acceptance of the FY20 Yocha Dehe Wintun Nation Community Fund Grant Award in the amount of $13,148 for the purchase of crowd control equipment and (2) authorizing the appropriation of $13,148 in the Police Department's General Fund budget.

10. SUBJECT: 2018 Staffing for Adequate Fire & Emergency Response (SAFER) Grant Award

    RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, authorizing 1) the acceptance of the 2018 Staffing for Adequate Fire & Emergency Response (SAFER) Grant Award in the amount of $787,406.25; and 2) the addition of three (3) Firefighter positions, as awarded in the grant, increasing the total number of FTE in this classification from 15-18; and 3) appropriating $60,000 to the General Fund Fire Department training budget for academy costs associated with the hiring of (five) 5 new Firefighters.

11. SUBJECT: Final Acceptance and Notice of Completion for West Street Water Main Project (Phase Two), CIP 17-08

    RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, accepting the West Street Water Main Project (Phase Two), CIP 17-08, construction contract with Lund Construction Co. as complete and authorize the City Clerk to file a Notice of Completion.

12. SUBJECT: Adopt Resolution Accepting the Public Improvements for Subdivision Final Maps 5110 Spring Lake Central 4.

    RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, a Resolution of the City Council of the City of Woodland Accepting the Public Improvements for Subdivision Final Map 5110 Spring Lake Central 4.

13. SUBJECT: Adopt Ordinance No. 1649, an Ordinance Amending Section 16.48.20 of the Municipal Code Relating to Dedication of Park Land and Facilities.

    RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Ordinance No. 1649, an Ordinance Amending Section 16.48.20 of the Municipal Code Relating to Dedication of Park Land and Facilities.

14. SUBJECT: First Amendment to the Modification Agreement between the City of Woodland and Woodland Opera House, Incorporated.

    RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, authorizing the City Manager to execute the First Amendment to the Modification Agreement between the City of Woodland and Woodland Opera House, Incorporated.

K. REPORTS OF THE CITY MANAGER

15. SUBJECT: Woodland Research and Technology Park Specific Plan Update and Community Outreach

    RECOMMENDATION FOR ACTION: Staff recommends that the City Council receive an update on the Woodland Research and Technology Park Specific Plan project and outline of the anticipated review process over the coming 4-6 months including the planned community and stakeholder engagement approach.

16. SUBJECT: Ordinance Incorporating the Yolo County Tobacco Retailer Permit Ordinance by Reference to Specifically Prohibit Flavored Tobacco Products From Being Sold by Tobacco Retailers

    RECOMMENDATION FOR ACTION: Staff recommends that the City Council:
    1) Introduce and adopt the first reading of Ordinance Amending Section 9.28.260 of the Municipal Code incorporating by reference the Yolo County Code relating to Tobacco Retail Permits; and
    2) Authorize the City Manager to coordinate efforts with Yolo County's Health and Human Service Agency related to administration and enforcement of the amended Code section.

L. ADJOURN

I declare under penalty of perjury that the foregoing agenda for the Joint Regular City Council/Woodland Finance Authority Meeting of the City of Woodland scheduled for Tuesday, October 1, 2019 was posted Friday, September 27, 2019 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 requests 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.

TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: October 1, 2019
ITEM #: G.2.
SUBJECT: Long Range Calendar

Recommendation for Action: Staff recommends that the City Council receive the Long Range Calendar for informational purposes only.

Staff Contact:
Ana B. Gonzalez, City Clerk, (530) 661-5806, ana.gonzalez@cityofwoodland.org

Background:
This calendar is being provided for planning purposes only and is intended to keep the Council apprised of upcoming agenda items and plan for upcoming Council items.

Paul Navazio
City Manager

Attachments:
1. Council Long Range Calendar

UPDATED COUNCIL LONG RANGE CALENDAR

OCTOBER 15TH — **REGULAR MEETING**

Presentations
National Friends of the Library Week – October 20-26, 2019
UCDavis Youth Leadership Academy

Consent Calendar
WWTP Coagulant

Public Hearing

Regular Calendar
1st Reading Fire Code and Building Code
Flood Protection Project – Update

NOVEMBER 5TH — **REGULAR MEETING**

City Council Meeting Minutes of October 1, 2019 and October 15, 2019
Proclamation – Law Enforcement Records and Support Personnel
City Contracts – Workforce Development and Hiring Incentives

Public Hearing
2nd Reading Fire Code and Building Code
2nd Reading adopt Ordinance banning the sale of flavored tobacco products

NOVEMBER 19TH — **REGULAR MEETING**

Small Business Saturday Proclamation
Commercial Cannabis Ordinance Update
Woodland Research & Technology Park – Specific Plan
Emergency Sheoter Relocation Update

Future Topics / Study Sessions:

December Rotation: Mayor / Mayor Pro Tempore Council Zoning Workshop – 12/3	**January** Traffic Calming
	TBD Mobile Food Vendor Permits Non-Conforming Use Zoning Update Smoke / Vaping Shops

TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: October 1, 2019
ITEM #: H.3.
SUBJECT: City Council Meeting Minutes of September 3, 2019 and September 17, 2019

Recommendation for Action:
Staff recommends that the City Council adopt the minutes of the Joint Regular City Council/Woodland Finance Authority meeting of September 3, 2019 and September 17, 2019.

Staff Contact:
Ana B. Gonzalez, City Clerk, (530) 661-5806, ana.gonzalez@cityofwoodland.org

Paul Navazio
City Manager

City Manager

Attachments:
1. 09_03_19 DRAFT CC MINS
2. 09_17_19 DRAFT CC MINS

City of Woodland

City Hall
Council Chambers
300 First Street
Woodland, CA 95695

Regular Meeting Minutes

Tuesday, September 3, 2019

6:00 PM

City Council

CITY COUNCIL

CLOSED SESSION
5:45 PM

A. CALL TO ORDER

B. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: one (1) potential case

JOINT REGULAR CITY COUNCIL/WOODLAND FINANCE AUTHORITY MEETING
6:00 PM

C. CALL TO ORDER

Meeting called to order at 06:07 PM

D. ROLL CALL

Present: Fernandez, Lansurgh, Rodriguez and Stallard
Absent: Barajas

Mayor Rodriguez announced that Council Member Barajas would be arriving later in the evening.

E. PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by WJUSD Board Member Jake Whitaker.

F. COMMUNICATIONS - PUBLIC COMMENT

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

Manuel Candela spoke regarding Industrial and Main.
Bill Long, Tom Pritchard, Deborah Bautista-Zavala, Karyn Bayne and Debbie Decker all spoke regarding the sale of flavored tobacco products in the City of Woodland.

G. 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.

2. SUBJECT: Long Range Calendar

RECOMMENDATION FOR ACTION: Staff recommends that the City Council receive the Long Range Calendar for informational purposes only.

Verbal updates provided by Council Members/Staff.

H. MINUTES

3. SUBJECT: City Council Meeting Minutes of August 20, 2019

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt the minutes of the Joint Regular City Council/Woodland Finance Authority Meeting of August 20, 2019.

On a motion by Council Member Stallard, seconded by Mayor Pro Tem Lansburgh and carried on a 4-0 vote, Council Members adopted the minutes of the Joint Regular City Council/Woodland Finance Authority Meeting of August 20, 2019.

AYES: Fernandez, Lansburgh, Rodriguez and Stallard
NOES: None
ABSENT: Barajas

I. PRESENTATIONS

4. SUBJECT: Proclamation in Support of Prostate Cancer Awareness Month

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt a Proclamation supporting the American Cancer Society Prostate Cancer Awareness Month, September 2019, and encouraging all male citizens to actively play a part in their health by seeking early detection methods.

Mayor Rodriguez and Vice Mayor Lansburgh presented the Proclamation in Support of Prostate Cancer Awareness to Gil Walker.

J. CONSENT CALENDAR

5. SUBJECT: Quarterly Treasurer's Investment Report for the Quarter Ended June 30,2019

RECOMMENDATION FOR ACTION: Staff recommends that the City Council accept the quarterly Treasurer's Investment Report for the quarter ended June 30, 2019.

Accepted the quarterly Treasurer's Investment Report for the quarter ended June 30, 2019.

6. SUBJECT: Approval of Management Agent Selection for Leisureville Community Association (LCA)

RECOMMENDATION FOR ACTION: Staff recommends that the City Council approve the selection of TRI Property Management Services as the new management agent for the Leisureville Community Association.

Approved the selection of TRI Property Management Services as the new management agent for the Leisureville Community Association.

7. SUBJECT: Resolution implementing a four (4) year agreement (July 1, 2019 to June 30, 2023) with the Woodland Professional Firefighters (WPFA) as described herein.

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, implementing a four (4) year agreement (July 1, 2019 to June 30, 2023) with the Woodland Professional Firefighters (WPFA) as described herein.

Adopted RESOLUTION NO. 7338, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND APPROVING CERTAIN TERMS AND CONDITIONS FOR FIRE EMPLOYEES.

8. SUBJECT: Resolution implementing a four (4) year agreement (July 1, 2019 to June 30, 2023) with the Fire MidMangement Association (FMMA) as described herein.

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, implementing a four (4) year agreement (July 1, 2019 to June 30, 2023) with the Fire MidManagement (FMMA) as described herein.

Adopted RESOLUTION NO. 7339, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND APPROVING CERTAIN TERMS AND CONDITIONS FOR FIRE MID-MANAGEMENT EMPLOYEES.

9. SUBJECT: Resolution implementing a four (4) year agreement (July 1, 2019 to June 30, 2023) with the Confidential Employees as described herein.

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, implementing a four (4) year agreement (July 1, 2019 to June 30, 2023) with the Confidential Employees as described herein.

Adopted RESOLUTION NO. 7340, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND APPROVING CERTAIN TERMS AND CONDITIONS FOR CONFIDENTIAL EMPLOYEES.

10. SUBJECT: Side Letter Amending Selected provisions of the new MOU with the Woodland City Employees' Associations (WCEA).

RECOMMENDATION FOR ACTION: Staff recommends that the City Council authorize the City Manager to sign the side letter making an adjustment to the Retirement Health Savings Account and add the new Job Classifications to the Memorandum of Understanding (MOU) with the Woodland City Employees Association (WCEA).

Authorized the City Manager to sign the side letter making an adjustment to the Retirement Health Savings Account and add the new Job Classifications to the Memorandum of Understanding (MOU) with the Woodland City Employees Association (WCEA).

11. SUBJECT: FY20 Office Safety (OTS) STEP Grant Award Acceptance

RECOMMENDATION FOR ACTION: Staff recommends that the City Council authorize (1) acceptance of the FY20 Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) Grant in the amount of $56,000 and (2) appropriation of $56,000 in the OTS STEP Grant program budget in Fund 325.

Adopted RESOLUTION NO. 7341, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND (1) AUTHORIZING THE POLICE CHIEF TO ACCEPT THE FY20 OFFICE OF TRAFIC SAFETY (OTS) SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) IN THE AMOUNT OF $56,000, AND (2) AUTHORIZING THE CITY MANAGER TO APPROPRIATE $56,000 IN THE OTS STEP PROGRAM BUDGET IN FUND 325.

12. SUBJECT: Lower Cache Creek Flood Feasibility Study, CIP 09-15; Acceleration of funds to the Army Corps of Engineers under the Federal Cost Share Agreement

RECOMMENDATION FOR ACTION: Staff requests that the City Council receive the report and authorize the City Manager for the Lower Cache Creek Feasibility Study, CIP #09-15.

Received report and authorized the City Manager to accelerate payment of the City's Cost-Share for the Lower Cache Creek Feasibility Study, CIP #09-15.

On a motion by Council Member Stallard, seconded by Mayor Pro Tem Lansburgh and carried on a 4-0 vote, Council Members approved Consent Calendar Items No. 5 through 12.

AYES: Fernandez, Lansburgh, Rodriguez and Stallard
NOES: None
ABSENT: Barajas

K. REPORTS OF THE CITY MANAGER

13. SUBJECT: Homeless Update

RECOMMENDATION FOR ACTION: Staff recommends that the City Council

1) Receive a status report on efforts to address homelessness, consistent with the city's adopted Homeless Action Plan, and provide feedback and direction, as appropriate, related to current initiatives and next steps.

2) It is further recommended that the City Council:

a. Support the expedited temporary relocation of the existing Fourth and Hope and Extended emergency shelters from downtown to city-owned property located at County Road 102 and East Beamer Way, consistent with the long-term plan for the East Beamer Way campus, and direct staff to return to Council with timeline and funding requirements, and

b. Authorize the City Manager to execute an extension of the MOU with Yolo County and Fourth and Hope for operation of the Extended Shelter (Old County Jail) through January 15, 2020, and approve funding augmentation for that purpose.

Council Member Barajas arrived at 6:57 PM.

Received status report from staff on efforts to address homelessness, consistent with the city's adopted Homeless Action Plan, and provided feedback and direction as appropriate, related to current initiatives and next steps.

At 7:57 PM Council took a five-minute break.

Council Members reconvened at 8:14 PM.

At 9:00 PM a motion was made to extend the meeting for 15 minutes.

14. SUBJECT: Park Improvement Projects

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, 1) authorizing amendments to the Fiscal Year 2019/2020 Measure E budget totaling $500,000, 2) affirming the City Manager's determination that the City's public bidding requirement has been satisfied by another government agency's competitive bid procedure and the City's price is equal to the price negotiated by that government agency for purchasing play structures, and 3) authorizing the City Manager to execute a contract with PlayPower Inc in the amount not to exceed $700,000 through a cooperative purchasing agreement with Sourcewell Contract #030117-LTS.

On a motion by Council Member Barajas, seconded by Mayor Pro Tem Lansburgh and carried unanimously on a 5-0 vote, Council Members adopted RESOLUTION NO. 7342, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND 1) AUTHORIZING AMENDMENTS TO THE FISCAL YEAR 2019/2020 MEASURE E BUDGET TOTALING $500,000, 2) AFFIRMING THE CITY MANAGER'S DETERMINATION THAT THE CITY'S PUBLIC BIDDING REQUIREMENT HAS BEEN SATISTIED BY ANOTHER AGENDY'S COMPETITIVE BID PROCEDURE AND THE CITY'S PRICE IS EQUAL TO THE PRICE NEGOTIATED BY THAT GOVERNMENT AGENCY FOR PURCHASING PLAY STRUCTURES, AND 3) AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PLAYPOWER, INC. IN THE AMOUNT NOT TO EXCEED $700,000 THROUGH A COOPERATIVE PURCHASING AGREEMENT WITH SOURCEWELL CONTRACT #030117-LTS.

AYES: Barajas, Fernandez, Lansburgh, Rodriguez and Lansburgh
NOES: None

15. SUBJECT: Council Committee / Liaison Appointments

RECOMMENDATION FOR ACTION: Staff recommends that the Council review 2018-2020 Council appointments to Inter-Jurisdictional Boards, Agencies, Liaison Committees as well as City Council subcommittees as adopted on December 18, 2018.

Mayor Rodriguez asked that the Cannabis AD HOC Sub-Committee be re-activated. Mayor Rodriguez and Council Member Barajas are the two Council Members on this committee. Council Member Barajas had to step down. Mayor Pro Tem Lansburgh volunteered to serve on this sub-committee.

Curretly Mayor Rodriguez and Council Member Fernandez are the two Council Members serving on the WJUSD/WCC 3x2x2. Council Member Stallard volunteered to serve as an alternate on this committee.

L. ADJOURN

Meeting adjourned at 9:23 PM.

Respectfully submitted,

Ana B. Gonzalez
City Clerk

City of Woodland

City Hall
Council Chambers
300 First Street
Woodland, CA 95695

Regular Meeting Minutes

Tuesday, September 17, 2019

6:00 PM

City Council

CITY COUNCIL

CLOSED SESSION
5:15 PM

A. CALL TO ORDER

B. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
   (Paragraph (1) of subdivision (d) of Section 54956.9)
   Name of Case: Joint Powers Agency - Valley Clean Energy Alliance (VCEA) in re PG&E Corporation, Debtor; Chapter 11; US Bankruptcy Court, Northern District of California San Francisco Division, Case No. 19-30088(DM) and Case No. 19-30089(DM)

   VCEA Representatives in Attendance:
   Interim General Manager Mitch Sears
   VCEA Co-counsel Harriet Steiner, Best Best & Krieger
   VCEA Co-counsel Eric May, Yolo County Senior Deputy
   VCEA Consultant Don Dame
   VCEA Consultant Victoria Zavattero
   VCEA Attorney Mark Gorton, Boutin Jones, Inc.
2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
   (Paragraph (1) of subdivision (d) of Section 54956.9)
   Name of case: Harris v. City of Woodland (Darkhorse Estates, LLC & Scott A. Van Tassel 2017 Revocable Trust), Yolo County Superior Court Case No. PT-19-1586
3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
   (Paragraph (1) of subdivision (d) of Section 54956.9)
   Name of case: Harris v. City of Woodland (Yolo Residential Investors, LLC), Yolo County Superior Court Case No. PT-17-753
4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
   (Paragraph (1) of subdivision (d) of Section 54956.9)
   Name of case: Harris v. City of Woodland (Taylor Morrison of California, LLC and R&B 77, LLC), Yolo County Superior Court Case No. PT-18-594
5. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
   (Paragraph (1) of subdivision (d) of Section 54956.9)
   Name of case: Harris v. City of Woodland (Lennar Homes of California, Inc.), Yolo County Superior Court Case No. PT18-2152

JOINT REGULAR CITY COUNCIL/WOODLAND FINANCE AUTHORITY MEETING
6:00 PM

C. CALL TO ORDER

Meeting called to order at 6:21 PM.

D. ROLL CALL

Present: Barajas, Lansburgh, Rodriguez and Stallard
Absent: Fernandez

E. PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by Mari Perla.

F. COMMUNICATIONS - PUBLIC COMMENT

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

Bill Long
Bruce Jacks

G. 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.

Verbal updates provided by Council Members/Staff.

6. SUBJECT: Long Range Calendar

   RECOMMENDATION FOR ACTION: Staff recommends that the City Council receive the Long Range Calendar for informational purposes only.

H. MINUTES

7. SUBJECT: Planning Commission Meeting Minutes of June 20, 2019

   RECOMMENDATION FOR ACTION: Staff recommends that the City Council receive the minutes of the Planning Commission Meeting of June 20, 2019.

On a motion by Council Member Stallard, seconded by Mayor Pro Tem Lansburgh and carried on a 4-0-1 vote, Council Members received the Planning Commission Meeting Minutes of June 20, 2019.

AYES: Barajas, Lansburgh, Rodriguez and Stallard
NOES: None
ABSENT: Fernandez

I. PRESENTATIONS

8. SUBJECT: Proclamation

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt a Proclamation Condemning the Recent Shootings throughout the United States.

On a motion by Council Member Barajas, seconded by Mayor Pro Tem Lansburgh and carried on a 4-0-1 vote, Council Members adopted a proclamation Condemning the Recent Shootings throughout the United States.

AYES: Barajas, Lansburgh, Rodriguez and Stallard
NOES: None
ABSENT: Fernandez

Mayor Rodriguez presented the proclamation to Mari Perla.

J. CONSENT CALENDAR

9. SUBJECT: Public Works Quarterly Status Report

RECOMMENDATION FOR ACTION: Staff recommends that the City Council accept the Public Works Quarterly Status Report for the period of June through August 2019.

Accepted the Public Works Quarterly Status Report for the period of June through August 2019.

10. SUBJECT: Carry-Over of FY2018/19 Unencumbered Appropriations

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No.______, authorizing the carry-over of unencumbered appropriations from fiscal year 2018/19 totaling $2,221,980.

Adopted RESOLUTION NO. 7343, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND APPROVING AMENDMENTS TO THE FISCAL YEAR 2019-2020 ANNUAL BUDGET.

11. SUBJECT: FY2019/20 Dispatch Services by the Yolo Emergency Communications Agency

RECOMMENDATION FOR ACTION: Staff recommends that the City Council approve Resolution No. _____, authorizing the continuation of dispatch services by the Yolo Emergency Communications Agency for the full contract amount of $2,211,480 which is already included in the FY2019/20 budget.

Adopted RESOLUTION NO. 7344, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND AUTHORIZING THE CONTINUATION OF DISPATCH SERVICES BY THE YOLO EMERGENCY COMMUNICATIONS AGENCY FOR THE FULL CONTRACT AMOUNT OF $2,211,480 WHICH IS ALREADY INCLUDED IN THE FY2019/20 BUDGET.

12. SUBJECT: Amend the Retirement Health Savings Program (RHSP)

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, approving changes within the Retirement Health Savings Program (RHSP).

Adopted RESOLUTION NO. 7345, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND APPROVING CHANGES WITHIN THE RETIREMENT HEALTH SAVINGS PROGRAM (RHSP).

13. SUBJECT: 2018 Homeland Security Grant Award Acceptance and Budget Appropriation

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, authorizing the City Manager and the Fire Department to:

1. Accept the 2018 Homeland Security Grant Award for EOC Equipment ($10,249) and Ballistic Protection Gear ($43,096); and
2. Appropriate $53,345 to Fund 330 for the purchase of the awarded equipment.

Adopted RESOLUTION NO. 7346, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND AUTHORIZING THE ACCEPTANCE OF THE 2018 HOMELAND SECURITY GRANT AWARD AND APPROPRIATION OF $53,345 TO FUND 330 FOR THE PURCHASE OF EOC EQUIPMENT AND BALLISTIC PROTECTION GEAR.

14. SUBJECT: Authorize Contract Amendments with Fehr and Peers for the Transportation Impact Study and with AECOM for the Environmental Impact Report for the Woodland Research and Technology Park Specific Plan Project

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. ____, authorizing the City Manager to execute Amendment #2 to the professional services agreement with Fehr and Peers for an additional amount not to exceed $44,300, and to execute Amendment #2 to the professional services agreement with AECOM for an additional amount not to exceed $71,278, for technical and environmental analysis in support of the Woodland Research and Technology Park Specific Plan Project.

Adopted RESOLUTION NO. 7347, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND APPROVING SECOND AMENDMENTS TO THE PROFESSIONAL SERVICES AGREEMENTS WITH FEHR AND PEERS FOR THE PREPARATION OF A TRANSPORTATION IMPACT STUDY AND RELATED SUPPORT WORK AND WITH AECOM FOR THE ENVIRONMENTAL IMPACT REPORT AND RELATED SUPPORT WORK FOR THE WOODLAND RESEARCH AND TECHNOLOGY PARK SPECIFIC PLAN PROJECT.

15. SUBJECT: Award Construction Contract for the Woodland Regional Park Nature Trail, CIP #19-17

RECOMMENDATION FOR ACTION: Staff recommends that the City Council (1) adopt Resolution No. _____to award a construction contract in the amount of $381,203.40 to F Loduca Co for CIP 19-17, Regional Park Site and authorize a contract contingency of up to 10% ($38,120.34), and authorize the City Manager to execute the construction contract and change orders and (2) approve a consultant services agreement for construction management and inspection services with Associated Engineering Consultants, Inc., in the amount of $57,000 and authorize the City Manager to execute the agreement and change orders up to 15%.

On a motion by Mayor Pro Tempore Lansburgh, seconded by Council Member Barajas and carried on a 4-0-1 vote, Council Members adopted RESOLUTION NO. 7348, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND, APPROVING A CONSTRUCTION CONTRACT AND CONSULTANT AGREEMENT FOR THE WOODLAND REGIONAL PARK NATURE TRAIL PROJECT, CIP 19-17.

Ayes: Barajas, Lansburgh, Rodriguez and Stallard
Noes: None
Absent: Fernandez

K. PUBLIC HEARINGS

16. SUBJECT: Approval of Fiscal Year 2019 Community Development Block Grant Consolidated Annual Performance and Evaluation Report and Budget Amendment for CDBG Program

RECOMMENDATION FOR ACTION: Staff recommends that the City Council:

1.Hold a public hearing to receive community input on the Fiscal Year (FY) 2019 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER); and
2.Approve the FY19 CDBG CAPER; and
3.Adopt Resolution No. _____, approving the following appropriations and amending the FY20 budget as necessary to increase CDBG funding by $18,000 (Fund 320): (1) an additional $1,000 for CommuniCare's Outdoor Wellness Garden, (2) an additional $5,000 for New Hope Community Development Corporation's Cottonwood Meadows Stairwell/Siding Dry-Rot Improvements Phase III, (3) an additional $5,000 for the Woodland Public Library's ADA Restroom Upgrade, and (4) an additional $7,000 for the City of Woodland's ADA Accessibility Project; a total CDBG appropriation of $747,103.67 in Fund 320.

On a motion by Council Member Stallard, seconded by Mayor Pro Tem Lansburgh and carried on a 4-0-1 vote, Council Members adopted RESOLUTION NO. 7349, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND APPROVING THE FISCAL YEAR 2019 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) AND APPROPRIATING CDBG FUNDS OF $18,000 FOR FISCAL YEAR 2020 CONSTRUCTION ACTIVITIES.

AYES: Barajas, Lansburgh, Rodriguez and Stallard
NOES: Fernandez

L. REPORTS OF THE CITY MANAGER

17. SUBJECT: Approval of Amendment to Valley Clean Energy Alliance Joint Powers Agreement (JPA) to add Associate Membership Category

RECOMMENDATION FOR ACTION: Staff recommends that the City Council:
1.Approve the amendment of the Valley Clean Energy Joint Powers Agreement creating an Associate Membership category; and
2.Waive 30-day notice by Valley Clean Energy in this instance to JPA member jurisdictions for JPA agreement amendments.

On a motion by Council Member Barajas, seconded by Council Member Stallard and carried on a 4-0-1 vote, Council Members approved the amendment of the Valley Clean Energy Joint Powers Agreement crating an Associate Membership category and waived a 30-day notice by Valley Clean Energy in this instance to JPA member jurisdictions for JPA agreement amendments.

Ayes: Council Member Angel Barajas, Mayor Pro Tempore Rich Lansburgh, Mayor Xochitl Rodriguez, Council Member Tom Stallard
Noes: None
Absent: Council Member Enrique Fernandez

18. SUBJECT: Ordinance Amending Section 16.48.20 of the Municipal Code Relating to Dedication of Park Land and Facilities

RECOMMENDATION FOR ACTION: Staff recommends that the City Council waive first reading and read by title only, an Ordinance amending the City of Woodland Municipal Code section 16.48.020 pertaining to the dedication of park land and facilities.

On a motion by Mayor Pro Tempore Lansburgh, seconded by Council Member Stallard and carried on a 4-0-1 vote, Council Members introduced an ordinance amending the City of Woodland Municipal Code section 16.48.020 pertaining to the dedication of park land and facilities.

Ayes: Barajas, Lansburgh, Rodriguez and Stallard
Noes: None
Absent: Fernandez

19. SUBJECT: Discussion of Potential 2020 Ballot Measures

RECOMMENDATION FOR ACTION: Staff recommends that the City Council:
1. Re-affirm prior Council direction to seek renewal of the City's Measure J ¼-cent sales tax via a measure to be placed on the ballot for the November 2020 general election, and
2. Consider other potential ballot measures that the Council may wish to present to the voters at either the March 2020 primary election or November 2020 general election.

Council Members reaffirmed prior Council direction to seek renewal of the City's Measure J 1/4-cent sales tax via a measure to be placed on the ballot for the November 2020 general election.

M. ADJOURN

Meeting adjourned at 07:51 PM.

Respectfully submitted,

Ana B. Gonzalez
City C

TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: October 1, 2019
ITEM #: I.4.
SUBJECT: American Legion Centennial Day Proclamation

Recommendation for Action: Staff recommends that the City Council adopt a Proclamation declaring American Legion Centennial Day as October 11, 2019. Members of the American Legion will be present to receive the proclamation.

Paul Navazio
City Manager

Attachments:
1. American Legion Mayoral Proclamation_10_2019

CITY OF WOODLAND

MAYORAL PROCLAMATION

DECLARING AMERICAN LEGION CENTENNIAL DAY

Whereas, the American Legion has been a loyal advocate for veterans and their families since 1919; and

Whereas, the American Legion was funded on the four pillars of care for veterans, a strong national defense, Americanism, and children and youth; and

Whereas, the American Legion has played a leading role in initiatives and breakthroughs that have affected the lives of Americans in every community, from U.S. Flag Code to the GI Bill; and

Whereas, Post 77 has continued to succeed in their mission and has contributed vastly to the community of Yolo County and beyond and champions community engagement and supports organizations like Woodland Little League Board of Directors, American Legion Baseball and Downtown Merchants Association; and

Whereas, Post 77 instills Legion values by sponsoring Boy Scout Troop 68, supporting Girls and Boys State, and recognizing Army ROTC cadets at Sacramento State University and University of California, Davis and provides school supplies to families in need at Travis Air Force Base and Christmas toys to children during the holidays; and

Whereas, Post 77 places flags on Main Street during patriotic holidays, places flags at the gravesites of over 2,000 veterans at the Woodland Cemetery, and conducts flag retirement ceremonies for damaged and worn flags and supports events in the northern part of California with color guard ceremonies, and provides funeral honors for all veterans in Yolo County and veterans at the Sacramento Valley Veterans Administration Cemetery; and

Whereas, the American Legion is celebrating its centennial in 2019.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Woodland does hereby proclaim October 12, 2019 as American Legion Centennial Day.

Dated: October 1, 2019

____
Xóchitl Rodriguez, Mayor

Rich Lansburgh, Mayor Pro Tem

Angel Barajas, Council Member

Enrique Fernandez, Council Member

Tom Stallard, Council Member

TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: October 1, 2019
ITEM #: I.5.
SUBJECT: Fire Prevention Week Proclamation

Recommendation for Action: Staff recommends the City Council join the National Fire Protection Association in proclaiming October 6-12, 2019 as Fire Prevention Week.

Staff Contact
Emily Richter, Fire Marshal - (530)661-5855, emilyrichter@cityofwoodland.org

Fiscal Impact
None

Report in Brief
Fire Prevention Week is dedicated to raising awareness of the dangers of fire and how to prevent it. The City Council has annually recognized Fire Prevention Week in Woodland and the Fire Department has coordinated this recognition with community education and awareness activities. Staff recommends the City Council join the National Fire Protection Association (NFPA) in proclaiming October 6-12, 2019 as Fire Prevention Week.

Background
Fire Prevention Week was established to commemorate the Great Chicago Fire – the tragic conflagration that killed more than 250 people, left 100,000 people homeless, destroyed more than 17,400 structures, and burned more than 2,000 acres. The fire began on October 8, 1871, but continued into, and did most of its damage on, October 9, 1871; it lasted more than 27 hours. In 1920, President Woodrow Wilson issued the First National Fire Prevention Day proclamation. Since 1922, Fire Prevention Week has been observed on the Sunday through Saturday period in which October 9 falls. According to the National Archives, Fire Prevention Week is the longest running public health and safety observance on record. The President of the United States has signed a proclamation proclaiming a national observance during that week every year since 1925.

This year's theme is, "Not Every Hero Wears a Cape. Plan and Practice Your Escape." In 2017, U.S. fire departments responded to 357,500 home fires causing 2,630 civilian deaths according to the National Fire Protection Association (NFPA). While this is an overall decrease in number of homes fires since 2015, the number of related deaths increased by nearly 3%. Our homes are built with lightweight materials that burn faster than older home constructions. Many of today's products and furnishings produce toxic gases and smoke when burned, making it impossible to see and breathe within moments. These conditions contribute to a much smaller window of time for people to escape a home fire safely, with people having as little as one to two minutes to escape from the time the alarm sounds. A home fire escape plan provides the skill set and know-how to quickly and safely escape a home fire situation. A home fire escape plan includes two exits from every room in the home; a path to the outside from each exit; smoke alarms in all required locations; and a meeting place outside where everyone in the home will meet upon exiting. All members of the household should develop home fire escape plans. Practicing a home fire escape plan twice a year ensures that everyone in the household knows what to do in a real fire situation.

Discussion

While our Division recently rebranded to a Community Risk Reduction model, we recognize the importance of continuing with our foundation of fire safety education through the City. The celebration of Fire Prevention Week has been a long-standing tradition in our community. It gives Fire personnel the chance to introduce themselves to the citizens of our community in a casual learning environment. Through this interaction, members of the Fire Department educate youth, teachers, and parents about the importance of fire safety and fire prevention. Again this year, we will be implementing the First Grade Program into our Public Education schedule. The Fire Department uses this program in conjunction with fire station tours and community events to teach the public about fire safety. The Fire Department will also be hosting an Open House at Station 2 on October 5th from 9am to 11am.

Conclusion

Staff recommends the City Council join the National Fire Protection Association in proclaiming October 6-12, 2019 as Fire Prevention Week.

Prepared by: Emily Richter, Fire Marshal

Reviewed by: Rebecca Ramirez, Fire Chief

Paul Navazio
City Manager

Attachments:

1. Proclamation - Fire Prevention Week 2019

CITY OF WOODLAND PROCLAMATION FOR NATIONAL FIRE PREVENTION WEEK - OCTOBER 6-12, 2019

WHEREAS, the Fire Department celebrates the annual Fire Prevention Week in Woodland during October to ensure the safety and security of all those residing in and visiting our community; and

WHEREAS, U.S. fire departments responded to 357,500 home fires causing 2,630 civilian deaths in 2017, according to the National Fire Protection Association® (NFPA®); and

WHEREAS, when the smoke alarm sounds, Woodland's residents may have less than two minutes to escape to safety; and residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, the 2019 Fire Prevention Week™ theme, "Not Every Hero Wears a Cape. Plan and Practice Your Escape!™" effectively serves to remind us that we need to take personal steps to increase our safety from fire; and

WHEREAS, the mission of the Woodland Fire Department is dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education. Through these measures, residents are able to take personal steps to increase their safety from fire, especially in their homes.

NOW THEREFORE, the Council of the City of Woodland does hereby proclaim the week of October 6-12, 2019 as Fire Prevention Week in Woodland, and calls upon all citizens and civic organizations to apply safety measures in their homes, to practice their home fire escape plan during Fire Prevention Week, and to support the public safety activities and efforts of the Woodland Fire Department and other emergency services.

PASSED AND ADOPTED this 1st day of October, 2019

____
Xochitl Rodriguez, Mayor

____
Rich Lansburgh , Mayor Pro Tempore

____
Angel Barajas, Council Member

____
Enrique Fernandez, Council Member

____
Tom Stallard, Council Member

TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: October 1, 2019
ITEM #: I.6.
SUBJECT: Youth Empowerment Summit

RECOMMENDATION FOR ACTION: Staff recommends that the City Council receive a presentation from Jesse Salinas related to the Youth Empowerment Summit.

Paul Navazio
City Manager

Attachments:
None

TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: October 1, 2019
ITEM #: J.7.
SUBJECT: League of California Cities Conference Resolutions

Recommendation for Action: Staff recommends that the City Council authorize Mayor Xochitl Rodriguez, as its appointed voting delegate, to support two resolutions being considered by the General Assembly of League of California Cities at the Annual Conference to be held on October 16-18, 2019.

Background

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

Earlier this year, the City Council appointed Mayor Xochitl Rodriguez as the voting delegate for the City of Woodland. This year, two resolution have been introduced for consideration by the voting delegates at the Annual Conference. Per League rules of procedure, the applicable League Policy Committee(s) will convene to consider the resolution, with their report and recommendations then being forwarded to the General Resolutions Committee. The recommendations of each of the committees will be presented to the League's Voting Delegates prior to a vote.

Discussion

Resolution No.1 - Amendment to Rule 20A. This resolution calls upon the California Public Utilities Commission (CPUC) to expand its Rule 20A program for undergrounding overhead utilities to include projects in high fire hazard severity zones. (See Attachment 1)
Sponsor: City of Rancho Palos Verdes
Recommendation: Support

Resolution No.2 - International Transboundary Pollution Flows. This resolution calls upon the state and the federal governments of the U.S. and Mexico to address water quality issues resulting from transboundary flows from Mexico's Tijuana River into the United States. (See Attachment 2).
Sponsor: San Diego County Division
Recommendation: Support

Conclusion: Staff recommends that the City Council authorize Mayor Xochitl Rodriguez, as its appointed voting delegate, support two resolutions being considered by the General Assembly of League of California Cities at the Annual Conference to be held on October 16-18, 2019.

Paul Navazio
City Manager

Attachments:
1. Attachment 1 - LCC Resolution 1 - Rule 20A
2. Attachment 2 - LCC Resolution 1 - International Transboundary Pollution

1. **RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING ON THE CALIFORNIA PUBLIC UTILITIES COMMISSION TO AMEND RULE 20A TO ADD PROJECTS IN VERY HIGH FIRE HAZARD SEVERITY ZONES TO THE LIST OF ELIGIBILITY CRITERIA AND TO INCREASE FUNDING ALLOCATIONS FOR RULE 20A PROJECTS**

Source: City of Rancho Palos Verdes
Concurrence of five or more cities/city officials
Cities: City of Hidden Hills, City of La Cañada Flintridge, City of Laguna Beach, City of Lakeport, City of Malibu, City of Moorpark, City of Nevada City, City of Palos Verdes Estates, City of Rolling Hills Estates, City of Rolling Hills, City of Ventura
Referred to: Environmental Quality Policy Committee; Transportation, Communications, and Public Works Policy Committee

WHEREAS, the California Public Utilities Commission regulates the undergrounding conversion of overhead utilities under Electric Tariff Rule 20 and;

WHEREAS, conversion projects deemed to have a public benefit are eligible to be funded by ratepayers under Rule 20A; and

WHEREAS, the criteria under Rule 20A largely restricts eligible projects to those along streets with high volumes of public traffic; and

WHEREAS, the cost of undergrounding projects that do not meet Rule 20A criteria is left mostly or entirely to property owners under other parts of Rule 20; and

WHEREAS, California is experiencing fire seasons of worsening severity; and

WHEREAS, undergrounding overhead utilities that can spark brush fires is an important tool in preventing them and offers a public benefit; and

WHEREAS, brush fires are not restricted to starting near streets with high volumes of public traffic; and

WHEREAS, expanding Rule 20A criteria to include Very High Fire Hazard Severity Zones would facilitate undergrounding projects that would help prevent fires; and

WHEREAS, expanding Rule 20A criteria as described above and increasing funding allocations for Rule 20A projects would lead to more undergrounding in Very High Fire Hazard Severity Zones; and now therefore let it be,

RESOLVED that the League of California Cities calls on the California Public Utilities Commission to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility and to increase funding allocations for Rule 20A projects.

Background Information on Resolution No. 1

Source: City of Rancho Palos Verdes

Background:
Rancho Palos Verdes is the most populated California city to have 90 percent or more of residents living in a Cal Fire-designated Very High Fire Hazard Severity Zone. Over the years, the Palos Verdes Peninsula has seen numerous brush fires that were determined to be caused by electrical utility equipment.

Across the state, some of the most destructive and deadly wildfires were sparked by power equipment. But when it comes to undergrounding overhead utilities, fire safety is not taken into account when considering using ratepayer funds to pay for these projects under California's Electric Tariff Rule 20 program. The program was largely intended to address visual blight when it was implemented in 1967. Under Rule 20A, utilities must allocate ratepayer funds to undergrounding conversion projects chosen by local governments that have a public benefit and meet one or more of the following criteria:

- Eliminate an unusually heavy concentration of overhead lines;
- Involve a street or road with a high volume of public traffic;
- Benefit a civic or public recreation area or area of unusual scenic interest; and,
- Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines.

As we know, brush fires are not restricted to erupting in these limited areas. California's fire season has worsened in severity in recent years, claiming dozens of lives and destroying tens of thousands of structures in 2018 alone.

Excluding fire safety from Rule 20A eligibility criteria puts the task of undergrounding power lines in Very High Fire Hazard Severity Zones squarely on property owners who are proactive, willing and able to foot the bill.

The proposed resolution calls on the California Public Utilities Commission to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the proposed resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

If adopted, utilities will be incentivized to prioritize undergrounding projects that could potentially save millions of dollars and many lives.

League of California Cities Staff Analysis on Resolution No. 1

Staff: Rony Berdugo, Legislative Representative, Derek Dolfie, Legislative Representative, Caroline Cirrincione, Legislative Policy Analyst
Committees: Environmental Quality; Transportation, Communications, and Public Works

Summary:
This Resolution, in response to intensifying fire seasons and hazards associated with exposed energized utility lines, proposes that the League of California Cities (League) call upon the California Public Utilities Commission (CPUC) to amend the Rule 20A program by expanding the criteria for undergrounding overhead utilities to include projects in Very High Fire Hazard Severity Zones (VHFHSZ). This Resolution also proposes that the League call upon the CPUC to increase utilities' funding allocations for Rule 20A projects.

Background

California Wildfires and Utilities

Over the last several years, the increasing severity and frequency of California's wildfires have prompted state and local governments to seek urgent prevention and mitigation actions. Record breaking wildfires in Northern and Southern California in both 2017 and 2018 have caused destruction and loss of life. This severe fire trend has local officials seeking solutions to combat what is now a year-round fire season exacerbated by years of drought, intense weather patterns, untamed vegetation and global warming.

These conditions create a dangerous catalyst for wildfires caused by utilities as extreme wind and weather events make downed power lines more of a risk. In response to recent catastrophic wildfires, Governor Newsom established a Strike Force tasked with developing a "comprehensive roadmap" to address issues related to wildfires, climate change, and utilities. The Strike Force report acknowledges that measures to harden the electrical grid are critical to wildfire risk management. A key utility hardening strategy: undergrounding lines in extreme high-fire areas.

Governor Newsom's Wildfire Strike Force program report concludes, "It's not a question of "if" wildfire will strike, but "when."

Very High Fire Hazard Severity Zones

This Resolution seeks to expand the undergrounding of overhead utility lines in VHFHSZ. California Government Code Section 51178 requires the Director of the California Department of Forestry and Fire Protection (CalFIRE) to identify areas in the state as VHFHSZ based on the potential fire hazard in those areas. VHFHSZ are determined based on fuel loading, slope, fire weather, and other relevant factors. These zones are in both local responsibility areas and state responsibility areas. Maps of the statewide and county by county VHFHSZ can be found here.[1]

[1] https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/

More than 25 million acres of California wildlands are classified under very high or extreme fire threat. Approximately 25 percent of the state's population, 11 million people, live in those high-risk areas. Additionally, over 350,000 Californians live in cities that are nearly encompassed within Cal Fire's maps of VHFHSZ. Similar to the proponents of this Resolution, City of Rancho Palos Verdes, over 75 communities have 90 percent or more of residents living in a VHFHSZ.

CPUC Rule 20 Program

The CPUC's Rule 20 program lays out the guidelines and procedures for converting overhead electric and telecommunication facilities to underground electric facilities. Rule 20 funding and criteria is provided at four levels. Levels A, B, and C, reflect progressively diminishing ratepayer funding for undergrounding projects. Recently added Rule 20D is a relatively new program that is specific to San Diego Gas and Electric (SDG&E), which was created in response to the destructive 2007 wildfires. Each of these levels will be discussed below:

Rule 20A

The first California overhead conversion program, Rule 20A, was created in 1967 under then Governor Ronald Reagan. The program was created to provide a consistent and structured means of undergrounding utility lines throughout the state with costs covered broadly by utility ratepayers.

Each year, Investor Owned Utilities (IOUs) propose their Rule 20A allocation amounts to the CPUC during annual general rate case proceedings. In this process, IOUs propose revised utility customer rates based on expected service costs, new energy procurement and projects for the following year, including Rule 20 allocations. The CPUC then reviews, amends, and approves IOU rates. Currently, the cumulative budgeted amount for Rule 20A for Pacific Gas and Electric (PG&E), Southern California Edison (SCE), and San Diego Gas and Electric (SDG&E) totals around $95.7 million.

The funding set aside by IOUs for Rule 20A is allocated to local governments through a credit system, with each credit holding a value to be used solely for the costs of an undergrounding project. The credit system was created so that local governments and IOUs can complete undergrounding projects without municipal financing. Through Rule 20A, municipalities that have developed and received city council approval for an undergrounding plan receive annual credits from the IOU in their service area. At the last count by the CPUC, over 500 local governments (cities and counties) participate in the credit system.

While these credits have no inherent monetary value, they can be traded in or banked for the conversion of overhead lines. Municipalities can choose to accumulate their credits until their credit balance is sufficient to cover these conversion projects, or choose to borrow future undergrounding allocations for a period of up to five years. Once the cumulative balance of credits is sufficient to cover the cost of a conversion project, the municipality and the utility can move forward with the undergrounding. All of the planning, design, and construction is performed by the participating utility. Upon the completion of an undergrounding project, the utility is compensated through the local government's Rule 20A credits.

At the outset of the program, the amount of allocated credits were determined by a formula which factored in the number of utility meters within a municipality in comparison to the utilities' service territory. However, in recent years the formula has changed. Credit allocations for IOUs, except for PG&E, are now determined based on the allocation a city or county received in 1990 and is then adjusted for the following factors:

- 50% of the *change from the 1990* total budgeted amount is allocated for the ratio of the number of overhead meters in any city or unincorporated area to the total system overhead meters; and
- 50% of the *change from the 1990* total budgeted amount is allocated for the ratio of the number of meters (which includes older homes that have overhead services, and newer homes with completely underground services) in any city or the unincorporated area to the total system meters.

As noted, PG&E has a different funding formula for their Rule 20A credit allocations as they are not tied to the 1990 base allocation. Prior to 2011, PG&E was allocating approximately five to six percent of its revenue to the Rule 20A program. The CPUC decided in 2011 that PG&E's Rule 20A allocations should be reduced by almost half in an effort to decrease the growing accumulation of credits amongst local governments. Since 2011, PG&E's annual allocations for Rule 20A have been around $41.3 million annually, which is between two and three percent of their total revenue.

Criteria for Rule 20A Projects

For an undergrounding project to qualify for the Rule 20A program, there are several criteria that need to be met. The project must have a public benefit and:

1. Eliminate an unusually heavy concentration of overhead lines
2. Involve a street or road with a high volume of public traffic
3. Benefit a civic or public recreation area or area of unusual scenic interest,
4. Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines

Notably, fire safety is excluded from the list of criteria that favors aesthetic and other public safety projects.

Rule 20A Credit System Imbalance Threatens Program Effectiveness

Allocations are made by utilities each year for Rule 20A credits. These current budget allocations total $95.7 million a year. Currently, the cumulative balance of credits throughout the state totals over $1 billion dollars. The Rule 20A cumulative balances aggregated by region can be found here.[2]

[2] Program Review, California Overhead Conversion Program, Rule 20A for Years 2011-2015, "The Billion Dollar Risk," California Public Utilities Commission. https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Divisions/Policy_and_Planning/PPD_Work_Products_(2014_forward)(1)/PPD_Rule_20-A.pdf

Note: The existing credit allocation formulas do not consider a municipality's need or plans for overhead conversion projects, resulting in large credit balances in some jurisdictions.

Cities and counties are, however, able to trade or sell unallocated Rule 20A credits if they will not be used to fund local undergrounding projects. There have been several cases where one agency has sold their unused credits, often for less than the full dollar value of the credits themselves to another agency.

Rule 20B

Rule 20B projects are those that do not fit the Rule 20A criteria, but do, however, involve both sides of the street for at least 600 feet. These projects are typically done in conjunction with larger developments and are mostly paid for by the developer or applicant. Additionally, the applicant is responsible for the installation.

Rule 20C

Rule 20C projects are usually small projects that involve property owners. The majority of the cost is usually borne by the applicants. Rule 20C applies when the project does not qualify for either Rule 20A or Rule 20B.

Rule 20D--Wildfire Mitigation Undergrounding Program

Rule 20D was approved by the CPUC in January of 2014 and only applies to SDG&E. The Rule 20D program was established largely in response to the destructive wildfires that occurred in San Diego in 2007 as a wildfire mitigation undergrounding program. According to SDG&E, the objective of the Rule 20D undergrounding is exclusively for fire hardening as opposed to aesthetics. The program is limited in scope and is restricted to communities in SDG&E's Fire Threat Zone (now referred to as the High Fire Threat District or HFTD). As of this time, the program has yet to yield any projects and no projects are currently planned.

For an undergrounding project to qualify for the Rule 20D program, a minimum of three of the following criteria must be met. The project must be near, within, or impactful to:

- Critical electric infrastructure
- Remaining useful life of electric infrastructure
- Exposure to vegetation or tree contact
- Density and proximity of fuel
- Critical surrounding non-electric assets (including structures and sensitive environmental areas)
- Service to public agencies
- Accessibility for firefighters

Similar to Rule 20A, SDG&E must allocate funding each year through their general rate case proceedings to Rule 20D to be approved by the CPUC. This funding is separate from the allocations SDG&E makes for Rule 20A. However, the process of distributing this funding to localities is different. The amount of funding allocated to each city and county for Rule 20D is based on the ratio of the number of miles of overhead lines in SDG&E Fire Threat Zones in a city or county to the total miles of SDG&E overhead lines in the entire SDG&E fire zone. The

Rule 20D program is administered by the utility consistent with the existing reporting, engineering, accounting, and management practices for Rule 20A.

The Committee may want to consider whether Rule 20D should instead be expanded, adapted, or further utilized to support funding for overhead conversions within VHFHSZ throughout the state.

Fiscal Impact:

The costs to the State associated with this Resolution will be related to the staff and programmatic costs to the CPUC to take the necessary measures to consider and adopt changes to Rule 20A to include projects in VHFHSZ to the list of criteria for eligibility.

This Resolution calls for an unspecified increase in funding for Rule 20A projects, inferring that portions of increased funds will go towards newly eligible high fire hazard zones. While the Resolution does not request a specific amount be allocated, it can be assumed that these increased costs will be supported by utility ratepayers. According to the CPUC, the annual allocations towards Rule 20A are $95.7 million.

The CPUC currently reports a cumulative credit surplus valued at roughly $1 billion that in various regions, given the approval of expanded eligibility called for by this Resolution, could be used to supplement and reduce the level of new dollars needed to make a significant impact in VHFHSZ. The CPUC follows that overhead conversion projects range from $93,000 per mile for rural construction to $5 million per mile for urban construction.

The Resolution states that "California is experiencing fire seasons of worsening severity" which is supported by not only the tremendous loss of property and life from recent wildfires, but also in the rising costs associated with clean up, recovery, and other economic losses with high estimates in the hundreds of billions of dollars.

The Committee may wish to consider the costs associated with undergrounding utility lines in relation to the costs associated with past wildfires and wildfires to come.

Comments:

CPUC Currently Exploring Revisions to Rule 20

In May 2017, the CPUC issued an Order Instituting Rulemaking to Consider Revisions to Electric Rule 20 and Related Matters. The CPUC will primarily focus on revisions to Rule 20A but may make conforming changes to other parts of Rule 20. The League is a party in these proceedings will provide comments.

Beyond Rule 20A: Additional Options for Funding Undergrounding Projects

There are various ways in which cities can generate funding for undergrounding projects that fall outside of the scope of Rule 20A. At the local level, cities can choose to forgo the Rule 20A process and opt to use their own General Fund money for undergrounding. Other options are also discussed below:

Rule 20D Expansion
The City of Berkley in a 2018 study titled “Conceptual Study for Undergrounding Utility Wires in Berkley,” found that the city could possibly qualify for Rule 20D funding if they actively pursued this opportunity in partnership with PG&E and the CPUC.

One of the study’s recommendations is to advocate for release of 20D funds (now earmarked exclusively for SDG&E) to be used for more aggressive fire hardening techniques for above-ground utility poles and equipment, for undergrounding power lines, and for more aggressive utility pole and vegetation management practices in the Very High Hazard Fire Zone within Berkeley’s city limits.

As an alternative to changing the criteria for Rule 20A, the Committee may wish to consider whether there is the opportunity to advocate for the expansion of Rule 20D funding more broadly, expanding its reach to all IOU territories.

Franchise Surcharge Fees
Aside from Rule 20 allocations, cities can generate funding for undergrounding through franchise fee surcharges. For example, SDG&E currently operates under a 50-year City franchise that was granted in 1970. Under the franchises approved by the San Diego City Council in December 1970, SDG&E agreed to pay a franchise fee to the City equivalent to 3% of its gross receipts from the sales of both natural gas and electricity for 30 years.

These fees were renegotiated in 2000 and in 2001 an agreement was between the City of San Diego, SDG&E, and the CPUC to extend the existing franchise fee to include revenues collected from surcharges. SDG&E requested an increase of 3.88% to its existing electric franchise fee surcharge. The bulk, 3.53% of this increase is to be used for underground conversion of overhead electric wires.

Based on SDG&E's revenue projections, the increase would result in an additional surcharge revenue amount of approximately $36.5 million per year. SDG&E estimates that this would create a monthly increase of approximately $3.00 to a typical residential customer's electric bill. These surcharge revenues would pay for additional undergrounding projects including those that do not meet the Rule 20A criteria. The City of Santa Barbara has also adopted a similar franchise surcharge fee.

Having this funding source allows the City of San Diego to underground significantly more miles of above ground utility lines than other municipalities. However, the surcharge is currently being challenged in court, as it is argued that the City had SDG&E impose a tax without a ballot measure.

Utility Bankruptcy and Undergrounding Funding

In considering this Resolution, it is important to understand that Rule 20A allocations have been more substantial in the past. As mentioned earlier, prior to 2011, PG&E was allocating approximately 5% to 6% of its revenue to the Rule 20A program. Therefore, it is not unreasonable to encourage an increase in Rule 20A allocations as history shows that utilities had the capacity to do so in the past.

However, in a time where IOUs such as PG&E are facing bankruptcy as the result of utility caused wildfires, there is the possibility that expanding rule 20A funding will generate more costs for the ratepayers.

Questions to Consider:

1) Is Rule 20A or Rule 20D the more appropriate program to advocate for such an expansion?
2) Are there any wildfire risks outside of VHFHSZ that could be mitigated by undergrounding projects?

Existing League Policy:

Public Safety:

The League supports additional funding for local agencies to recoup the costs associated with fire safety in the community and timely mutual aid reimbursement for disaster response services in other jurisdictions. (pg. 43)

The League supports the fire service mission of saving lives and protecting property through fire prevention, disaster preparedness, hazardous-materials mitigation, specialized rescue, etc., as well as cities' authority and discretion to provide all emergency services to their communities. (pg. 43)

Transportation, Communication, and Public Works:

Existing telecommunications providers and new entrants shall adhere to local city policies on public utility undergrounding. (pg. 54)

The League supports protecting the additional funding for local transportation and other critical unmet infrastructure needs. (pg. 51)

The League supports innovative strategies including public private partnerships at the state and local levels to enhance public works funding. (pg. 52)

Environmental Quality

The League opposes any legislation that interferes with local utility rate setting authority and opposes any legislation that restricts the ability of a city to transfer revenue from a utility (or other enterprise activity) to the city's general fund. (pg. 9)

Cities should continue to have the authority to issue franchises and any program should be at least revenue neutral relative to revenue currently received from franchises. (pg. 9)

The League is concerned about the impacts of escalating energy prices on low income residents and small businesses. The League supports energy pricing structures and other mechanisms to soften the impacts on this segment of our community. (pg. 10)

2019 Strategic Goals
Improve Disaster Preparedness, Recovery and Climate Resiliency.

- Provide resources to cities and expand partnerships to better prepare for and recover from wildfires, seismic events, erosion, mudslides and other disasters.
- Improve community preparedness and resiliency to respond to climate-related, natural and man-made disasters.

Support:

The following letters of concurrence were received:
The City of Hidden Hills
The City of La Cañada Flintridge
The City of Laguna Beach
The City of Lakeport
The City of Malibu
The City of Moorpark
The City of Nevada City
The City of Palos Verdes Estates
The City of Rolling Hills Estates
The City of Rolling Hills
The City of Ventura

2. A RESOLUTION CALLING UPON THE FEDERAL AND STATE GOVERNMENTS TO ADDRESS THE DEVASTATING IMPACTS OF INTERNATIONAL TRANSBOUNDARY POLLUTION FLOWS INTO THE SOUTHERNMOST REGIONS OF CALIFORNIA AND THE PACIFIC OCEAN

Source: San Diego County Division
Concurrence of five or more cities/city officials
Cities: Calexico; Coronado; Imperial Beach; San Diego
Individual City Officials: City of Brawley: Mayor Pro Tem Norma Kastner-Jauregui; Council Members Sam Couchman, Luke Hamby, and George Nava. City of Escondido: Deputy Mayor Consuelo Martinez. City of La Mesa: Council Member Bill Baber. City of Santee: Mayor John Minto, City of Vista: Mayor Judy Ritter and Council Member Amanda Young Rigby
Referred to: Environmental Quality Policy Committee

WHEREAS, international transboundary rivers that carry water across the border from Mexico into Southern California are a major source of sewage, trash, chemicals, heavy metals and toxins; and

WHEREAS, transboundary flows threaten the health of residents in the United States and Mexico, harm important estuarine land and water of international significance, force closure of beaches, damage farmland, adversely impact the South San Diego County and Imperial County economy; compromise border security, and directly affect U.S. military readiness; and

WHEREAS, a significant amount of untreated sewage, sediment, hazardous chemicals and trash have been entering southern California through both the Tijuana River Watershed (75 percent of which is within Mexico) and New River flowing into southern California's coastal waterways and residential and agricultural communities in Imperial County eventually draining into the Salton Sea since the 1930s; and

WHEREAS, in February 2017, an estimated 143 million gallons of raw sewage flowed into the Tijuana River and ran downstream into the Pacific Ocean and similar cross border flows have caused beach closures at Border Field State Park that include 211 days in 2015; 162 days in 2016; 168 days in 2017; 101 days in 2018; and 187 days to date for 2019 as well as closure of a number of other beaches along the Pacific coastline each of those years; and

WHEREAS, approximately 132 million gallons of raw sewage has discharged into the New River flowing into California through communities in Imperial County, with 122 million gallons of it discharged in a 6-day period in early 2017; and

WHEREAS, the presence of pollution on state and federal public lands is creating unsafe conditions for visitors; these lands are taxpayer supported and intended to be managed for recreation, resource conservation and the enjoyment by the public, and

WHEREAS, the current insufficient and degrading infrastructure in the border zone poses a significant risk to the public health and safety of residents and the environment on both sides of the border, and places the economic stress on cities that are struggling to mitigate the negative impacts of pollution; and

WHEREAS, the 1944 treaty between the United States and Mexico regarding *Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande* allocates flows on trans-border rivers between Mexico and the United States, and provides that the nations, through their respective sections of the International Boundary Water Commission shall give control of sanitation in cross border flows the highest priority; and

WHEREAS, in 1993, the United States and Mexico entered into the *Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a North American Development Bank* which created the North American Development Bank (NADB) to certify and fund environmental infrastructure projects in border-area communities; and

WHEREAS, public concerns in response to widespread threats to public health and safety, damage to fish and wildlife resources and degradation to California's environment resulting from transboundary river flow pollution in the southernmost regions of the state requires urgent action by the Federal and State governments, and

WHEREAS, Congress authorized funding under the U.S. Environmental Protection Agency's (EPA) Safe Drinking Water Act and established the State and Tribal Assistance Grants (STAG) program for the U.S.-Mexico Border Water Infrastructure Program (BWIP) in 1996 to provide grants for high-priority water, wastewater, and storm-water infrastructure projects within 100 kilometers of the southern border; and

WHEREAS, the EPA administers the STAG and BWIP programs, and coordinates with the North American Development Bank (NADB) to allocate BWIP grant funds to projects in the border zone; and

WHEREAS, since its inception, the BWIP program has provided funding for projects in California, Arizona, New Mexico and Texas that would not have been constructed without the grant program; and

WHEREAS, the BWIP program was initially funded at $100 million per year, but, over the last 20 years, has been continuously reduced to its current level of $10 million; and

WHEREAS, in its FY 2020 Budget Request, the Administration proposed to eliminate the BWIP program; and

WHEREAS, officials from EPA Region 9, covering California, have identified a multitude of BWIP-eligible projects along the southern border totaling over $300 million; and

WHEREAS, without federal partnership through the BWIP program and state support to address pollution, cities that are impacted by transboundary sewage and toxic waste flows are left with limited resources to address a critical pollution and public health issue and limited legal remedies to address the problem; and

WHEREAS, the National Association of Counties, (NACo) at their Annual Conference on July 15, 2019 and the U.S. Conference of Mayors at their Annual Conference on in July 1, 2019 both enacted resolutions calling on the federal and state governments to work together to fund and address this environmental crisis; and

WHEREAS, local governments and the public support the State's primary objectives in complying with environmental laws including the Clean Water Act, Porter-Cologne Water Quality Control Act, and Endangered Species Act and are supported by substantial public investments at all levels of government to maintain a healthy and sustainable environment for future residents of California, and

WHEREAS, League of California Cities policy has long supported efforts to ensure water quality and oppose contamination of water resources; and

NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 18, 2019 in Long Beach, that the League calls upon the Federal and State governments to restore and ensure proper funding to the U.S- Mexico Border Water Infrastructure Program (BWIP) and recommit to working bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

Background Information on Resolution No. 2

Source: San Diego County Division

Background:
Along California's southern border with Mexico, the New River in Imperial County and the Tijuana River in San Diego County are a major sources of raw sewage, trash, chemicals, heavy metals, and toxins that pollute local communities. Sewage contaminated flows in the Tijuana River have resulted in significant impacts to beach recreation that includes the closure of Border Field State Beach for more than 800 days over the last 5-years. Similarly, contaminated flows in the New River presents comparable hazards, impacts farm land, and contributes to the ongoing crisis in the Salton Sea. These transboundary flows threaten the health of residents in California and Mexico, harms the ecosystem, force closures at beaches, damage farm land, makes people sick, and adversely affects the economy of border communities. The root cause of this cross border pollution is from insufficient or failing water and wastewater infrastructure in the border zone and inadequate federal action to address the problem through existing border programs.

The severity of cross border pollution has continued to increase, due in part to the rapid growth of urban centers since the passage of the North American Free Trade Agreement (NAFTA). While economic growth has contributed to greater employment, the environmental infrastructure of the region has not kept pace, which is why Congress authorized the Border Water Infrastructure Program (BWIP) in 1996. The U.S. Environmental Protection Agency (EPA) administers the BWIP and coordinates with the North American Development Bank (NADB) to provide financing and technical support for projects on both sides of the U.S./Mexico border. Unfortunately, the current BWIP funding at $10 million per year is only a fraction of the initial program budget that shares funding with the entire 2,000 mile Mexican border with California, Arizona, New Mexico and Texas. EPA officials from Region 9 have identified an immediate need for BWIP projects totaling over $300 million just for California. Without federal partnerships through the BWIP and state support to address cross border pollution, cities that are impacted by transboundary sewage and toxic waste flows are left with limited resources to address a critical pollution and public health issue.

The International Boundary and Water Commission (IBWC) is another important federal stakeholder that, under the Treaty of 1944 with Mexico, must address border sanitation problems. While IBWC currently captures and treats some of the pollution generated in Mexico, it also redirects cross border flows without treatment directly into California.

Improving environmental and public health conditions for communities along the border is essential for maintaining strong border economy with Mexico. The IBWC, EPA, and NADB are the important federal partners with existing bi-national programs that are able to immediately implement solutions on cross border pollution. California is in a unique position to take the lead and work with local and federal partners to implement real solutions that will addresses the long standing and escalating water quality crisis along the border.

For those reasons, the cities of Imperial Beach and Coronado requested the San Diego County Division to propose a resolution at the 2019 League Annual Conference calling upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California, San Diego and Imperial Counties and the Pacific Ocean.

On August 12, 2019 at the regularly scheduled meeting of the San Diego County Division, the membership unanimously endorsed submittal of the resolution, with close to 75% membership present and voting.

The Imperial County Division does not have a schedule meeting until after the deadline to submit proposed resolutions. However, the City of Calexico, which is most directly impacted by initial pollution flow of the New River from Mexicali, sent a letter in concurrence of this resolution as well as numerous city official from cities within Imperial County and the Imperial County Board of Supervisors. The League Imperial County Division will place a vote to support this resolution on the agenda of their September 26, 2019 meeting.

League of California Cities Staff Analysis on Resolution No. 2

Staff: Derek Dolfie, Legislative Representative
Carly Shelby, Legislative and Policy Development Assistant
Committees: Environmental Quality

Summary:
This Resolution states that the League of California Cities should call upon the State and Federal governments to restore and ensure proper funding for the U.S. – Mexico Border Water Infrastructure Program (BWIP) and work bi-nationally to address water quality issues resulting from transboundary flows from Mexico's Tijuana River into the United States containing untreated sewage, polluted sediment, and trash.

Background:
The League of California Cities' San Diego County Division is sponsoring this resolution to address their concerns over the contaminated flows from the Tijuana River into California that have resulted in the degradation of water quality and water recreational areas in Southern California.

The Tijuana River flows north through highly urbanized areas in Mexico before it enters the Tijuana River Estuary and eventually the Pacific Ocean via waterways in San Diego County in California. Urban growth in Tijuana has contributed to a rise in rates of upstream flows from water treatment facilities in Mexico. These treatment facilities have raised the amount of untreated sewage and waste in the Tijuana River due to faulty infrastructure and improper maintenance. The federal government refers to the river as an "impaired water body" because of the presence of pollutants in excess, which pose significant health risks to residents and visitors in communities on both sides of the border.

Federal Efforts to Address Pollution Crisis
To remedy the Tijuana River's low water quality, the United States and Mexico entered into a Treaty in 1944 entitled: *Utilization of Waters of the Colorado River and Tijuana Rivers and of the Rio Grande – the International Boundary and Water Commission* (IBWC). The IBWC was designed to consist of a United States section and a Mexico section. Both sections were tasked with negotiating and implementing resolutions to address water pollution in the area, which includes overseeing the development of water treatment and diversion infrastructure.

After the formation of the IBWC, the U.S. and Mexico entered into a treaty in 1993 entitled: *Agreement Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank.* This agreement established the North American Development Bank (NADB), which certifies and funds infrastructure projects located within 100 kilometers (62 miles) of the border line. The NADB supports federal programs like the Border Water Infrastructure Program (BWIP), which was initially funded at $100 million, annually.

The degradation of existing water treatment infrastructure along the border coincides with the federal government's defunding of the BWIP, which has steadily decreased from $100 million in 1996 to $10 million today. The Federal FY 2020 Budget proposes eliminating BWIP funding altogether. EPA's regions 6 and 9 (includes U.S. states that border Mexico) have identified a number of eligible projects that address public health and environmental conditions along the border totaling $340 million.

The NADB has funded the development of water infrastructure in both the U.S. and Mexico. Water diversion and treatment infrastructure along the U.S – Mexico border includes, but is not limited to, the following facilities:

- *The South Bay International Wastewater Treatment Plant (SBIWTP).* This facility was constructed by the U.S. in 1990 and is located on the California side of the border and is operated under the jurisdiction of the IBWC. The SBIWTP serves as a diversion and treatment sewage plant to address the flow of untreated sewage from Mexico into the United States.
- *Pump Station CILA.* CILA was constructed by Mexico in 1991 and is located along the border in Mexico. This facility serves as the SBIWTP's Mexican counterpart.

Both the SBIWTP and CILA facilities have had a multitude of overflows containing untreated sewage and toxic waste that spills into the Tijuana River. The cause of overflows can be attributed to flows exceeding the maximum capacity that the infrastructure can accommodate (this is exacerbated during wet and rainy seasons) and failure to properly operate and maintain the facilities. Much of the existing infrastructure has not had updates or repairs for decades, causing overflows to become more frequent and severe. The most notable overflow occurred in February 2017, wherein 143 million gallons of polluting waste discharged into the Tijuana River; affecting the Tijuana Estuary, the Pacific Ocean, and Southern California's waterways.

State Actions

In response to the February 2017 overflow, the San Diego Water Board's Executive Officer sent a letter to the U.S. and Mexican IBWC Commissioners which included recommendations on how to improve existing infrastructure and communications methods between both nations.

In September of 2018, California Attorney General Xavier Becerra submitted a lawsuit against IBWC for Violating the Clean Water Act by allowing flows containing sewage and toxic waste to flow into California's waterways, posing a public health and ecological crisis. The cities of Imperial Beach, San Diego, Chula Vista, the Port of San Diego, and the San Diego Regional Water Quality Board have also filed suit against the IBWC. The suit is awaiting its first settlement conference on October 19, 2019. If parties are unable to reach a settlement, the case will go to trial.

Fiscal Impact:

California's economy is currently the sixth largest in the world, with tourism spending topping $140.6 billion in 2018. In the past five years, San Diego's Border Field State Park has been closed for over 800 days because of pollution from the Tijuana River. A decline in the State's beach quality and reputation could carry macroeconomic effects that could ripple outside of the San Diego County region and affect coastal communities throughout California.

Existing League Policy

The League of California Cities has extensive language on water in its Summary of Existing Policy and Guiding Principles. Fundamentally, the League recognizes that beneficial water quality is essential to the health and welfare of California and all of its citizens. Additionally, the League advocates for local, state and federal governments to work cooperatively to ensure that water quality is maintained.

The following policy relates to the issue of water quality:

- Surface and groundwater should be protected from contamination.
- Requirements for wastewater discharge into surface water and groundwater to safeguard public health and protect beneficial uses should be supported.
- When addressing contamination in a water body, water boards should place priority emphasis on clean-up strategies targeting sources of pollution, rather than in stream or end-of-pipe treatment.
- Water development projects must be economically, environmentally and scientifically sound.
- The viability of rivers and streams for instream uses such as fishery habitat, recreation and aesthetics must be protected.
- Protection, maintenance, and restoration of fish and wildlife habitat and resources.

Click here to view the **Summary of Existing Policy and Guiding Principles 2018**.

Comments:

1. Water quality issues are prevalent across California and have been a constant priority of the State's legislature and residents. In 2014, California's voters approved Proposition 1, which authorized $7.5 billion in general obligation bonds to fund water quality improvement projects. In 2019, the Legislature reached an agreement to allocate $130 million from the State's Greenhouse Gas Reduction Fund (GGRF) to address failing water infrastructure and bad water qualities for over one million of California's residents in rural communities. Water quality is not an issue unique to the County of San Diego and communities along the border.

2. Tijuana River cross-border pollution has caught national attention. Members of Congress have proposed recent funding solutions to address the pollution crisis, including:
   - In February of 2019, California Congressional Representatives Vargas, Peters, and Davis helped secure $15 million for the EPA to use as part of its BWIP.
   - *H.R. 3895 (Vargas, Peters, 2019), The North American Development Bank Pollution Solution Act.* This bill seeks to support pollution mitigation efforts along the border by increasing the NADB's capital by $1.5 billion.
   - *H.R. 4039 (Levin, 2019), The Border Water Infrastructure Improvement Act.* This bill proposes increasing funding to the BWIP from the existing $10 million to $150 million as a continuous appropriation until 2025.

   Additionally, the National Association of Counties (NACo) and the U.S. Conference of Mayors enacted resolutions in support of increased funding for U.S. – Mexico border water infrastructure to address the environmental crisis in 2019.

3. The border pollution problem has sparked action from local, state, and federal actors. Should this resolution be adopted, League membership should be aware that future action will be adapted by what is explicitly stated in the resolution's language. In current form, the resolution's resolve clause cites the BWIP as the only program that should receive reinstated and proper funding. League staff recommends the language be modified to state:

   > **"NOW, THEREFORE, BE IT RESOLVED** at the League General Assembly, assembled at the League Annual Conference on October 18, 2019 in Long Beach, that the League calls upon the Federal and State governments to restore and ensure proper funding *for environmental infrastructure on the U.S. – Mexico Border, including* ~~to~~ the ~~U.S- Mexico~~ Border Water Infrastructure Program (BWIP), and recommit to working bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state."

   Modifying the language would ensure enough flexibility for the League to support funding mechanisms outside of the prescribed federally-operated BWIP.

4. It remains unclear if there is an appetite in Washington to fund border-related infrastructure projects that address environmental quality. Given the high probability of another overflow containing waste and sewage from the existing infrastructure operated by the IBWC, League membership should consider the outcome if no resolution is reached to address the issue.

Support:
The following letters of concurrence were received:
Cities:
The City of Calexico
The City of Coronado
The City of Imperial Beach
The City of San Diego
In their individual capacity:
Amanda Young Rigby, City of Vista Council Member
Bill Baber, City of La Mesa Council Member
Consuelo Martinez, City of Escondido Deputy Mayor
George A. Nava, City of Brawley Council Member
John Minto, City of Santee Mayor
Judy Ritter, City of Vista Mayor
Luke Hamby, City of Brawley Council Member
Norma Kastner-Jauregui, City of Brawley Mayor Pro-Tempore
Sam Couchman, City of Brawley Council Member

TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: October 1, 2019
ITEM #: J.8.
SUBJECT: Appoint Member to the Library Board

Recommendation for Action: Staff recommends that the City Council appoint Noel Rodriguez to the Library Board.

Staff Contact:
Ana B. Gonzalez, City Clerk, (530) 661-5806, ana.gonzalez@cityofwoodland.org

Discussion
The Library Board has experienced a vacancy left by Alejandra Lopez who resigned due to moving out of the area. The Council Sub-committee is recommending the appointment of Noel Rodriguez who appears well-qualified to fill the vacancy.

It is staff's recommendation that Mr. Rodriguez be appointed to fill the vacancy left by Ms. Lopez for the unexpired term that ends on June 30, 2021.

Prepared By: Ana B. Gonzalez, City Clerk

Paul Navazio
City Manager

Attachments:
1. Noel Rodriguez Application

City of Woodland

City Clerk 300 First Street Woodland, California 95695 (530) 661-5806
FAX (530) 661-5813

APPLICATION
BOARD / COMMISSION / ADVISORY COMMITTEE

Board/Commission/Committee applying for: Library Board of Trustees

☑ **NEW APPOINTMENT** ☐ **RE-APPOINTMENT**

Name: Noel J. Rodriguez

Address: 1908 Hershey Drive
Woodland, CA 95776

Home Phone Number: (530) 662-6010

Work/Cell Number: (510) 734-0386

E-Mail Address: noelrod1968@gmail.com

This information is a public record and applications are available to the public upon request

I reside within the City limits of the City of Woodland. ☑ Yes ☐ No

Are you currently serving on a City Board or Commission? ☐ Yes ☑ No

If yes, please state which: Not Applicable

I have economic interests that may result in a conflict of interest. ☐ Yes ☑ No

(Selected members of Boards and Commissions are required to file annual FPPC Form 700.)

Why are you interested in serving on a City Board/Commission/Committee:
I would like to serve on the Library Board because I am interested in education and in enhancing literacy in the community. I feel libraries are a gateway to knowledge for community members and that makes libraries the pillars of our democracy. I feel that my education and experience will help the Board meet the needs of the community.

If you are not selected for appointment to your preferred Board, Commission or Advisory Committee, would you consider another appointment? ☑ Yes ☐ No

Second Choice: Parks & Recreation Commission

Employment experience:

My employment experience consists of community organizing, directing youth services and funding grants, managing and staffing the board of a public authority, director of a statewide youth program, supervising social services programs, and being an adjunct faculty coordinator for an adult education to community college program. I also have mediation experience.

Educational background and other training:

I have an A.A. degree in Liberal Arts from Fresno City College, a B.A. from UC Davis in Psychology, and a M.A. in Educational Leadership from CSU Sacramento. I also have been trained in community organizing, mediation, needs assessments, and grant writing.

Organization and community activity experience:

My community service includes organizing my Neighborhood Watch Program, coordinating a Yolo County Latino Youth Leadership Conference, organizing committee member of the Chicano Latino UCD Alumni Association, and member of UCD Alumni Association.

Other background information that you believe adds to your qualifications to serve on this Board, Commission or Advisory Committee:

I have organized fundraising and program development for the Hermanos Macehual scholarship for UC Davis students. I have also volunteered for several organizing committees of several local school board candidates, and I have been trained in mediation. I am also bilingual (Spanish) and have experience working with multicultural communities.

(You may include a resume or supplemental information to support your application.)

Please provide two personal or professional references:

Name	Address	Phone No.
Rogelio Villagrana	2128 Muller Drive, Woodland CA 95776	(530) 669-3563
Melissa Moreno	907 Villanova Drive, Davis CA 95616	(530) 400-0439

Signature of Applicant

09/16/2019
Date

City Use: **Received** ________ **Eligibility** ________ **Dispostion** ________

Notes:

TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: October 1, 2019
ITEM #: J.9.
SUBJECT: FY20 Yocha Dehe Wintun Nation Community Fund Grant Award Acceptance

Recommendation for Action: Staff recommends that the City Council adopt Resolution No. _____, (1) authorizing the acceptance of the FY20 Yocha Dehe Wintun Nation Community Fund Grant Award in the amount of $13,148 for the purchase of crowd control equipment and (2) authorizing the appropriation of $13,148 in the Police Department's General Fund budget.

Staff Contact

Lt. Aaron Delao, 530-661-7814

Council Goal

This recommendation is consistent with the City's goal of 1) maintaining Woodland's quality of life by ensuring the highest level of public safety by providing our officers with the proper training and equipment; and 2) fiscal responsibility by pursuing supplemental sources of funding for special operations and equipment through grants.

Fiscal Impact

The Yocha Dehe Wintun Nation Community Fund Grant Award of $13,148 will cover the cost of purchasing 20 sets of exterior protective suits and 28 riot control shields in support of the Department's Mobile Field Force/Crowd Control Response program. There is no funding match required from the City.

Background

The Woodland Police Department is working on training and equipping its sworn personnel to respond to mass incidents of civil unrest or riotous behavior. The Mobile Field Force/Crowd Control Response program will offer the training and protective safety equipment needed for the officers to respond properly to such incidents.

The Yocha Dehe Wintun Nation is committed to building strong communities and developing effective partnerships. In 2000, the Tribe established the Community Fund to advance that mission. To date, the Community Fund has established partnerships with over 400 diverse organizations throughout Yolo County, the state and nation. The Tribe has granted more than $32 million in philanthropic funding to support programs and initiatives dedicated to assisting communities in need. The defining goal of the Community Fund is to build enduring partnerships that deliver lasting and collective solutions.

The Police Department requested financial consideration from the Doyuti Tuhkama Board to fund the purchase of crowd control protective equipment to be used in response to any demonstration, riot or crowd control event which may pose a risk to public safety or property. The use of this equipment will include the Department's guarantee of automatic aid to the Yocha Dehe Wintun Nation, its properties and economic interests. The funding request and resulting award of $13,148 will be used for the purchase of 20 sets of exterior protective suits and 28 riot control shields.

Discussion

The Woodland Police Department, Yolo County law enforcement agencies and Cache Creek Casino security aspire to continue training together in order to respond better to critical events such as active shooters, hostage scenarios, terrorist events and environmental emergencies. By establishing a mobile field force protocol, all area law enforcement agencies, along with training members of the Cache Creek Casino security, can provide a rapid, organized, and disciplined response to any planned or unplanned instance of civil unrest. Additionally, the Department will train regularly with allied agencies/stakeholders in simulated tabletop exercises to ensure proficiency. The safety equipment will only be used for 1) training exercises and 2) defensive response to persons and property during moments of civil unrest.

The Department's Mobile Field Force/Crowd Control Response program will create a unified, rapidly deployed, and disciplined law enforcement contingency which will serve all Yolo County agencies and jurisdictions. The goal of the program is to fully equip Woodland Police personnel so we can adequately service Woodland community members and also assist Yolo County and regional stakeholders. Another goal of the program is to establish a mobile field force operational agreement protocol and standardized training for all Yolo County law enforcement agencies. Included in this protocol will be the participation of the Cache Creek Casino security as they are considered public safety partners. They have and continue to assist law enforcement during the course of their duties and also during planned training events such as Rescue Task Force training.

Conclusion

Staff recommends that the City Council adopt Resolution No. _____, (1) authorizing the acceptance of the FY20 Yocha Dehe Wintun Nation Community Fund Grant Award in the amount of $13,148 for the purchase of crowd control equipment and (2) authorizing the appropriation of $13,148 in the Police Department's General Fund budget.

Prepared by: Elle Murphy, Senior Management Analyst

Reviewed by: Lt. Aaron Delao, Patrol

Approved by: Derrek Kaff, Interim Police Chief

Paul Navazio
City Manager

Attachments:

1. Resolution

RESOLUTION NO. _______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND (1) (1) AUTHORIZING THE ACCEPTANCE OF THE FY20 YOCHA DEHE WINTUN NATION COMMUNITY FUND GRANT AWARD IN THE AMOUNT OF $13,148 FOR THE PURCHASE OF CROWD CONTROL EQUIPMENT, AND (2) AUTHORIZING THE APPROPRIATION OF $13,148 IN THE POLICE DEPARTMENT'S GENERAL FUND BUDGET

WHEREAS, the Woodland Police Department, Yolo County law enforcement agencies and Cache Creek Casino security aspire to continue training together in order to respond better to critical events such as active shooters, hostage scenarios, terrorist events and environmental emergencies; and

WHEREAS, the Woodland Police Department's Mobile Field Force/Crowd Control Response program will create a unified, rapidly deployed, and disciplined law enforcement contingency which will serve all Yolo County agencies and jurisdictions; and

WHEREAS, the goal of the Mobile Field Force/Crowd Control Response program is to fully equip Woodland Police personnel so we can adequately service Woodland community members and also assist Yolo County and regional stakeholders; and

WHEREAS, the Woodland Police Department sought alternative options for funding the purchase of crowd control equipment and applied for the Yocha Dehe Wintun Nation Community Fund Grant; and

WHEREAS, the defining goal of the Yocha Dehe Wintun Nation Community Fund is to build enduring partnerships that deliver lasting and collective solutions; and

WHEREAS, the funding request and resulting award of $13,148 will be used for the purchase of 20 sets of exterior protective suits and 28 riot control shields; and

WHEREAS, the use of the crowd control equipment will include the Police Department's guarantee of automatic aid to the Yocha Dehe Wintun Nation, its properties and economic interests.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOODLAND:

SECTION 1. That the City Council hereby authorizes the acceptance of the FY20 Yocha Dehe Wintun Nation Community Fund Grant Award in the amount of $13,148 for the purchase crowd control equipment and

SECTION 2. That the City Council hereby authorizes the appropriation of $13,148 in the Police Department's General Fund budget.

PASSED AND ADOPTED by the City Council this 1st day of October, 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

____
Xóchitl Rodriguez, Mayor

ATTEST:	**APPROVED AS TO FORM:**
______________________________	______________________________
Ana B. Gonzalez, City Clerk	Kara K. Ueda, City Attorney

TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: October 1, 2019
ITEM #: J.10.
SUBJECT: 2018 Staffing for Adequate Fire & Emergency Response (SAFER) Grant Award Acceptance, Position Authorization, and Supplemental Academy Appropriation

Recommendation for Action: Staff recommends that the City Council adopt Resolution No. _____, authorizing 1) the acceptance of the 2018 Staffing for Adequate Fire & Emergency Response (SAFER) Grant Award in the amount of $787,406.25; and 2) the addition of three (3) Firefighter positions, as awarded in the grant, increasing the total number of FTE in this classification from 15-18; and 3) appropriating $60,000 to the General Fund Fire Department training budget for academy costs associated with the hiring of (five) 5 new Firefighters.

Staff Contact:
Rebecca Ramirez, Fire Chief - (530) 661-5861, becky.ramirez@cityofwoodland.org

Fiscal Impact:
Acceptance of this SAFER Grant award would secure federal funding in the amount of $787,406.25 to support the hiring of three (3) firefighters, which equates to a single additional position increase, per shift, for daily staffing. The grant program has a three year performance period, and would provide for 75% (Year 1), 75% (Year 2) and 35% (Year 3) of the annual first year cost of each firefighter position. The City will be required to fund 25%, 25%, and 65% of the cost of each firefighter position in years 1, 2, and 3, respectively. Because the grant provides federal funding support based on the "base year' cost of each position, the City will also be responsible for the increased costs for each position associated with salary and benefit increases over the term of the grant. Local jurisdictions are also expected to maintain the additional staffing beyond the term of the grant.

Based on current costs of an entry-level firefighter position, the grant will provide approximately 51% of the total cost over three years. The City's matching funds would total $747,700 over the three-year grant, starting with $150,000 in the first year, $193,000 in the second year and $404,000 in year three. At the expiration of the grant, the city's cost for the three new firefighter positions is estimated to be between $570,000 - $585,000 per year.

In anticipation of this award, the Fire Department included the required fiscal year one matching funds (25%) as a budget request during the FY19-20 budget preparation process. City Council approved this request and the funds for the initial fiscal year expenditure ($492,000) were appropriated as part of the FY20 budget. This appropriation includes the initial expenditure of the reimbursable federal share ($319,219- 75%), the required matching funds ($106,406- 25%), as well as additional funds to account for COLAs and other salary increases that are not reimbursable under the SAFER Grant.

The Fire Department plans to send the three (3) SAFER Grant firefighters along with the two (2) firefighters being hired to fill present retirement driven vacancies, five (5) in total, to a regional fire academy set to begin on November 12, 2019. The cost of the academy was forecasted for the three SAFER Grant firefighters and will be covered by the previously approved funding. The cost to send the two (2) backfill firefighters has not yet been fully funded. The Fire Department is asking for a supplemental appropriation in the amount of $60,000 to bridge the remaining gap and fund all five (5) firefighter fire academy attendance.

Background:

In March 2019, City Council authorized the Fire Department to apply for the 2018 SAFER Grant, requesting funding to support the hiring of three (3) firefighters, which equates to a single additional position increase, per shift, for daily staffing.

The SAFER Grant Program was created to provide funding directly to fire departments and volunteer firefighter interest organizations to help them increase or maintain the number of trained, "front line" firefighters available in their communities. The goal of SAFER is to enhance the local fire departments' abilities to comply with staffing, response, and operational standards established by the National Fire Protection Association (NFPA).

The objective of the SAFER grant program is to assist local fire departments with staffing and deployment capabilities to respond to emergencies and assure that communities have adequate protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments, all in alignment with nationally recognized standards. Local fire departments accomplish this by improving staffing and deployment capabilities so they may more effectively and safely respond to emergencies.

Discussion:

As the City of Woodland grows and call volume increases our ability to respond both proactively and reactively has not risen commensurately. The Fire Department was hit especially hard by the recession, resulting in a 24% reduction in overall staffing since 2007. During this same time frame, emergency calls have increased by 68%. While much of the staffing reductions were in the form of administrative positions, there was also a decrease in frontline firefighters. Due to budget cuts and as a result of the recession, after the expiration of the 2010 SAFER Grant, three of the six firefighter positions awarded were lost through attrition.

Based upon present staffing levels the department is unable to consistently meet the desired minimum structure fire response as recommended NFPA. The department is also unable to meet minimum Aerial Truck staffing minimum of four personnel to safely and effectively deliver truck company operations. To confine building fires near the room of origin, keep vegetation fires under one acre in size, and treat multiple medical patients at a single incident, a multiple-unit Effective Response Force (ERF) of at least 14 personnel, (15 when an aerial ladder is in use), which includes at least one chief officer is required. The minimum daily staffing level is presently 13, falling one short.

This lack of staffing limits the ability of firefighters to complete all tasks effectively and safely on even basic residential structure fires. The lack of staffing also limits deployment flexibility. Due to the deficiency, the Department has become reliant on automatic and mutual aid causing our partners to draw down their own jurisdictions to support the City of Woodland. While the system of aid is robust, it was never designed nor meant to take the place of adequate standalone staffing for basic structure fires but rather, to augment staffing during peak activity or on larger and/or more complex events.

As the City contemplates future growth, the incremental addition of firefighting staff, building up to ultimately being able to staff a 4th fire station is recommended. Incremental increase to front-line staffing will allow the Fire Department to better meet serious incident task needs, and also provide for increased deployment flexibility and reduce the impact of simultaneous calls. Until the City has the need and resources to staff a fourth fire station/engine company, incremental staffing will provide not only for improved capabilities during major incidents, but also facilitate implementation of deployment models to more effectively respond to the large number of emergency medical calls for service and simultaneous and mitigate impact of higher call volumes on response times. The SAFER Grant provides an opportunity to step into the next increment of firefighting staffing. This modest increase of one firefighter per shift would help the department align with nationally recognized standards, increase effectiveness on a variety of calls, and decrease the burden on our automatic aid partners. The funding support provided by the grant would allow the City to gradually absorb the full fiscal impact of the three positions over a period of four years.

Approval of this request will allow the WFD to send the newly hired firefighters/fire recruits through a regionally recognized professional fire academy in Sacramento along with recruits from our partnering agencies of the City of West Sacramento and University at California Davis. While the academy costs were factored in to the budget request for the three (3) SAFER firefighters additional retirement vacancies have prompted the hiring of two additional firefighter/fire recruit for five (5) in total requiring a supplemental appropriation of $60,000.

Conclusion:

Staff recommends that the City Council adopt Resolution No. _____, authorizing 1) the acceptance of the 2018 Staffing for Adequate Fire & Emergency Response (SAFER) Grant Award in the amount of $787,406.25; and 2) the addition of three (3) Firefighter positions, as awarded in the grant, increasing the total number of FTE in this classification from 15-18; and 3) appropriating $60,000 to the General Fund Fire Department training budget for academy costs associated with the hiring of (five) 5 new Firefighters.

Prepared By: Jeran Ulrich, Management Analyst

Reviewed By: Rebecca Ramirez, Fire Chief

Paul Navazio
City Manager

Attachments:

1. EMW-2018-FH-00290 - Award Package
2. Resolution

Award Letter

U.S. Department of Homeland Security
Washington, D.C. 20472

Jeran Ulrich
WOODLAND, CITY OF
1000 LINCOLN AVE
WOODLAND, CA 95695

EMW-2018-FH-00290

Dear Jeran Ulrich,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year (FY) 2018 Staffing for Adequate Fire and Emergency Response (SAFER) Grant funding opportunity has been approved in the amount of $787,406.25 in Federal funding.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- 2018 SAFER Notice of Funding Opportunity (NOFO) - incorporated by reference

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Sincerely,

Bridget Bean
Acting Assistant Administrator
Grant Programs Directorate

Summary Award Memo

Program: Fiscal Year 2018 Staffing for Adequate Fire and Emergency Response
Recipient: WOODLAND, CITY OF
DUNS number: 785302373
Award number: EMW-2018-FH-00290

Summary description of award

The purpose of the SAFER Grant Program is to provide funding directly to fire departments and volunteer firefighter interest organizations to assist in increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments. After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application and detailed in the project narrative as well as the request details section of the application — including budget information — was consistent with the SAFER Grant Program's purpose and was worthy of award.

Except as otherwise approved as noted in this award, the information you provided in your application for FY2018 Staffing for Adequate Fire and Emergency Response (SAFER) funding is incorporated into the terms and conditions of this award. This includes any documents submitted as part of the application.

Amount awarded

The amount of the award is detailed in the attached Obligating Document for Award.

The following is the approved budget for this award (including Federal share plus your cost share, if applicable) and summarizes the financial aspects of the grant:

Object Class	First Year	Second Year	Third Year	Total
Personnel	$193,995.00	$193,995.00	$193,995.00	$581,985.00
Fringe benefits	$231,630.00	$231,630.00	$231,630.00	$694,890.00
Travel	$0.00	$0.00	$0.00	$0.00
Equipment	$0.00	$0.00	$0.00	$0.00
Supplies	$0.00	$0.00	$0.00	$0.00
Contractual	$0.00	$0.00	$0.00	$0.00
Construction	$0.00	$0.00	$0.00	$0.00
Other	$0.00	$0.00	$0.00	$0.00
Indirect charges	$0.00	$0.00	$0.00	$0.00
Federal	$319,218.75	$319,218.75	$148,968.75	$787,406.25
Non-federal	$106,406.25	$106,406.25	$276,656.25	$489,468.75
Total	$425,625.00	$425,625.00	$425,625.00	$1,276,875.00

2 C.F.R. § 200.308 identifies the limits to the changes that can be made and when prior approval is required from FEMA, but this provision does not apply to the breakdown by year. If you have questions about which changes require FEMA’s prior approval, please contact your Grants Management Specialist.

Approved scope of work

After review of your application, FEMA has approved the below scope of work. Justifications are provided for any differences between the scope of work in the original application and the approved scope of work under this award. You must submit scope or budget revision requests for FEMA`s prior approval, via an amendment request, as appropriate per 2 C.F.R. § 200.308 and the FY2018 SAFER NOFO.

Approved request details:

Hiring of Firefighters

Firefighter Position

BENEFITS FUNDED

Dental/Vision/Life Insurance/Disability- $2100 Educational Incentive- 5% FLSA Overtime- 2% Health Insurance (Family)- $25128 Holiday in Lieu- 4.6% Medicare- 1.45% Retiree Medical- $7110.00 Retirement- 42.98% Retirement Health Savings Plan- $600 Unemployment- 0.75% Uniform Allowance- $900 Workers Comp- 7.20% Salary and associated benefits (actual payroll expenses) for the positions funded under the SAFER grant are eligible. Costs for uniform allowances that are not contractually obligated, included as part of the standard benefits package for all employees, or reimbursed via payroll are ineligible.

NUMBER OF FIREFIGHTERS	ANNUAL SALARY PRICE	ANNUAL BENEFITS	TOTAL PER FIREFIGHTER
3	$64,665.00	$77,210.00	$141,875.00

3 YEAR TOTAL
$1,276,875.00

CHANGE FROM APPLICATION

Benefits funded changed

JUSTIFICATION

The award reflects a change from the application. This change is to provide additional information on eligible costs as outlined in the Notice of Funding Opportunity (NOFO).

Agreement Articles

Program: Fiscal Year 2018 Staffing for Adequate Fire and Emergency Response
Recipient: WOODLAND, CITY OF
DUNS number: 785302373
Award number: EMW-2018-FH-00290

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Article 1	**Assurances, Administrative Requirements, Cost Principles, Representations and Certifications** DHS financial assistance recipients must complete either the Office of Management and Budget(OMB) Standard Form 424B Assurances - Non-Construction Programs, or OMB Standard Form 424D Assurances -Construction Programs as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the DHS FAO if you have any questions. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations(C.F.R) Part 200, and adopted by DHS at 2 C.F.R. Part 3002.
Article 2	**DHS Specific Acknowledgements and Assurances** All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff. 1. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS. 2. Recipients must give DHS access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance. 3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. 4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance. 5. Recipients of federal financial assistance from DHS must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award or, for State Administering Agencies, thirty (30) days from receipt of the DHS Civil Rights Evaluation Tool from DHS or its awarding component agency. Recipients are required to provide this information once every two (2) years, not every time an award is made. After the initial submission for the first award under which this term applies, recipients are only required to submit updates every two years, not every time a grant is awarded. Recipients should submit the completed tool, including supporting materials to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool. .
Article 3	**Acknowledgement of Federal Funding from DHS** Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

Article 4	**Activities Conducted Abroad** Recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.
Article 5	**Age Discrimination Act of 1975** Recipients must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.
Article 6	**Americans with Disabilities Act of 1990** Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101–12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.
Article 7	**Best Practices for Collection and Use of Personally Identifiable Information (PII)** Recipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template as useful resources respectively.
Article 8	**Civil Rights Act of 1964 – Title VI** Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

Article 9	**Civil Rights Act of 1968** Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. No. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (See 42 U.S.C. § 3601 et seq.), as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D)
Article 10	**Copyright** Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.
Article 11	**Debarment and Suspension** Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, and 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3000. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.
Article 12	**Drug-Free Workplace Regulations** Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. 8101).
Article 13	**Duplication of Benefits** Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions, or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

Article 14	**Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX** Recipients must comply with the requirements of Title IX of the Education Amendments of 1972 Pub. L. No. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.
Article 15	**Energy Policy and Conservation Act** Recipients must comply with the requirements of The Energy Policy and Conservation Act Pub. L. No. 94- 163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.
Article 16	**False Claims Act and Program Fraud Civil Remedies** Recipients must comply with the requirements of The False Claims Act, 31 U.S.C. § 3729-3733, which prohibits the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.
Article 17	**Federal Debt Status** All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)
Article 18	**Federal Leadership on Reducing Text Messaging while Driving** Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.
Article 19	**Fly America Act of 1974** Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.
Article 20	**Hotel and Motel Fire Safety Act of 1990** In accordance with Section 6 of the Hotel and Motel Fire Safety Act of1990, 15 U.S.C. § 2225a, recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, codified as amended at 15 U.S.C. § 2225.

Article 21	**Limited English Proficiency (Civil Rights Act of 1964, Title VI)** Recipients must comply with the Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance https://www.dhs.gov/guidancepublished-help-department-supported-organizations-provide-meaningfulaccess-people-limited and additional resources on http://www.lep.gov.
Article 22	**Lobbying Prohibitions** Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.
Article 23	**National Environmental Policy Act** Recipients must comply with the requirements of the National Environmental Policy Act of 1969, Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq.) (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which requires recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.
Article 24	**Nondiscrimination in Matters Pertaining to Faith-Based Organizations** It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statues, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.
Article 25	**Non-supplanting Requirement** Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.
Article 26	**Notice of Funding Opportunity Requirements** All of the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated hereby reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.

Article 27	**Patents and Intellectual Property Rights** Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.
Article 28	**Procurement of Recovered Materials** States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. No. 89-272 (1965) (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.
Article 29	**Rehabilitation Act of 1973** Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of1973, Pub. L. No. 93-112 (1973) (codified as amended at 29 U.S.C. § 794), which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
Article 30	**Reporting of Matters Related to Recipient Integrity and Performance** If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds $10,000,000 for any period of time during the period of performance of this federal financial assistance award, the recipient must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.
Article 31	**Reporting Subawards and Executive Compensation** Recipients are required to comply with the requirements set forth in the government-wide Award Term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.
Article 32	**SAFECOM** Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

Article 33	**Terrorist Financing** Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.
Article 34	**Trafficking Victims Protection Act of 2000** Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106(g) of the Trafficking Victims Protection Act of 2000, (TVPA) codified as amended by 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.
Article 35	**Universal Identifier and System of Award Management (SAM)** Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.
Article 36	**USA Patriot Act of 2001** Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.
Article 37	**Use of DHS Seal, Logo and Flags** Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.
Article 38	**Whistleblower Protection Act** Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.
Article 39	**Acceptance of Post Award Changes** In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to ASK-GMD@dhs.gov if you have any questions.

Article 40	**Prior Approval for Modification of Approved Budget** Before making any change to the DHS/FEMA approved budget for this award, you must request prior written approval from DHS/FEMA where required by 2 C.F.R. § 200.308. DHS/FEMA is also utilizing its discretion to impose an additional restriction under 2 C.F.R. § 200.308(e) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the Federal share is greater than the simplified acquisition threshold (currently $250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from DHS/FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget DHS/FEMA last approved. You must report any deviations from your DHS/FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.
Article 41	**Disposition of Equipment Acquired Under the Federal Award** When original or replacement equipment acquired under this award by the recipient or its subrecipients is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, you must request instructions from DHS/FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313.
Article 42	**Environmental Planning and Historic Preservation** DHS/FEMA funded activities that may require an EHP review are subject to FEMA's Environmental Planning and Historic Preservation (EHP) review process. This review does not address all Federal, state, and local requirements. Acceptance of Federal funding requires recipient to comply with all Federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize Federal funding.DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders. To access the FEMA's Environmental and Historic Preservation (EHP) screening form and instructions go to the DHS/FEMA website at: https://www.fema.gov/media-library/assets/documents/90195. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. Failure to provide requisite information could result in delays in the release of grant funds.If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered, applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

Obligating document

1.Agreement No.	2. Amendment No.	3. Recipient No.	4. Type of Action	5. Control No.
EMW-2018-FH-00290	N/A	94-6000459	AWARD	WX02684N2019T

6. Recipient Name and Address	7. Issuing FEMA Office and Address	8. Payment Office and Address
WOODLAND, CITY OF 1000 LINCOLN AVE WOODLAND, CA 95695	Grant Programs Directorate 500 C Street, S.W. Washington DC, 20528-7000 1-866-927-5646	FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20742

9. Name of Recipient Project Officer	9a. Phone No.	10. Name of FEMA Project Coordinator	10a. Phone No.
Erik Komula	530-304-4625	Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program	1-866-274-0960

11. Effective Date of This Action	12. Method of Payment	13. Assistance Arrangement	14. Performance Period
09/11/2019	OTHER - FEMA GO	COST SHARING	03/09/2020 to 03/08/2023 **Budget Period** 03/09/2020 to 03/08/2023

15. Description of Action a. (Indicate funding data for awards or financial changes)

Program Name Abbreviation	Assistance Listings No.	Accounting Data(ACCS Code)	Prior Total Award	Amount Awarded This Action + or (-)	Current Total Award	Cumulative Non-Federal Commitment
SAFER	97.083	2019-F8-GF01 - P431-xxxx-4101-D	$0.00	$787,406.25	$787,406.25	$489,468.75
		Totals	$0.00	$787,406.25	$787,406.25	$489,468.75

b. To describe changes other than funding data or financial changes, attach schedule and check here:
N/A

~~**16.FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address)**~~
This field is not applicable for digitally signed grant agreements

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)	DATE
18. FEMA SIGNATORY OFFICAL (Name and Title) Bridget Bean, Acting Assistant Administrator Grant Programs Directorate	DATE 09/11/2019

RESOLUTION NO. _______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND AUTHORIZING THE ACCEPTANCE OF THE 2018 STAFFING FOR ADEQUATE FIRE & EMERGENCY RESPONSE (SAFER) GRANT AWARD IN THE AMOUNT OF $787,406.25, THE ADDITION OF THREE FIREFIGHTER POSITIONS, AND A SUPPLEMENTAL BUDGET APPROPRIATION OF $60,000 FOR ACADEMY COSTS

WHEREAS, the Woodland Fire Department successfully applied for and was awarded the 2018 Staffing for Adequate Fire & Emergency Response (SAFER) Grant; and

WHEREAS, acceptance of this SAFER Grant award will secure federal funding in the amount of $787,406.25 to support the hiring of three (3) firefighters, which equates to a single additional position increase, per shift, for daily staffing; and

WHEREAS, this results in the addition of three (3) Firefighter positions, increasing total FTE in this classification from 15 to 18; and

WHEREAS, The grant program has a three year performance period, and would provide for 75% (Year 1), 75% (Year 2) and 35% (Year 3) of the annual first year cost of each firefighter position with a required City match of 25%, 25%, and 65% of the cost of each firefighter position in years 1, 2, and 3, respectively; and

WHEREAS, City Council approved the budget appropriation for the initial fiscal year expenditure ($492,000) as part of the FY20 budget; and

WHEREAS, the Fire Department is requesting a supplemental appropriation of $60,000 to the General Fund Fire Department training budget for academy costs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOODLAND:

SECTION 1. That the City Council authorize the acceptance of the 2018 Staffing for Adequate Fire & Emergency Response (SAFER) Grant Award in the amount of $787,406.25; and

SECTION 2. Authorizes the addition of three (3) Firefighter positions, as awarded in the grant, increasing the total number of FTE in this classification from 15 to 18; and

SECTION 3. Authorizes the supplemental appropriation of $60,000 to the General Fund Fire Department Training Budget for academy costs.

PASSED AND ADOPTED by the City Council this 1st day of October, 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

____
Xóchitl Rodriguez, Mayor

ATTEST:

____
Ana B. Gonzalez, City Clerk

APPROVED AS TO FORM:

____
Kara K. Ueda, City Attorney

TO:	THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA:	City Council Regular Meeting
DATE:	October 1, 2019
ITEM #:	J.11.
SUBJECT:	Final Acceptance and Notice of Completion for West Street Water Main Project (Phase Two), CIP 17-08

Recommendation for Action: Staff recommends that the City Council adopt Resolution No. _____, accepting the West Street Water Main Project (Phase Two), CIP 17-08, construction contract with Lund Construction Co. as complete and authorize the City Clerk to file a Notice of Completion

Staff Contact:
Ed Wisniewski, Senior Associate Civil Engineer - (530) 661-5975; ed.wisniewski@cityofwoodland.org

Fiscal Impact:
The authorized contract amount with Lund Construction, Co. was $1,767,360 with an approved 10% contingency in the amount of $176,736. The project is entirely funded through Water Enterprise Funds. The final construction contract amount was $1,863,031.04 after all change orders. The overall project was constructed in two phases with an authorized total budget of 4,655,300. Phase 1 costs, including construction, design, contingency, construction inspection, and management time, totaled $2,328,989. The total phase 2 cost was approximately $2,178,000, bringing the total project cost to $4,507,020 (about $150,000 under the authorized project budget).

There is no impact to the City's General Fund.

Background:
The City's water distribution system was originally constructed with the concept of using neighborhood wells to serve the local areas and therefore had no larger diameter water mains to transfer larger quantities of water between areas of the City. A May 2013 Technical Memorandum planned the necessary improvements to the distribution system to accommodate the conversion to surface water and determined that a transmission main on West Street was necessary. With the completion of the West Street Water Transmission Main Project, the City accomplishes its goal of increasing the capacity of the water distribution system to transfer water from the transmission main along the southern City border to the northwest quarter of the City. Furthermore, ASR Well #29, located in Christensen Park, has a higher capacity for both injection and pumping than was originally estimated. The new transmission main also makes it possible to fully utilize the capacity of ASR Well #29 while limiting excessive velocities in nearby water mains. The project will also improve water quality by reducing the age of the water in the northwest quarter of the City.

Phase Two of the West Street Water Main Project scope generally included the construction of new 12 and 16-inch diameter water transmission mains from the Southwood Drive (stopping point of phase 1) to Clover Street. Pipeline construction through the intersection of Court & West was completed in Phase 1, and was therefore excluded from phase 2. The pipeline transitioned from 16" to 12" near of the intersection of Lincoln Avenue. North of this location the water main is 12" and has connections to services and intersecting mains. The existing main was abandoned north of 449 West Street. South of this address, the existing 10-inch water main on West Street is in good condition and will remain in service and laterals were not connected to the new transmission main. Construction was completed in July 2019.

Discussion:

See below for a breakdown of the project costs:

Construction	$1,767,360
Change Orders	$95,671.04
Total Construction Cost (Phase 2)	**$1,863,031.04**
Design	$130,000
Construction Inspection	$160,000
Management/Project Expenses	$25,000
Total Phase 2 Costs	**$2,178,031**
Total Phase 1 Costs	**$2,328,989**
Total Project Costs (Phase 1 + Phase 2)	**$4,507,020**
Total Authorized Project Budget	**$4,655,300**

Conclusion:
Staff recommends that the City Council adopt Resolution No. _____, accepting the West Street Water Main Project (Phase Two), CIP 17-08, construction contract with Lund Construction Co. as complete and authorize the City Clerk to file a Notice of Completion

Prepared By: Ed Wisniewski, Associate Civil Engineer

Reviewed By: Tim Busch, Principal Utilities Civil Engineer
Brent Meyer, City Engineer
Ken Hiatt, Assistant City Manager/Community & Economic Development Director

Paul Navazio
City Manager

Attachments:

1. Resolution

RESOLUTION NO. ___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND TO ACCEPT THE WEST STREET WATER TRANSMISSION MAIN PROJECT (PHASE TWO), CIP 17-08 CONSTRUCTION CONTRACT AS COMPLETE AND AUTHORIZE THE CITY CLERK TO FILE A NOTICE OF COMPLETION.

WHEREAS, the City Council approved the plans and specifications for West Street Water Transmission Main Project (Phase Two), CIP 17-08 (the "Project") and authorized advertisement for bids on December 4, 2018; and the City of Woodland advertised for bids on December 21, 2018; and

WHEREAS, the City Council, on February 5, 2019, approved the construction contract with Lund Construction Co. in the amount of $1,767,360 and approved a 10% construction contingency in the amount of $176,736.

WHEREAS, the construction of the Project began on April 15, 2019 and was completed in August 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOODLAND AS FOLLOWS:

Section 1. The City Council hereby accepts the West Street Water Transmission Main Project (Phase Two), CIP 17-08 as complete.

Section 2. The City Council hereby authorizes the City Clerk to file a Notice of Completion for the West Street Water Transmission Main Project (Phase Two), CIP 17-08.

PASSED AND ADOPTED this First day of October, 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

____
Xochitl Rodreguez, Mayor

ATTEST:

____
Ana B. Gonzalez, City Clerk

82093.00006\8679936.2

TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: October 1, 2019
ITEM #: J.12.
SUBJECT: Adopt Resolution Accepting the Public Improvements for Subdivision Final Maps 5110 Spring Lake Central 4.

Recommendation for Action: Staff recommends that the City Council adopt Resolution No. _____, a Resolution of the City Council of the City of Woodland Accepting the Public Improvements for Subdivision Final Maps 5110 Spring Lake Central 4.

Staff Contact:
Lolly Weichel, Assistant Engineer (530) 661-5820, lolly.weichel@cityofwoodland.org

Fiscal Impact:
All infrastructure improvements to serve this subdivision were constructed using bond proceeds from the Spring Lake community facilities district (CFD) and/or Spring Lake Infrastructure Fees (SLIF) along with private funding from the developer.

The public improvements constructed with these maps add 4,465 square feet of new public landscaping, with an estimated annual maintenance cost and water use of $973.08. This additional landscaping is within the boundaries of and will be maintained by the Spring Lake Landscape & Lighting District (L&L). These costs were anticipated during the formation of the L&L and will be included with the proposed annual assessments, which are typically presented to Council in May each year.

The Governmental Accounting Standards Board Statement 34 (GASB 34) requires state and local governments to include valuation and depreciation information on public infrastructure assets for accounting purposes and financial reports. The total cost of public infrastructure in the GASB34 categories that the City will acquire with these subdivisions is shown below.

GASB34 category Subdivision 5110
Road $520,158
Water $315,375
Sewer $173,346
Storm Drain $157,625

Background:
On May 19, 2015, the City Council approved Spring Lake Central Tentative Map (No. 5027) and Development Agreement. The map consisted of 375 single-family lots and 9.3 acres of multifamily. On July 17, 2018 the City Council approved Final Subdivision Map (SM) No. 5110, Spring Lake Central Phase 4 and the associated Subdivision Improvement Agreement with Taylor Morrison of California (44 lots).

The improvements constructed for Subdivision 5110 (Spring Lake Central Phase 4) are shown on the civil improvement plans entitled, “Civil Improvement Plans for Spring Lake Central - Phase 4” approved by the City Engineer November 7, 2017.

Taylor Morrison of California has completed the infrastructure improvements to the satisfaction of the City Engineer, and the Public Works and Community Development Departments. Following Council acceptance, the City Clerk will file a Notice of Completion for the completed items initiating release of the developer's performance and payment securities for these improvements. The developer has provided warranty securities for each subdivision to correct any defects identified during the warranty time frame of one year following the filing of the Notice of Completions.

Discussion:
This is the standard practice for obtaining infrastructure improvements for new subdivisions. The final map dedicated streets and public utility easements to the City. The work is designed to City Standard Specifications and the improvements are inspected by the City during construction.

Conclusion:
Staff recommends that the City Council adopt Resolution No. _____, a Resolution of the City Council of the City of Woodland Accepting the Public Improvements for Subdivision Final Map 5110 Spring Lake Central 4.

Prepared By: Lolly Weichel, Assistant Engineer

Reviewed By: Brent Meyer, City Engineer
Ken Hiatt, Assistant City Manager/Community and Economic Development

Paul Navazio
City Manager

Attachments:
1. Resolution
2. Location Map

RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND ACCEPTING THE PUBLIC IMPROVEMENTS FOR SUBDIVISION FINAL MAP 5110 SPRING LAKE CENTRAL 4 BY TAYLOR MORRISON OF CALIFORNIA

WHEREAS, On May 19, 2015, the City Council approved Tentative Map No. 5027 Spring Lake Central and Development Agreement, consisting of 375 single-family lots and 9.3 Acres of multifamily; and

WHEREAS, on, July 17, 2018 the City Council approved the final map for Subdivision No. 5110 (Spring Lake Central Phase 4), which created 44 single-family lots in the Spring Lake Specific Plan ("Map"); and

WHEREAS, the conditions of approval for the Map required the subdivider, Taylor Morrison of California, to enter into a Subdivision Improvement Agreement calling for the construction of infrastructure necessary to serve the development permitted by this Map (collectively, the "Improvements"), and furnish a bond or other security to ensure the timely completion of the Improvements; and

WHEREAS, Taylor Morrison of California has completed the Improvements; and

WHEREAS, Taylor Morrison of California has previously furnished required bonding for subdivision 5110, identified as Bond No. 024071824 and issued by Liberty Mutual Insurance Company as surety ("Bond"), securing the completion of the Improvements; and

WHEREAS, the Subdivision Map Act and the Woodland Municipal Code require the City to accept subdivision improvements which have been completed; and

WHEREAS, Taylor Morrison of California has requested that the City accept those Improvements that have been completed;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council hereby accepts those Improvements constructed for Subdivision 5110 (Spring Lake Central 4) and as shown on the civil improvement plans entitled, "Civil Improvement Plans for Spring Lake Central Phase 4" and approved by the City Engineer November 7, 2017.

(i) The City Council hereby authorizes the City Clerk to file the Notice of Completion and release the developer's performance and payment securities for Subdivision No. 5110 Spring Lake Central Phase 4.

SECTION 2. Through adoption of this resolution, the City of Woodland does not waive any of its rights, or obligations of Taylor Morrison of California or any other entity, under the conditions of approval for the Map, any associated development agreement, reimbursement agreement, participation agreement, or under any other document, ordinance or applicable law.

SECTION 3. The adoption of this resolution shall not be deemed to cure any breach by Taylor Morrison of California or any other entity of its obligations under the Map or any other document, ordinance, or applicable law.

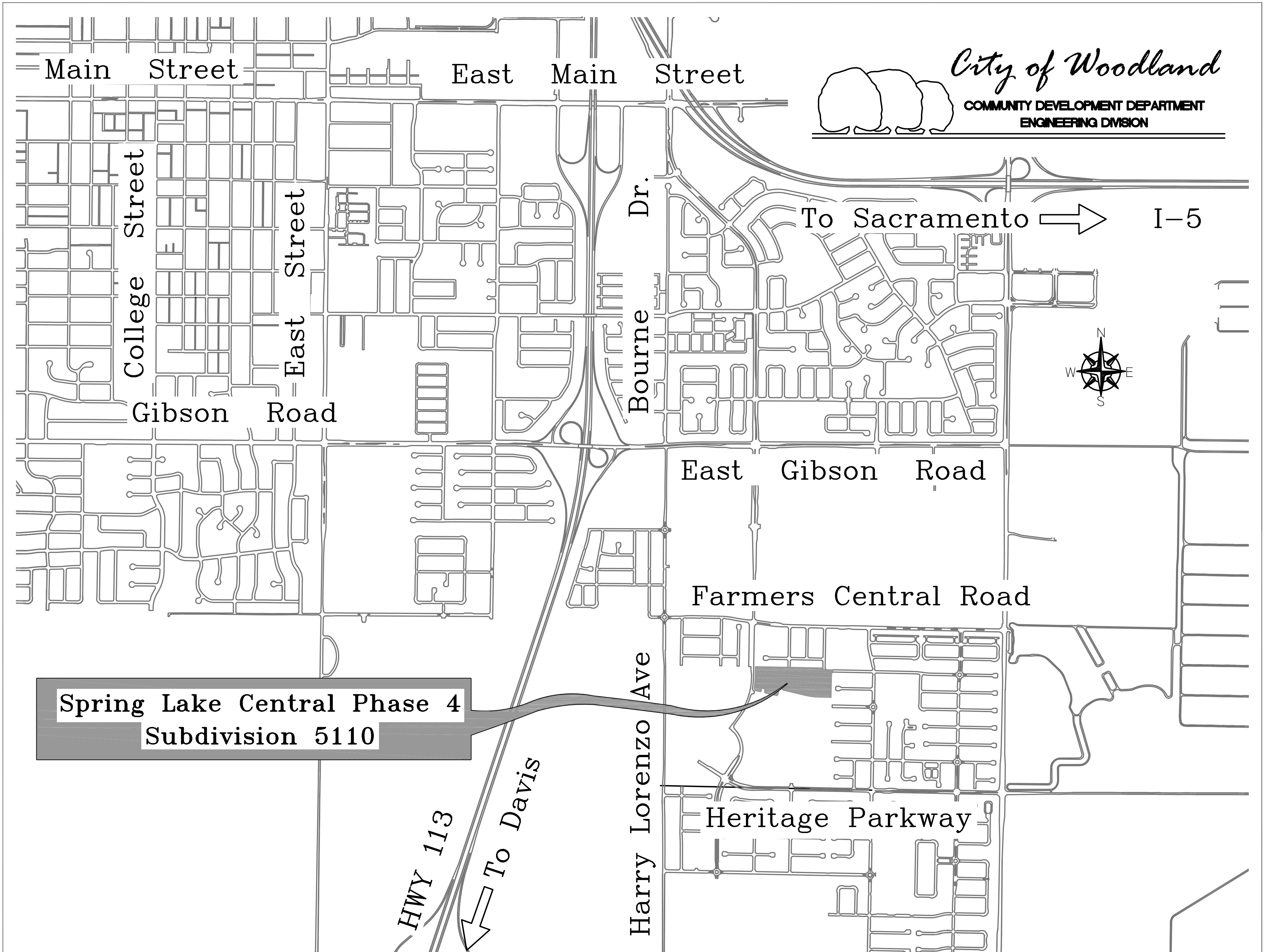
PASSED AND ADOPTED this 1st day of October 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

____
Xochitl Rodriguez, Mayor

ATTEST:

____
Ana Gonzalez, City Clerk


City of Woodland
COMMUNITY DEVELOPMENT DEPARTMENT
ENGINEERING DIVISION
Main Street
East Main Street
College Street
East Street
Bourne Dr.
To Sacramento
I-5
N
W
E
S
Gibson Road
East Gibson Road
Farmers Central Road
Spring Lake Central Phase 4
Subdivision 5110
Harry Lorenzo Ave
Heritage Parkway
HWY 113
To Davis

TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: October 1, 2019
ITEM #: J.13.
SUBJECT: Adopt Ordinance No. 1649, an Ordinance Amending Section 16.48.20 of the Municipal Code Relating to Dedication of Park Land and Facilities.

Recommendation for Action: Staff recommends that the City Council adopt Ordinance No. 1649, an Ordinance Amending Section 16.48.20 of the Municipal Code Relating to Dedication of Park Land and Facilities.

Staff Contact:
Bruce D. Pollard, (530) 661-5820, bruce.pollard@cityofwoodland.org

Discussion:
Council held the first reading of the Ordinance during the September 17, 2019 regular meeting.

Conclusion:
Staff recommends that the City Council adopt Ordinance No. 1649, an Ordinance Amending Section 16.48.20 of the Municipal Code Relating to Dedication of Park Land and Facilities.

Prepared By: Bruce Pollard, Senior Civil Engineer

Reviewed By: Brent Meyer, City Engineer
Ken Hiatt, Assistant City Manager/Community & Economic Development Director

Paul Navazio
City Manager

Attachments:
1. Ordinance

ORDINANCE NO. 1649

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND, CALIFORNIA, AMENDING SECTION 16.48.020. OF THE WOODLAND MUNICIPAL CODE RELATING TO DEDICATION OF PARK LAND AND FACILITIES

WHEREAS, the City of Woodland ("City") requires the dedication of park land and facilities for development of new residential property; and

WHEREAS, the City provides a formula based on average persons per dwelling unit to calculate the amount of land to be dedicated; and

WHEREAS, the City recently conducted a study for the City's Major Projects Financing Plan (MPFP) update; and

WHEREAS, the information provided in the MPFP update study developed new numbers for the average persons per dwelling, which necessitates a change to the Municipal Code provisions concerning the formula used to determine park land dedication requirements.

NOW, THEREFORE, the City Council of the City of Woodland does hereby ordain as follows:

SECTION 1. Authority. The City Council enacts this Ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution.

SECTION 2. Editorial Guidance. In order to facilitate reading and understanding the changes, the following non-substantive editorial style is used: Words that are underlined are additions, and words with a line-through are deleted. In most cases, when only a part of a section is amended, guidance is provided to the publisher not to change the remaining parts. In the event of any confusion due to this direction or lack of it, the publisher is directed to work with the city attorney and city clerk to resolve any ambiguity.

SECTION 3. Amendment. Section 16.48.020 of the Woodland Municipal Code is hereby amended to read as follows:

16.48.020 Formula for dedication of land

A. The amount of land to be dedicated is based on the estimated population of the proposed subdivision. This chapter assumes that the average number of persons in a single-family household is three and that the average number of persons in all other types of households (duplex, multifamily and mobile homes) is ~~2.6~~ 2.15 or 1.5 ~~senior housing~~ for small multi-family units (units with 700 square feet or less).

Average number of persons per dwelling unit divided by 1,000/5 = minimum acreage dedication

B. The following table shows the required park land dedication per type of dwelling unit based on the formula in subsection A of this section:

Park land Dedication Table

Type of Dwelling	Average number of Persons Per Dwelling unit	Average Number of Persons per Dwelling Unit Divided by 1000/5
Single-family	3.0	0.015
~~Senior Housing~~ Multi-Family	~~1.5~~ 2.15	~~0.0075~~ 0.01075
~~Other~~ Small Multi-Family	~~2.6~~ 1.5	~~0.013~~ 0.0075

For example, the amount of parkland that would be dedicated for a 150 unit single-family project would be determined in the following way:

150 dwelling units X 0.015 acres/dwelling unit = 2.25 acres

2.25 acres would be required to be dedicated for 150 single-family unit project.

SECTION 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable. This City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

SECTION 5. CEQA. The adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), which provides that CEQA only applies to projects which have the potential for causing a significant effect on the environment. Where it can be determined that the proposed project will not have a significant adverse effect on the environment, the project is not subject to CEQA. This Ordinance amends an existing land dedication program and does not propose nor authorize any action or specific project that would have the potential to cause a significant adverse effect on the environment.

Section 6. Effective Date and Publication. The City Clerk shall certify to the adoption of this Ordinance, and the City Clerk shall cause this Ordinance to be posted or published as prescribed by law. This Ordinance shall take effect thirty (30) days following its adoption.

PASSED AND ADOPTED by the City Council this 1st day of October, 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

____
Xóchitl Rodriguez, Mayor

ATTEST: **APPROVED AS TO FORM:**

____
Ana B. Gonzalez, City Clerk

____
Kara K. Ueda, City Attorney

TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: October 1, 2019
ITEM #: J.14.
SUBJECT: First Amendment to the Modification Agreement between the City of Woodland and Woodland Opera House, Incorporated.

Recommendation for Action: Staff recommends that the City Council adopt Resolution No. _____, authorizing the City Manager to execute the First Amendment to the Modification Agreement between the City of Woodland and Woodland Opera House, Incorporated.

Staff Contact

Jordan Power, Management Analyst I, (530) 661-5885, jordan.power@cityofwoodland.org

Fiscal Impact

There is no fiscal impact of approving this item. City staff will continue to serve on the Woodland Opera House Board of Trustees.

Background

Built in 1885, the Woodland Opera House State Historic Park, located at 304 Second Street in the City of Woodland, is property of the State of California acting through the Department of Parks and Recreation ("State"). The Woodland Opera House ("WOH"), listed on the National Register of Historic Places and a California Historical Landmark, is one of four fully functioning 19th century opera houses in California. The Opera House serves the Woodland community with regular musicals, dramatic plays, concerts, and theater and dance classes. There is also a small museum with free tours. The WOH student outreach program provides minimal cost theater experiences to approximately 2,500 school children annually.

The City has an operating agreement for the development, operation, control, and maintenance of the WOH with the State through July 31, 2033. In 1979, the City entered an operating agreement ("Agreement") with Woodland Opera House, Incorporated (the "Board") to transfer the operation and maintenance of the WOH to the Board. The Agreement was modified in 2004 to extend the term through November 19, 2019 ("Modification Agreement").

The Modification Agreement includes terms related to the operation and maintenance of the WOH. This includes complying with State reporting processes; assigning responsibility for repairs and upkeep; and operations of programs. Some other terms of the agreement include provisions to preserve the WOH, provide a certain quality of service, and maintain insurance. In the Modification Agreement, the City Manager or his or her designee serves as a regular voting member of the Board and as a member of the Board's nominating committee.

Discussion

Staff recommends that the City continues its partnership with the Board to provide valuable services to the Woodland community. This action will help to accomplish multiple City Council priority goals, including, maintaining and enhancing Woodland's quality of life and economic development by strengthening Woodland's historic downtown. In addition, this action is in support of the Woodland 2035 General Plan by supporting historical development and the guiding principle to retain and enhance Woodland's small town charm.

The Woodland City Attorney reviewed and helped to prepare the proposed First Amendment to the Modification Agreement. The First Amendment to the Modification Agreement will (1) extend the term through July 31, 2033 and (2) make clarifications to the insurance and eminent domain sections of the Modification Agreement. The term extension would continue the Board's operation of the WOH through the end of the agreement between the City and the State, July 31, 2033. The first item to clarify terms in the agreement is related to the need for property insurance. The City currently holds property insurance for the WOH property and it is recommended that this continues (therefore the need for WOH to have this insurance would be removed). The second change is the removal of Section 11 titled, "Effect of Eminent Domain Proceedings". This change eliminates an inconsistency found with the operating agreement between the State and the City and the Modification Agreement between the City and the Board.

The proposed First Amendment to the Modification Agreement was reviewed by both the WOH Board and the City of Woodland's Parks & Recreation Commission. On September 9, 2019, the WOH Board approved the proposed First Amendment to the Modification Agreement. On September 23, 2019, the Parks & Recreation Commission unanimously recommended that the City Council approve the proposed Amendment.

<u>Conclusion</u>
Staff recommends that the City Council adopt Resolution No. _____, authorizing the City Manager to execute the First Amendment to the Modification Agreement between the City of Woodland and Woodland Opera House, Incorporated.
Prepared By: Jordan Power, Management Analyst I

Reviewed By: Christine Engel, Community Services Department Director

Paul Navazio
City Manager

<u>Attachments:</u>
1. First Amendment to Modification Agreement with Woodland Opera House-c2
2. City and Opera House Board Agreement
3. WOH First Amendment Resolution

FIRST AMENDMENT TO MODIFICATION AGREEMENT

This First Amendment to Modification Agreement ("First Amendment") is entered into on this _________ day of ______, 2019, by and between the City of Woodland, a municipal corporation of the State of California ("CITY") and Woodland Opera House, Incorporated (the "BOARD"), a California nonprofit corporation, each of whom is individually referred to as a "party" and together as the "parties."

WHEREAS, the CITY entered into an agreement with the State of California for the operation of the Woodland Opera House, located at 304 Second Street, in the City of Woodland, on November 20, 1979; and

WHEREAS, the CITY and the BOARD entered into an agreement for the operation and maintenance of the Woodland Opera House on or around July 5, 1989 ("Agreement"), and subsequently entered into that certain Modification Agreement ("Modification Agreement") on or around November 9, 2004, and both the Agreement and Modification Agreement remain in effect; and

WHEREAS¸ the parties further desire to modify the Agreement, as amended by the Modification Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Extension of Term. Section 2 of the Agreement and of the Modification Agreement are hereby amended to read as follows: "This Agreement shall expire on July 31, 2033, unless sooner terminated by the terms of this Agreement."

2. Insurance. Paragraph B) of Section 19 of the Agreement regarding Property Insurance is hereby deleted, and Paragraphs C) through E) shall be re-lettered accordingly.

3. Effect of Eminent Domain Proceedings. Section 11 of the Agreement regarding Eminent Domain is hereby deleted in its entirety, and Sections 12 through 28 shall be re-numbered accordingly.

4. No Other Changes. Unless expressly modified by this First Amendment, all other terms and provisions of the Modification Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto execute this Agreement as of the dates written below.

CITY OF WOODLAND	WOODLAND OPERA HOUSE, INC.
By: ____________________	By: __________________________
Paul Navazio City Manager	Its: __________________________

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#000166

MODIFICATION AGREEMENT

This Modification Agreement ("Modification Agreement") is entered into by and between the City of Woodland (the "CITY") and Woodland Opera House, Incorporated (the "BOARD") in connection with the facts set forth in the Recitals below. The foregoing parties are sometimes referred to herein as the "Agreeing Parties."

RECITALS

A. On November 20, 1979, the CITY entered into an agreement with the State of California for the operation of the Woodland Opera House located at 304 Second Street, Woodland, California (the "State agreement").

B. That agreement provided that the CITY could transfer the operation and management of the Woodland Opera House to the Woodland Opera House Board of Trustees.

C. The Woodland Opera House Board of Trustees is also known as the Board of Directors for Woodland Opera House, Incorporated, a California nonprofit public benefit corporation.

D. On or about July 5, 1989, the CITY and the BOARD entered into an agreement for the operation and maintenance of the Woodland Opera House (the "Contract").

E. Pursuant to Section 5 of the Contract, the BOARD is responsible for completing restoration work contemplated under the State agreement by June 17, 1991.

F. The BOARD has completed the State restoration work as required by Section 5 of the Contract.

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G. The Agreeing Parties desire and intend to remove Section 5 of the Contract.

H. The Contract is due to expire on November 19, 2004.

I. The Agreeing Parties desire and intend to extend the term of the Contract to November 19, 2019.

AGREEMENT

NOW, THEREFORE, in consideration of the following respective covenants and their faithful and timely performance, the Agreeing Parties agree as follows:

1. The Agreeing Parties acknowledge that the recitals are true and correct and incorporate by reference those recitals into this Agreement.

2. The first sentence in Section 2 (page 1) of the Contract currently provides:

> "This agreement shall expire on November 19, 2004 unless sooner terminated by the terms of this agreement."

The CITY and the BOARD agree to amend the Contract to delete the first sentence in Section 2 (page 1) of the Contract in its entirety, and replace that sentence with the following:

> "This agreement shall expire on November 19, 2019 unless sooner terminated by the terms of this agreement."

3. Section 5 (page 2) of the Contract currently provides:

> "5. Restoration of the OPERA HOUSE. BOARD shall be responsible for completing as much of the construction described in Exhibit "A"

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attached hereto and by this reference incorporated herein as may be accomplished with the $500,000 provided by STATE by Budget Act of 1985, Chapter 111-85, Item No. 3790-301-722(48). BOARD and CITY agree that items 3, 4, and 14 are no longer required by STATE and therefore no longer the BOARD's responsibility and that item 22 is the CITY's responsibility. If the final cost estimates for the items to complete construction exceed $500,000 (including the cost of architectural and engineering services), STATE will prioritize the items, and BOARD will complete the prioritized items within the amount budgeted.

BOARD assumes responsibility for completion of the restoration of the OPERA HOUSE. BOARD agrees to put forth its best efforts to complete construction by June 17, 1991.

BOARD agrees that STATE will not be requested to provide additional funding above the $500,000 herein provided."

The CITY and the BOARD agree to amend the Contract to delete Section 5 (page 2) of the Contract in its entirety.

4. All other aspects and provisions of the Contract remain unchanged and continue in full force and effect. In the event of any conflict between this Modification Agreement and the Contract, the terms of the Contract shall control, except as set forth above in paragraphs 2 and 3 of this Modification Agreement.

5. The Agreeing Parties shall bear their own attorneys' fees and costs incurred in connection with the preparation, drafting and execution of this Modification Agreement.

6. The Agreeing Parties, and each of them, acknowledge that they have read this Agreement; that they have had the opportunity to have the Agreement explained to them by counsel of their choice; that they are aware of the content and legal effect of the Agreement; and that they are not relying on any representations made by any other party or any of the employees, agents, representatives or attorneys of any other party, or any of them.

7. This Agreement shall be effective immediately upon its execution by all of the Agreeing Parties. This Agreement may be executed in counterparts and in duplicate originals. If executed in counterparts, then upon proof of execution of at least one copy, the Agreement shall be effective from the date of the last signature. If executed in duplicate, each duplicate copy shall be valid as an original copy.

8. The Agreeing Parties agree to execute and deliver any other instrument or document convenient or necessary to carry out the terms of this Agreement.

9. This Agreement constitutes the entire agreement between the parties. No modification of this Agreement shall be valid unless in writing signed by the parties. The Agreeing Parties shall not be bound by any representation, warranty, promise, statement or information, unless it is specifically set forth in this Agreement.

10. This Agreement has been jointly negotiated and drafted. The language of this Agreement shall be construed as a whole according to its fair meaning, and not strictly for or against any of the Agreeing Parties.

11. Failure of any party to insist upon strict observance of, or compliance with, all of the terms of this Agreement in one or more instances, shall not be deemed to be a waiver of a party's right to insist upon such observance or compliance with the other terms of this Agreement.

12. Should any of this Agreement be deemed unlawful, that provision shall be severed, and the remaining terms shall continue to be valid and fully enforceable.

13. This Agreement shall bind and inure to the benefit of the heirs, executors, administrators, successors and assigns of the Agreeing Parties.

14. Each person executing this Agreement represents and warrants to the other signatory that s/he has the authority to execute this Agreement on behalf of the entity for which s/he is signing this Agreement.

15. If any Agreeing Party brings an action or other proceeding to interpret or enforce any of the terms of this Agreement, or arising out of a breach of this Agreement, the prevailing party shall be entitled to recover costs and expenses, including reasonable attorneys' fees, in such amounts as may be determined by the Court, having jurisdiction thereof, in addition to any other relief awarded.

16. This Agreement shall in all respects be interpreted, enforced, and governed by and under the laws of the State of California.

CITY OF WOODLAND

DATED: Nov. 9, 2004.

By: ______________________
Richard Kirkwood, City Manager

ATTEST:

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By: *Sue Vannucci*
Sue Vannucci, City Clerk

DATED: *Nov. 9*, 2004.

WOODLAND OPERA HOUSE, INCORPORATED

By: [signature]
Jeff Kean, Executive Director

SACRAMENTO\JCD\18148.1

Copy for RLG.

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OPERATING AGREEMENT FOR THE WOODLAND OPERA HOUSE

Whereas, on November 20, 1979 the City of Woodland entered into an Agreement with the State of California for the operation of the Woodland Opera House located in Woodland, California, and

Whereas, that Agreement provided that the City of Woodland could transfer the operation and management of the Woodland Opera House to the Woodland Opera House Board of Trustees, and

Whereas, the Woodland Opera House Board of Trustees is also known as the Board of Directors for Woodland Opera House Incorporated, a California nonprofit public benefit corporation, and

Whereas, the City of Woodland now desires to transfer the operation and maintenance of the Woodland Opera House as provided for in the Agreement between the City of Woodland and the State of California.

Now, therefore, the City of Woodland and Woodland Opera House, Incorporated agree as follows:

This agreement is made and entered into on this __________ day of ________________, 1990 by and between the City of Woodland and Woodland Opera House, Incorporated for the operation, maintenance and care of the Woodland Opera House State Historic Park.

1. Definitions.

A. CITY shall mean City of Woodland, a municipal corporation;

B. BOARD shall mean Woodland Opera House, Incorporated, a nonprofit public benefit corporation doing business in Woodland, California;

C. STATE shall mean the State of California; and

D. OPERA HOUSE shall mean the Woodland Opera House State Historic Park located in Woodland, California.

2. Term. This agreement shall expire on November 19, 2004 unless sooner terminated by the terms of this agreement.

3. Property Covered. The property described in Section 3 of the November 20, 1979 operating agreement between STATE and CITY and all appurtenant structures are the subject of this agreement.

4. Inventory of the OPERA HOUSE. BOARD shall cooperate with CITY and STATE in STATE's inventory of the OPERA HOUSE pursuant to California Public Resources Code Section 5002.1 which shall include

the OPERA HOUSE's scenic, natural, and cultural features including but not limited to ecological, archaeological, historical, and geological features.

5. Restoration of the OPERA HOUSE. BOARD shall be responsible for completing as much of the construction described in Exhibit "A" attached hereto and by this reference incorporated herein as may be accomplished with the $500,000 provided by STATE by Budget Act of 1985, Chapter 111-85, Item No. 3790-301-722(48). BOARD and CITY agree that items 3, 4, and 14 are no longer required by STATE and therefore no longer the BOARD's responsibility and that item 22 is the CITY's responsibility. If the final cost estimates for the items to complete construction exceed $500,000 (including the cost of architectural and engineering services), STATE will prioritize the items, and BOARD will complete the prioritized items within the amount budgeted.

BOARD assumes responsibility for completion of the restoration of the OPERA HOUSE. BOARD agrees to put forth its best efforts to complete construction by June 17, 1991.

BOARD agrees that STATE will not be requested to provide additional funding above the $500,000 herein provided.

6. BOARD Occupancy of the OPERA HOUSE. From the date of this agreement BOARD shall have the obligation to occupy and protect the OPERA HOUSE on the terms and conditions herein set forth.

7. BOARD Repair and Restoration of the OPERA HOUSE. From and after the date of completion of STATE restoration work until the end of the term of this agreement, BOARD shall pay all costs of restoring, developing, maintaining, controlling , and operating the OPERA HOUSE and CITY shall not, during said period be liable for the cost of said restoration, development, maintenance, control, or operation unless it voluntarily so chooses. BOARD may, by its own forces or by contract, undertake projects for the restoration, development, construction, or improvement of the OPERA HOUSE. Plans and specifications for any such project shall be submitted to STATE for approval. No such project shall be commenced by BOARD'S own forces or contracts awarded prior to STATE approval of such plans and specifications. STATE has the right to disapprove such plans and specifications. Such restoration, development, construction, or improvement shall be in accordance with a General Plan approved by STATE.

8. BOARD Operation of the OPERA HOUSE. CITY and BOARD agree that:

A) Assignment and Sub-letting. This agreement shall not, nor shall any interest therein or thereunder, be assigned, mortgaged, hypothecated, or transferred either by BOARD or by operation of law, nor shall BOARD let or sublet, or grant any licenses or permits with respect to the management or operation of the OPERA HOUSE, without the written consent of STATE and CITY first had and obtained. This paragraph is not intended to restrict BOARD's right to rent the OPERA HOUSE to groups and individuals fore performances, meetings and the like in the ordinary course of it's business.

B) Adoption of Operating Rules. BOARD may adopt rules and regulations for the use and enjoyment of the OPERA HOUSE. Any such rules and regulations adopted by BOARD shall conform to and be consistent with the rules and regulations adopted by STATE and generally applicable to the State Park System, including the OPERA HOUSE and this agreement. The rules and regulations shall also be consistent with any applicable CITY ordinances or resolutions as may be adopted. The OPERA HOUSE shall not be used for any other purpose than the purposes herein enumerated.

C) Public Access. While this agreement is in force and effect, the OPERA HOUSE shall, at reasonable times, be accessible and subject to the use and enjoyment of all citizens of the STATE of California, and all other persons entitled to use and enjoy the OPERA HOUSE, subject, however, to the control of the BOARD adopted operating rules, as immediately hereinabove mentioned. Subject to the foregoing, the OPERA HOUSE shall be open to the public as follows:

Business Hours:	Monday through Friday 9:00 a.m. to 5:00 p.m.
Guided Tours:	Every Tuesday 10:00 a.m. to 3:30 p.m. (Group tours by reservation)
Events:	Every day of the week (varies)

D) Concessions. BOARD may grant concessions in or on the OPERA HOUSE consistent with the use by the general public thereof for park and recreation purposes, except that BOARD may grant such concessions for a term of no more than ten (10) months. The rights of the public to the use and enjoyment of the OPERA HOUSE shall thereupon be limited by such concession agreements. Any such concession shall be granted by BOARD in substantial compliance with procedures governing concessions in State Parks.

E) Charges and Fees. Any charges, fees, or collections made by BOARD for services, benefits, or accommodations to the general public shall be limited to actual needs for maintenance, control and operation, and for development of such property to provide needed additional public facilities. BOARD shall not engage in any activity which violates BOARD's status as a nonprofit public benefit corporation. BOARD agrees that any programs sponsored by the CITY shall be charged the lowest rate for the use of the OPERA HOUSE.

F) Reporting Income. All income received and all expenditures made by the BOARD in relation to concessions, special services, and all other matters incident to the restoration, development, maintenance, control, and operation of the OPERA HOUSE shall be reported annually to the CITY and STATE. All such income and fees shall be used for maintenance, control, and operation of the OPERA HOUSE and such portion of income as may exceed the cost and expense incurred by BOARD for maintenance, control, and operation may be used for development and restoration. Such annual report shall be made for the annual period commencing on July 1 and terminating on June 30 and shall be filed with CITY and STATE not later than September 30 of each year. The first report hereunder shall be filed by BOARD and shall cover the period beginning with the effective date of this contract and terminating the next June 30 and shall be filed not later than the next September 30 following.

G) Financial Inspection. The books, records, and accounts kept by BOARD applying to the operation of the OPERA HOUSE area shall at all reasonable times be open for audit or inspection by CITY and STATE. BOARD agrees accurate records shall be kept regarding improvements or acquisitions made by it during the term of this agreement. BOARD shall keep detailed records showing the source of funds used to finance the improvements or acquisitions.

H) Reporting Visitors. The above mentioned report of income and expenditures concerning the OPERA HOUSE also shall include a reasonable estimate of the number of visitors to the OPERA HOUSE.

I) Federal Grant. BOARD shall furnish STATE such information as is necessary to meet requirements of the federal grant referred to in paragraph 10 of the 1978 Operating Agreement between CITY and STATE and shall allow reasonable access to the OPERA HOUSE by federal, STATE and CITY personnel for purpose of determining compliance with said federal grant and this agreement.

9. Protection of the OPERA HOUSE. During the term of this agreement BOARD shall not, without prior written approval of CITY and STATE, remove, move, demolish, or alter in any manner, any improvements, natural features, or accretions existing on said property on the effective date of this agreement or subsequently occurring.

10. Title to and Removal of Improvements. Improvements erected on the OPERA HOUSE by STATE, CITY or BOARD shall, upon completion, become part of the realty and title to said improvements shall vest in STATE. Upon termination of this agreement BOARD may, at its option, remove any or all of such improvements erected on the OPERA HOUSE other than improvements: (1) erected with funds realized through income from the OPERA HOUSE, (2) for whose cost BOARD has been paid or reimbursed by CITY or STATE, or (3) made with funds made available to BOARD by CITY or STATE. BOARD shall provide CITY

and STATE prompt notice that it desires to remove any improvement. Any such removal at the option of BOARD shall be completed by BOARD within sixty (60) days after the termination of this agreement. If longer than sixty (60) days is required for actual removal, such removal shall be permitted if it is commenced promptly and is carried on with due diligence. Upon removal, title to the material so removed shall vest in BOARD. Any removal authorized hereunder shall be made without damage to adjacent improvements and, if adjacent improvements are damaged, BOARD shall reimburse CITY and STATE therefor or shall repair the improvements so damaged at the option CITY or STATE. After removal, the OPERA HOUSE shall be left free and clear of all debris and in condition reasonable similar to the present condition of said property, or such improved condition BOARD may hereafter create.

11. Effect of Eminent Domain Proceedings. If the OPERA HOUSE or a portion thereof is taken by proceedings in eminent domain, BOARD shall only receive from any award for such taking the fair market value of any improvements then existing and constructed by BOARD on the OPERA HOUSE other than improvements: (1) erected with funds realized through income from the OPERA HOUSE, (2) for whose cost BOARD has been paid or reimbursed by CITY or STATE, or (3) made with funds made available to BOARD by CITY or STATE; as said fair market value may be determined by said proceedings taking into consideration the terms of this agreement.

12. Waiver of Certain Liability. BOARD hereby waives all claims and recourse against CITY or STATE including the right to contribution for loss or damage to persons or property arising from, growing out of, or any way connected with or incident to this agreement except claims arising from the concurrent or sole negligence of CITY or STATE, or their respective officers, agents, and employees.

13. Indemnification of CITY and STATE. BOARD shall indemnify, hold harmless, and defend CITY, STATE and their respective officers, agents, and employees against any and all claims, demands, damages, costs, expenses, or liability costs arising out of the development, construction, operation, or maintenance of the property described herein which claims, demands, or causes of action arise under Government Code Section 895.2 or otherwise except for liability arising out of the concurrent or sole negligence of CITY, STATE or their respective officers, agents, or employees.

14. Appointment of Judgment Between STATE, CITY and BOARD. In the event judgment is entered against BOARD and STATE and/or CITY because of the concurrent negligence of BOARD and STATE and/or CITY, their officers, agents, or employees; an apportionment of liability to pay such judgment shall be made by a court of competent jurisdiction. No party to this agreement shall request a jury apportionment.

15. Notices. Notices desired or required to be given hereunder or under any law now or hereafter in effect may, at the option of the party giving same, be given by enclosing the same in a sealed envelope addressed to the party for whom intended and by depositing said envelope, with postage prepaid, certified with return receipt requested, in the United States Post Office or any substation thereof. In the event such notice is being given such notice and the envelope containing the same shall be addressed to the BOARD, at P.O. Box 1425, Woodland CA 95695-1425; the CITY, in care of the City Manager, at 300 First Street, Woodland CA 95695; and the STATE at the Department of Parks and Recreation. P. O. Box 942896, Sacramento CA 94296-0001.

16. Fair Employment Practices Addendum. The Fair Employment Practices Addendum Standard Form 3 attached hereto as Exhibit B is incorporated herein and, for purposes of this agreement, the word contractor therein shall mean BOARD.

17. Discrimination. The subject matter of performances at the OPERA HOUSE and the presentation of advertising and other communications to prospective audiences shall be controlled by BOARD in conformance with good taste and subject to the provisions of Government code Section 11135 through 11139.5.

18. Protection of the OPERA HOUSE.

A) CITY shall provide regular police and fire suppression services to the OPERA HOUSE.

B) BOARD shall be responsible for providing security for the OPERA HOUSE. Security shall include but is not limited to, the maintenance of the burglary alarm system and safety lights.

C) BOARD shall be responsible for providing fire protection for the OPERA HOUSE. Fire protection includes, but is not limited to, maintenance of the fire detection and alarm system and establishment and use of fire safety procedures.

19. Insurance. BOARD shall be responsible for obtaining the following insurance:

A) Workers Compensation Insurance in the amount required by law;

B) Property Insurance including fire insurance covering the full replacement cost of the OPERA HOUSE and any improvements to it;

C) Comprehensive General Liability including property damage in the amount of five (5) million dollars;

D) Automobile Insurance in the amount of two (2) million dollars;

E) Liquor Liability for sale of liquor: if liquor will be sold.

All policies shall name CITY and STATE as additional insureds and shall be endorsed to state coverage shall not be cancelled without 30 days prior written notice to CITY. Upon signing this agreement BOARD shall present CITY with certificates of insurance and original endorsement for such policies. Such certificates and endorsements shall be on the CITY's and STATE's forms as revised. Samples of the forms current as of the date of the signing of this agreement are attached hereto as Exhibit C. CITY reserves the right to require original copies of such policies.

20. Quality of Service and Control of Rates and Charges. Service to the public, with goods and merchandise of the best quality and at reasonable charges, is of prime concern and is considered a part of the consideration for this agreement. Therefore, BOARD agrees that it will operate and manage the services and facilities offered in a first-class manner, and comparable to other first-class concessions providing similar facilities and services, during the entire term of this agreement. Where such facilities are provided, BOARD agrees that it shall and will furnish and dispense foods and beverages of the best quality and shall and will maintain a high standard of service at least equal to that of other establishments in State Parks and/or adjacent communities and to those prevailing in such areas for similar products and services, and without discrimination.

CITY and STATE reserve the right to prohibit the sale, rental or use of any item which either CITY or STATE deems objectionable, beyond the scope of merchandise deemed necessary for proper service to the public, or of inferior quality.

BOARD shall designate a person responsible to be on the premises at all times while the OPERA HOUSE is in operation.

21. Taxes. This agreement may create a possessory interest in public property which is subject to property taxation. In the event that such possessory interest in created, BOARD agrees to be subject to the payment of and to pay property taxes levied on such interest. BOARD agrees to pay the above and all other lawful taxes, assessments, or charges which at any time may be levied by the STATE, County, CITY, or any tax or assessment levying body upon any interest in this agreement or any possessory right which BOARD may have in or to the premises covered hereby or the improvements thereon by reason of its use or occupancy thereof or otherwise, as well as all taxes, assessments, and charges on goods, merchandise, fixtures, appliances, equipment, and property owned by it in or about said premises.

BOARD shall comply with all laws, regulations, and ordinances regarding the collection of taxes due a local government agency, and otherwise administer the same.

22. Utilities and Services. BOARD shall be responsible for the installation and provision of all utilities necessary to and used in connection with the concession facilities. BOARD shall be responsible for the payment of all utility charges, including furnishing all necessary refuse and garbage containers and removal and disposal of all rubbish, refuse, and garbage resulting from concessions operations. All such rubbish, refuse, and garbage removed shall be disposed of in accordance with applicable laws and local ordinances. All trash containers and/or trash bins shall be adequately screened to the satisfaction of the CITY's Community Development Director. For the purpose of this paragraph, sewage disposal shall be construed as a utility.

23. Signs. No signs, names, placards, or advertising matter shall be inscribed, painted, or affixed upon said premises without written consent of the STATE first had and obtained. All signs must conform to CITY's sign ordinances and any other legal requirements for signs.

24. Alcoholic Beverages. The sale of alcoholic beverages, only as authorized herein, shall be subject to any regulations established for the State Park System by the State Director of Parks and Recreation, and the regulations established by the Department of Alcoholic Beverage Control.

A competent adult person 21 years of age or over shall be on the premises at all times to supervise the sale of alcohol.

In order to protect the health and safety of OPERA HOUSE visitors and to preserve the peace, the CITY may require the BOARD to temporarily discontinue the sale of alcohol.

Advertising of the sale of alcoholic beverages shall only be permitted in the interior of the OPERA HOUSE.

25. CITY Membership on BOARD. The City Manager of CITY or City Manager's designee shall be a member of BOARD's nominating committee.

The City Manager of CITY or City Manager's designee shall be a regular member of the BOARD.

26. STATE Approval of this Agreement. This agreement is subject to the written consent of STATE. This agreement shall have no effect unless and until STATE has consented to the agreement. BOARD understands that the CITY's power to operate the OPERA HOUSE is derived from the STATE. BOARD agrees, therefore, to fully cooperate with CITY in performing any act required by STATE of CITY

or BOARD.

27. Headings. The Headings in this agreement are for information purposes only.

28. Termination. This agreement may be terminated:

A) If the CITY gives one year advance written notice of the effective date of such termination;

B) If BOARD gives one year advance written notice of the effective date of such termination;

C) If BOARD has breached any provisions of this agreement and the CITY has given one week advance written notice of the effective date of such termination; or

D) Immediately for any action of BOARD'S which threatens Public Health, Safety, or Welfare.

DATE:______________________

City of Woodland

____

Woodland Opera House, Inc.

____

ATTEST:

____
City Clerk

APPROVED BY STATE:

DATE: ______________

____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO THE MODIFICATION AGREEMENT WITH WOODLAND OPERA HOUSE, INCORPORATED.

WHEREAS, the CITY entered into an agreement with the State of California for the operation of the Woodland Opera House, located at 304 Second Street, in the City of Woodland, on November 20, 1979; and

WHEREAS, the CITY and Woodland Opera House, Incorporated (the "BOARD") entered into an agreement for the operation and maintenance of the Woodland Opera House on or around July 5, 1989 ("Agreement"), and subsequently entered into that certain Modification Agreement ("Modification Agreement") on or around November 9, 2004, and both the Agreement and Modification Agreement remain in effect; and

WHEREAS, the BOARD provides valuable services to the Woodland community through the Modification Agreement; and,

WHEREAS, the parties further desire to modify the Agreement, as amended by the Modification Agreement to (1) extend the term to July 31, 2033, (2) delete Paragraph B) of Section 19, and (3) delete Section 11.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOODLAND that the City Manager is authorized to execute the First Amendment to the Modification Agreement prepared by the City Attorney with Woodland Opera House, Incorporated. The City Attorney is hereby authorized to make clarifying and confirming changes to the Amendment.

PASSED AND ADOPTED by the City Council this 1st day of October, 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

____
Xóchitl Rodríguez, Mayor

ATTEST:

____
Ana B. Gonzalez, City Clerk

APPROVED AS TO FORM:

____
Kara K. Ueda, City Attorney

TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: October 1, 2019
ITEM #: K.15.
SUBJECT: Woodland Research and Technology Park Specific Plan Update and Community Outreach

Recommendation for Action: Staff recommends that the City Council receive an update on the Woodland Research and Technology Park Specific Plan project and outline of the anticipated review process over the coming 4-6 months including the planned community and stakeholder engagement approach.

Staff Contact:
Erika Bumgardner, Business Development Liaison, (530) 661-5886, Erika.bumgardner@cityofwoodland.org

Fiscal Impact:
As directed by City Council, the City has entered into an Agreement for Advance of Funds with the project applicant to process the Woodland Research and Technology Park Specific Plan. The advanced funding agreement outlines a payment plan to cover, in advance, all costs estimated to incur within a projected three -month project horizon. However, the Applicant agrees that there shall always remain on deposit with the City a minimum of $25,000 to cover anticipated costs to be incurred in the processing of the application. In the event, for any reason, the City's request for further payments from applicant is not fully satisfied, the City reserves the right to cease processing of the application. There are no General Fund impacts associated with processing the Specific Plan application.

As part of the project evaluation, a fiscal impact analysis will be prepared to identify the potential positive and negative fiscal impacts if the project. As part of the project entitlements, the applicant will be required to enter into a Development Agreement with the City which will include terms necessary to address any fiscal deficits resulting from the project.

Report in Brief:
In anticipation of the release of the draft Woodland Research and Technology Specific Plan, this report provides a brief "reintroduction" of the project, an update on current project status, and an outline of the anticipated review process over the coming 4-6 months including the planned community and stakeholder engagement approach.

Background

On March 6, 2017, the City received Planning Application PLNG17-0017 for the Woodland Research and Technology Park Specific Plan ("Specific Plan"). The project, initiated by the majority landowner within the Specific Plan area boundary and in communication with the remaining four property owners, encompasses 351 acres southeast of Farmer's Central Road and State Route 113 (SR 113). The planning application provides the following project description:

> *"The Woodland Research & Technology Park Specific Plan is envisioned as a new technology hub for the City of Woodland, intended to serve an array of research and technology companies interested in locating and growing near UC Davis, and other research and technology institutions*

within the Sacramento region. …The Specific Plan will offer a unique business environment, supporting research and development, technology, and science and engineering-based companies, as well as training and workforce development for local students and graduates of the Woodland Community College.

In addition to its role as an employment center, the Specific Plan is envisioned as an attractive place to live, recreate, shop and gather for neighborhood events. The Specific Plan will be highly connected to and is intended to complement the mix of land uses in the adjacent Spring Lake development."

On June 7, 2017, the City Council voted unanimously to authorize the preparation of the Specific Plan based on a finding of consistency with the policies of the City of Woodland 2035 General Plan for the southern "new growth" area (SP1A). Since City Council's authorization to proceed, the applicant team has worked in partnership with the City to prepare the necessary entitlement package to bring the Specific Plan forward for consideration and adoption. The project team is currently finalizing various technical and environmental studies for the project Environmental Impact Report (EIR) and anticipates that the draft Specific Plan will be available for public review by the end of the year, 2019.

Since June 2017, the City has also completed several efforts that bear a direct relationship with the adoption and implementation of the Specific Plan including finalizing a tax sharing agreement with the County; working with Yolo LAFCo to ratify the 2018 Municipal Service Review and Sphere of Influence update; the preparation and adoption of an Agricultural Mitigation Ordinance; and adoption of the Yolo Habitat Conservation Plan and Natural Community Conservation Plan.

In anticipation of the release of the draft Woodland Research and Technology Specific Plan, this report provides a brief "reintroduction" of the project, an update on current project status, and an outline of the anticipated review process over the coming 4-6 months including the planned community and stakeholder engagement approach.

Discussion

Project Status

As noted above, the Woodland Research and Technology Park Specific Plan project is nearing final stages of preparation of the technical and environmental documents. Analysis of required infrastructure, utility and circulation improvements is being completed, along with the final environmental analysis associated with the project EIR. The applicant team is simultaneously working to finalize the draft Specific Plan document. Drafts of both the Specific Plan and the EIR are anticipated to be released for public review by the end of this year. Accordingly, the team is preparing for community and stakeholder/advisory group engagement and has prepared the following tentative outreach and entitlement review schedule.

Community/Stakeholder Outreach

The following is a preliminary outline of the public review and outreach schedule for receiving comments on the Draft Specific Plan and Environmental Impact Report (see also Attachment 1).

COMMUNITY OUTREACH & PLAN APPROVAL PROCESS 2019/2020

ANTICIPATED TIMEFRAME	ACTION ITEM	NOTIFICATION
NOVEMBER 2019	Introduce Draft Specific Plan at City Council and Planning Commission, concurrent with publication of draft plan online	Draft Plan published online CC/PC – Agenda, informational
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- ***ADDT'L OUTREACH MAY INCLUDE QR CODES ON MAILERS, BOOTH AT COMMUNITY EVENTS, NEXTDOOR, FACEBOOK.***

As noted, it is anticipated that outreach will begin the first part of 2020 and that the entitlement and plan adoption/annexation will be completed by the end of first quarter 2020. Staff welcomes input from the City Council regarding the proposed outreach process and public notification.

Once the draft Specific Plan is complete, and concurrent with community outreach, the applicant team will begin preparing the project financing plan to be approved with or immediately following City Council adoption of the Specific Plan.

Upon City Council adoption of the Specific Plan, the project will go before the Local Agency Formation Commission (LAFCo) for annexation. It is expected that LAFCo will take action on the annexation agreement by late Spring 2020 at which time projects and associated public improvements will be allowed to move forward for permit review and construction.

Project Overview

In advance of the release of the draft Specific Plan and EIR, staff felt it would be useful to outline the general purpose of a Specific Plan as a project implementation tool and to provide an overview of the Draft WRTP

Specific Plan.

What is a Specific Plan?

A specific plan is a tool for carrying out the goals and policies identified in a city's general plan in an orderly and systematic fashion. A specific plan may broadly describe policy concepts, or may provide a detailed vision and implementation strategy including development form, type and intensity of uses as well as infrastructure analysis, design and a financing strategy for the installation of public improvements. Local discretion is permitted in the development of a specific plan, however all specific plans must adhere to and included certain requirements as provided for in California Government Code Sections 65450-65457.

The Government Code outlines the required elements of a specific plan including text and/or diagrams that specify all of the following in detail:

1. The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.
2. The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
3. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
4. A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (1), (2), and (3).

Lastly, the specific plan shall include a statement of the relationship of the specific plan to the general plan. State law allows for the inclusion of other topic areas within the specific plan, which are necessary or desirable for the implementation of the general plan.

Project Entitlements. Prior to implementation of a specific plan, various entitlements are required and entail approval action by the City Council as the lead agency and/or other responsible agencies such as the Yolo Local Agency Formation Commission (LAFCo). The following entitlements (typical of specific plans generally) will apply to the proposed Woodland Research and Technology Park project:

1. Certification of EIR and Mitigation Monitoring Plan - City Council will take action to approve and certify the project EIR and Mitigation Monitoring Program for the Specific Plan.

2. Specific Plan Approval and General Plan Amendment - City Council will take action to approve the Specific Plan and amend the General Plan to create a new City of Woodland land use designation of Woodland Research and Technology Park Specific Plan and amend the Woodland City Limits boundary. This action will also include approval of the land plan, project design guidelines and performance standards, affordable housing plan, climate action/greenhouse gas reduction strategies and a transportation demand management plan for the research/technology park and residential neighborhoods.

3. Prezoning - City Council will take action to approve the "pre-zoning" of the land within the specific plan boundary based on the approved land plan in preparation of the subsequent annexation of the project site into the Woodland City Limit.

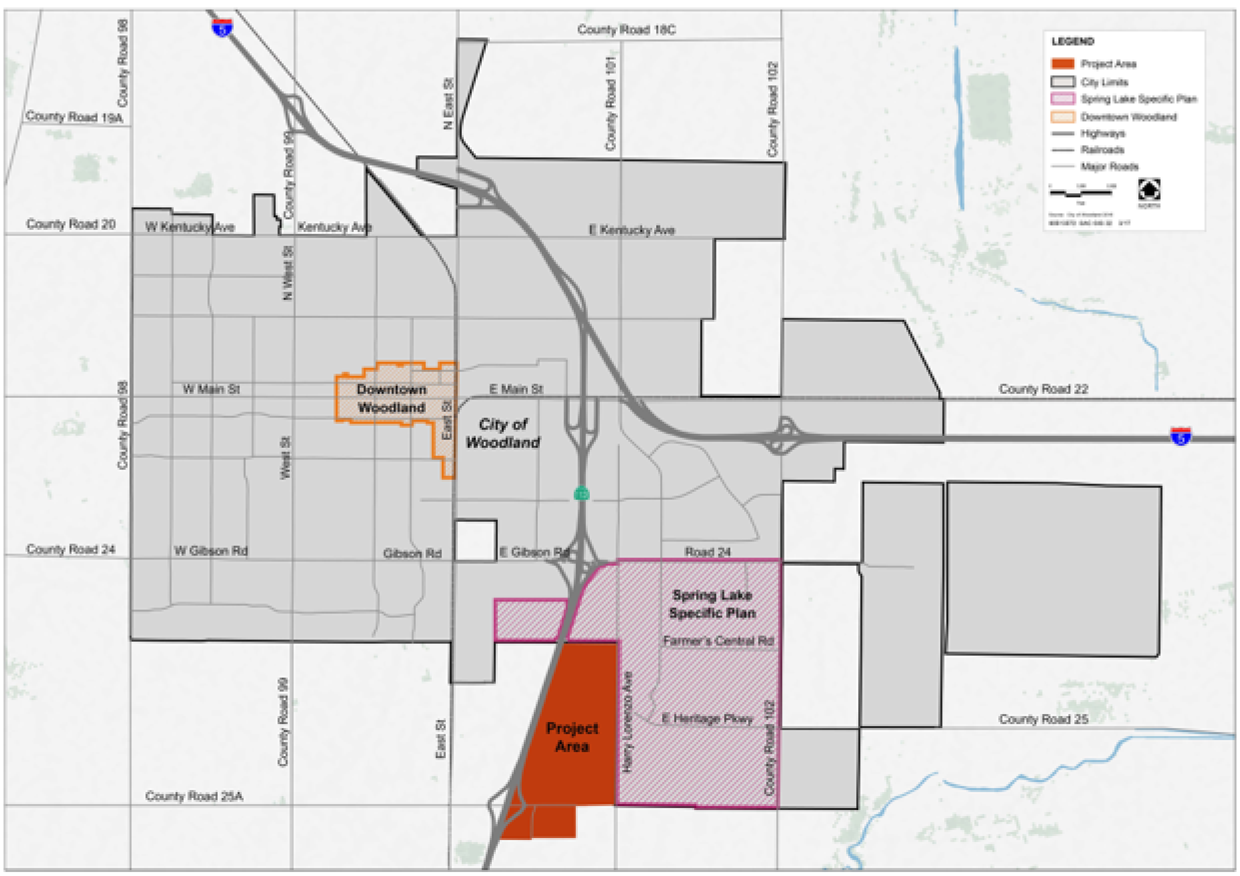
4. Development Agreement - City Council will approve a Development Agreement for the WRTP to provide certainty and mutual assurances to the City and the project applicant regarding plan build out.

5. Annexation - City Council will authorize and direct staff to pursue annexation of the project area into the city limits.

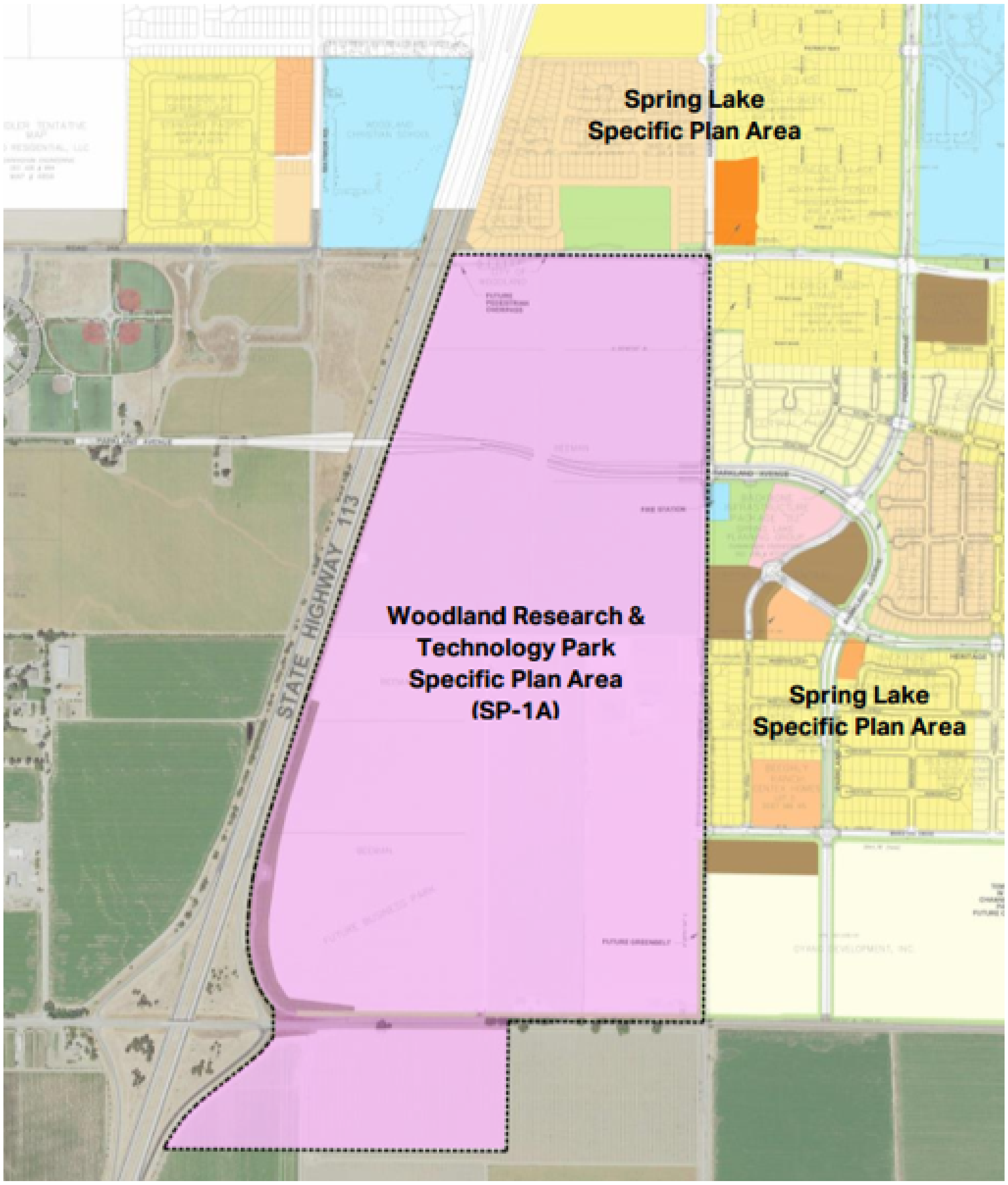
Prior to City Council action on the above listed entitlements, a fiscal impact analysis and establishment of project financing mechanisms will be provided to council for its consideration. The project shall comply with the City's Affordable Housing Ordinance including any updates or revisions to the ordinance.

Woodland Research and Technology Park

Location. The proposed Woodland Research and Technology Park (WRTP) Specific Plan area is comprised of all or portions of six (6) individual parcels of land encompassing 351 acres and is located adjacent to the Spring Lake Specific Plan to the north and east, Road 25A and the Urban Limit Line to the south, and is bound by SR 113 to the west. The proposed Specific Plan is located in one of the three subareas designated within the 2035 General Plan as Specific Plan 1 (SP-1), specifically "SP-1A." West of SR 113 are "SP-1B" and "SP-1C," the other two subareas of the south new growth area to be developed under future specific plan proposals. Northwest of the specific plan area, across SR 113, is a private (K-12) school, residential development, and the City of Woodland Community and Senior Center. The southern boundary of the Specific Plan, at the SR 113 / 25A interchange, is about 7 miles from the heart of the UC Davis campus (at the SR 113 / Hutchison Drive interchange).



WRTP Project Area Vicinity Map

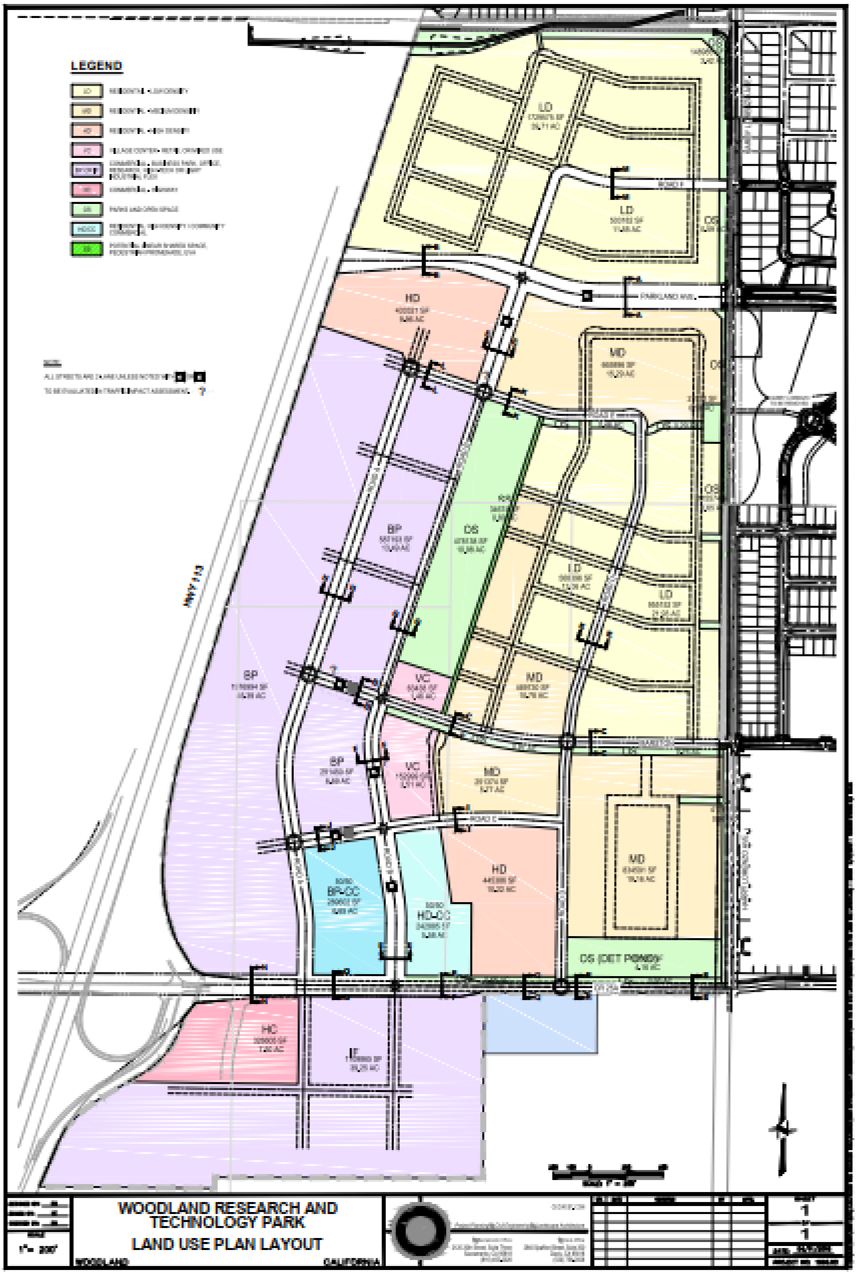


WRTP Specific Plan Area Boundary

Purpose. The WRTP Specific Plan is envisioned as a dynamic innovation and technology hub where leading-edge companies can connect with start-ups and business incubators in a physically compact, walkable, bike-able and connected setting. The Specific Plan proposes a mix of uses including business/technology park, office, retail and housing of varying densities. As provided for in the project description:

> *"The Specific Plan is proposed as a new type of employment center that also includes a range of housing options, a commercial mixed-use town center focused around a central green and connected by a multi-modal street network and trail system. Although the City anticipates that agricultural-related research will be a major focus at the Specific Plan, the plan will also support an environment of innovation in flexible formats for a wide variety of businesses in medical and veterinary, bio-tech, engineering, and other fields."*

The proposed land plan is intended to provide for a seamless transition between the predominately low-density Spring Lake neighborhood to the east and the higher intensity uses identified in the Specific Plan (see Preliminary Land Plan below or Attachment 2). Higher intensity uses and housing densities are located along the SR 113 corridor and transition gradually to low-density detached housing compatible with the Spring Lake neighborhood.



General Plan Conformity.

The 2035 General Plan envisions SP-1A (and SP-1B) to develop as "*mixed-use neighborhoods anchored by a research and technology business park in the 'Southern Gateway'…The highest intensity of development will occur within the business park area, providing a prime opportunity for job creation within Woodland. The remainder of these sub-areas will be largely residential within some open space and recreation areas.*"

General Plan Land Use Policy 2.L.2 directs the development of SP-1A as a mixed-residential district anchored by a research and technology business park in the South Gateway area at County Road 25A and SR 113. Policy 2.L.2 further specifies that the highest intensity development shall be concentrated "*within and in close proximity to the business park area, with lower density, largely residential uses to the north*."

As outlined in the project application, the principles that will guide the development of the Specific Plan align with the general plan's SP-1A new growth area goals and policies, as well as broader job growth, diversification and economic development objectives, including:

- *Development of a state-of-the-art innovation center campus for high-technology office, research and development, hotel and employee-serving retail and recreational uses Accommodate advanced technology-related jobs that allow a greater number of Woodland residents to live and work in the community*
- *Collaborate with UC Davis and others to capture technology transfer to startup businesses; and growing mid-to-large size companies, reducing the loss of intellectual capital and revenue through regional outmigration*
- *Ensure that roadways, utilities, and other infrastructure are installed to meet project needs and can be feasibly financed*
- *Contribute to meeting City goals for greenhouse gas reduction by 2035 contained in its 2035 Climate Action Plan for: increased efficiency of buildings and other non-transportation energy use; land use and transportation strategies that reduce vehicle miles traveled and facilitate use of alternative fuel vehicles; enhancing the City's urban forest through planting and management of trees in public parks, other open spaces and public streetsreduction in water use and waste generation*
- *Create a successful Village Center that, along with the southern end of a proposed central green, provide a gathering place for workers, residents, and visitors*
- *Integrate multi-modal transportation within project design to reduce use of single-occupant vehicles and implement a Transportation Demand Management (TDM) Plan that increases the use of multiple modes of transportation, such as, public transit, bicycle, and pedestrian access to, from and within the plan area*
- *Facilitate bicycle use and walking through a combination of well-designed complete streets, protected bicycle lanes where appropriate, and pedestrian / bicycle greenways that connect to parks and open spaces, and multiple connections between Spring Lake and the Specific Plan*
- *Promote flexibility in project design and implementation to respond to market demand, through phasing of construction, and offering a variety of building types*
- *Incorporate naturalized stormwater management into the plan area and individual project design as much as possible*
- *Seek ways to complement and support Downtown Woodland by accommodating larger and other businesses better suited for locations outside Downtown*

The proposed 2035 General Plan assumes 2.16 million square feet of nonresidential building space and 1,600 housing units within new growth area SP-1A. The proposed WRTP land use plan is consistent with these assumptions.

Conclusion:
Staff recommends that the City Council receive an update on the Woodland Research and Technology Park Specific Plan project and outline of the anticipated review process over the coming 4-6 months including the planned community and stakeholder engagement approach.

Prepared By: Erika Bumgardner, Business Development Liaison

Reviewed By: Ken Hiatt, Assistant City Manager, Community and Economic Development

Paul Navazio
City Manager

Attachments:

1. Community Outreach and Plan Approval Process 2019-2020
2. WRTP - Preliminary Draft Land Use Plan

COMMUNITY OUTREACH & PLAN APPROVAL PROCESS 2019/2020

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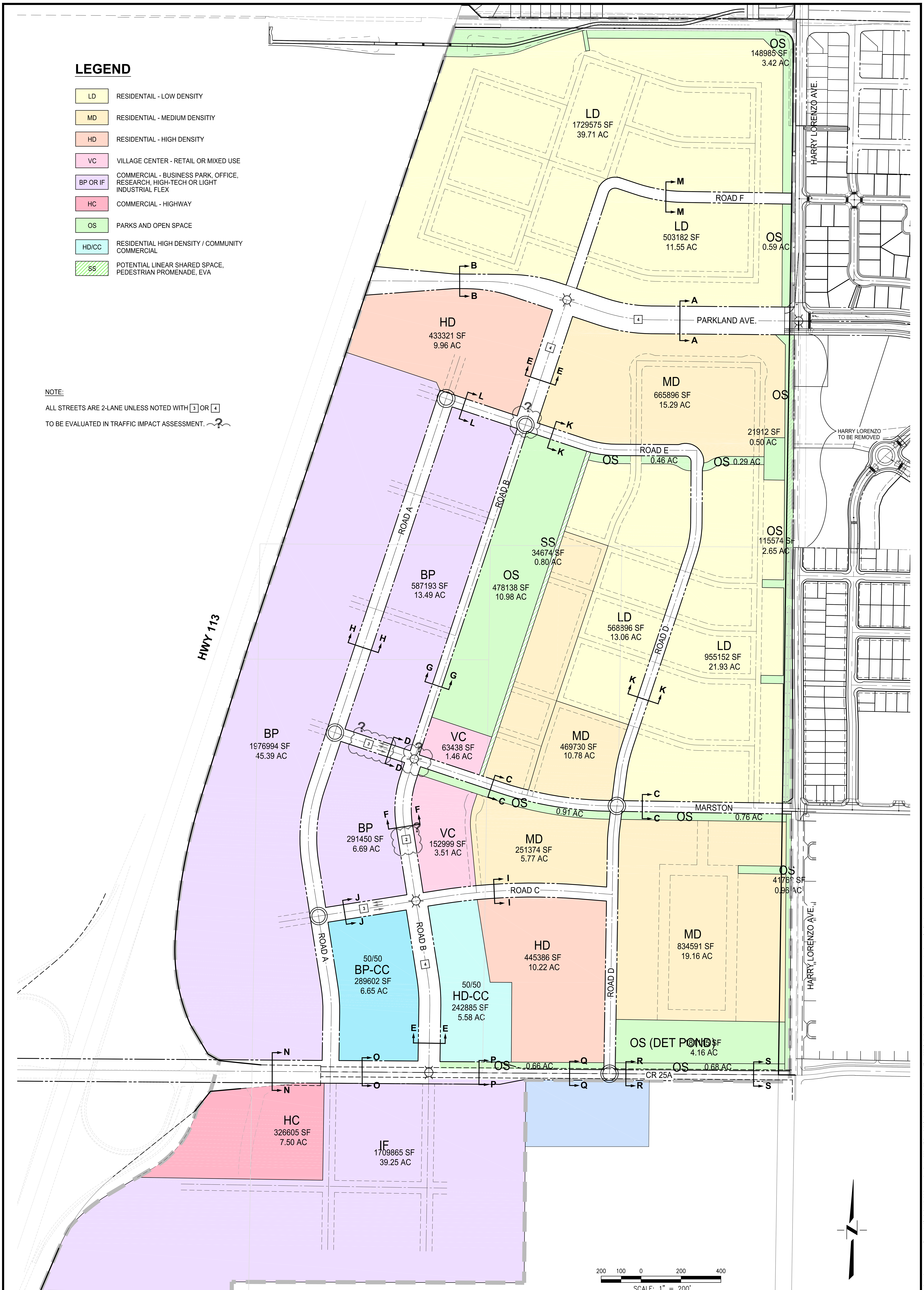

DESIGNED BY: SG
DRAWN BY: LE
CHECKED BY: SG
SCALE 1"= 200'

WOODLAND RESEARCH AND TECHNOLOGY PARK
LAND USE PLAN LAYOUT

WOODLAND CALIFORNIA

CECWEST.COM
CUNNINGHAM ENGINEERING
Project Planning ■ Civil Engineering ■ Landscape Architecture

■ Sacramento Office
2120 20th Street, Suite Three
Sacramento, CA 95818
(916) 455-2026

■ Davis Office
2940 Spafford Street, Suite 200
Davis, CA 95618
(530) 758-2026

NO.	DATE	REVISIONS	BY	APPD.

SHEET 1 OF 1
DATE: 04/11/2018
PROJECT NO: 1593.03

TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: October 1, 2019
ITEM #: K.16.
SUBJECT: Ordinance Incorporating the Yolo County Tobacco Retailer Permit Ordinance by Reference to Specifically Prohibit Flavored Tobacco Products From Being Sold by Tobacco Retailers

Recommendation for Action: Staff recommends that the City Council:
1) Introduce and adopt the first reading of Ordinance Amending Section 9.28.260 of the Municipal Code incorporating by reference the Yolo County Code relating to Tobacco Retail Permits; and
2) Authorize the City Manager to coordinate efforts with Yolo County's Health and Human Service Agency related to administration and enforcement of the amended Code section.

Staff Contact

Paul Navazio, City Manager – 530 661-5800, paul.navazio@cityofwoodland.org

Background

In June of 2015, the City Council adopted Ordinance No. 1582, which incorporated Yolo County's Tobacco Retail Permit program, into the City's Municipal Code (former Section 15-43, current section 9.28.260). Concurrent with the adoption of Ordinance No. 1582, the City Council authorized execution of an MOU with Yolo County to administer and enforce the newly adopted Tobacco Retail Permit Program.

At that time, the focus of the Tobacco Retail Permit program was establishing regulations related to the sale of tobacco products, with an emphasis on promoting compliance with laws prohibiting the sale of tobacco products to minors. Tobacco retailers are required to obtain a permit, to be renewed annually, with a fee paid to Yolo County to support administration and enforcement efforts.

In 2016, the Yolo County Board of Supervisors amended the County's Tobacco Retail Permit Program to provide that any tobacco retailer that sells, offers for sale, or exchanges for any form of consideration any flavored tobacco product violates its Tobacco Retail Permit program. The County Board of Supervisors also banned the sale of flavored tobacco products within unincorporated Yolo County and prohibited the permitting of any new tobacco retail permits within unincorporated Yolo County.

Discussion

Most recently, in September of this year, the Board of Trustees of the Woodland Joint Unified School District passed a resolution urging the Woodland City Council to adopt a ban on flavored tobacco products within the City of Woodland. This recommendation was presented to the City Council, in part, due to statistics that show a significant number of students who report use of tobacco products as well as the growth of flavored tobacco-related products available in the market.

Most alarming is the concern that while the sale of tobacco products to minors (under the age of 18) is illegal, the tobacco industry is targeting young consumers through the development of flavored products (such as fruit and candy flavors), and marketing and promoting paraphernalia such as vaping devices specifically designed to appeal to young smokers. Examples include smoking paraphernalia disguised as highlighter pens, flash drives, etc. – items commonly used by school-aged youth on school campuses and classrooms.

City staff is recommending that the City Council amend Section 9.28.260 of the Municipal Code (Tobacco Retail Permit program) to incorporate the amendment the County made to its Code, making it a violation of the Tobacco Retail Permit to sell any flavored tobacco product.. If introduced this evening, a second reading and public hearing will be scheduled for the City Council meeting of November 5, 2019, with the ordinance becoming effective on January 1, 2020.

Staff will continue to work with Yolo County Health and Human Services Agency to coordinate implementation and enforcement of the ban on retailers selling flavored tobacco products within the framework of the existing MOU, which provides for Yolo County's administration and enforcement of the City's Tobacco Retail Permit program.

Separate from this recommendation, staff had previously been asked by the City Council to review other issues related to the sale of tobacco and tobacco-related products within the City. Specifically, recent concerns have been expressed related to both the number of, and location of, retail establishments selling tobacco products. Staff is evaluating possible recommendations to update regulations governing these establishments as part of the comprehensive zoning ordinance update scheduled to be presented to the City Council next spring.

Conclusion

Staff recommends that the City Council: 1) introduce and adopt the first reading of Ordinance Amending Section 9.28.260 of the Municipal Code relating to the Tobacco Retail License Program to adopt and incorporate by reference Chapter 15 of Title 6 of the Yolo County Code relating to tobacco retail permits and to specifically include the amendment prohibiting tobacco retailers from selling flavored tobacco products, and 2) authorize the City Manager to coordinate efforts with Yolo County's Health and Human Service Agency related to administration and enforcement of the amended Code section.

Prepared by: Paul Navazio, City Manager

Paul Navazio
City Manager

Attachments:

1. WOODLAND_ Ordinance re Incorporation of County Code re Tobbaco Retail Permits-c1

ORDINANCE NO. _____

ADOPT AND INCORPORATE BY REFERENCE CHAPTER 15 OF TITLE 6 OF THE YOLO COUNTY CODE RELATING TO TOBACCO RETAIL PERMITS

WHEREAS, Business and Professions Code section 22971.3 authorizes local governments to enact local tobacco retail licensing ordinances, and suspend or revoke a local permit for a violation of a State tobacco control law; and

WHEREAS, the County of Yolo ("County") adopted a tobacco retail licensing ordinance, which requires tobacco retailers to obtain a local permit to sell tobacco products or tobacco paraphernalia and allows for the suspension or revocation of the permit for a violation of any tobacco control law within Chapter 15 of Title 6 of the Yolo County Code ("County Ordinance"); and

WHEREAS, pursuant to Government Code section 50022.9, the City of Woodland ("City") may adopt a county ordinance, or any parts thereof; and

WHEREAS, in 2015, the City Council adopted Ordinance No. 1582 and incorporated by reference the County Ordinance ; and

WHEREAS, the County administers and enforces its provisions within the City limits as it currently does in the unincorporated areas of the County under the County Ordinance; and

WHEREAS, in 2016, the County amended its County Ordinance to prohibit licensed tobacco retailers from selling, offering for sale, or exchanging flavored tobacco; and

WHEREAS, pursuant to Government Code 50020 et seq., if a code which the City has previously adopted by reference is amended by the County, the City Council may adopt the amended code by reference in the same manner it adopted the original code; and

WHEREAS, there is a rebuttable presumption that statutes operate prospectively and not retroactively; and

WHEREAS, the City desires to incorporate by reference the County's 2016 amendments to the County Ordinance to clarify that licensed tobacco retailers cannot sell, offer for sale, or exchange flavored tobacco within the City limits.

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

Section 1. Amendment. Section 9.98.260 of the Woodland Municipal Code is hereby amended to read as follows:

Sec. 9.98.260. - Adoption of Yolo County Code relating to tobacco retail permits.

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A. Title 6, Chapter 15 of the Yolo County Code, pertaining to tobacco retailer permits, is hereby incorporated, in its entirety, with the exception of Section 6-15-04, by reference into this code and shall be enforced within the limits of the City.

B. All references to the term "unincorporated areas of the County of Yolo" in Title 6, Chapter 15 of the Yolo County Code shall be to the term "City limits." All references to the term "Chapter" in Title 6, Chapter 15 of the Yolo County Code shall be to the term "Article." All references to the term "Yolo County Code" in Title 6, Chapter 15 of the Yolo County Code shall be to the Woodland Municipal Code. The reference to the term "County" in Section 6-15.07(c) of the Yolo County Code shall be to the term "City." The reference to the term "County of Yolo" in Section 6-15.15(f) of the Yolo County Code shall be to the term "City." The reference to the term "Board of Supervisors of the County of Yolo" in Section 6-15.16 of the Yolo County Code shall be to the term "City Council of the City of Woodland."

C. A tobacco retailer license may be renewed for any location in the City so long as: (1) no permanent revocation (as opposed to temporary suspension) of a license previously held for the location has occurred; (2) tobacco retailing has not ceased at the location for sixty (60) consecutive days or longer, whether due to a business closure or otherwise; (3) the licensee does not substantially change the business premises or business operation; and (4) the licensee retains the right to operate under other applicable laws, including without limitation the zoning ordinance, building codes, or other applicable codes

Section 2. **Severability**. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable. This City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

Section 3. **Effective Date and Publication**. The City Clerk shall certify to the adoption of this Ordinance, and the City Clerk shall cause this Ordinance to be posted or published as prescribed by law. This Ordinance shall take effect on January 1, 2020.

PASSED AND ADOPTED by the City Council this 1st day of October, 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

____
Xóchitl Rodriguez, Mayor

ATTEST:

____
Ana B. Gonzalez, City Clerk

APPROVED AS TO FORM:

____
Kara K. Ueda, City Attorney