

Woodland City Council Minutes

Council Chambers  
300 First Street  
Woodland, California

February 10, 1998

The Woodland City Council met in adjourned regular session at 6:00 p.m. in the City Hall Council Chambers.

ROLL CALL:

COUNCIL MEMBERS PRESENT: Rominger, Borchard, Flory, Losoya,  
Ryhal

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Kristensen, Marler, Wegener, Vicars,  
Winnop, and legal counsel Jonathan  
Cristy

PLEDGE OF ALLEGIANCE:

Mayor Rominger opened the meeting and invited everyone present to join her in the pledge of allegiance to the Flag of the United States of America.

PUBLIC COMMENT:

There were no public comments.

REVIEW TELEPHONE POLL RESULTS:

City Manager said the City contracted with Bryan Godbe of Godbe Research and Analysis to conduct a telephone poll of 400 registered voters in the community in regard to the placement of a local sales tax measure on the June 2, 1998 ballot.

Mr. Godbe reviewed the results of the poll. He said the error rate is between 3 and 5 percent. He began with a review of the questions asked with the poll. Questions concerning the importance of certain issues gave the following results with "Preventing gang activity" ranking the highest:

1. Preventing gang activity
2. Maintaining local roads

3. Increasing job opportunities
4. Preserving open space
5. Improving park and recreation services
6. Preventing local tax increases
7. Reducing traffic congestion

When asked whether the City Council should enact a one-half cent or a one-quarter cent sales tax, he said there was no difference in the results between the one-half or one-quarter cent sales tax. He recommended if the Council proceeds with a sales tax measure that a one-half cent sales tax measure be used. He also gave an analysis of the poll results with respect to a sunset clause for the sales tax measure, the positive features of the sales tax measure, the negative features of the sales tax measure, arguments for street and sidewalk maintenance, arguments for the sales tax measure, arguments against the sales tax measure, and analyses for an advisory vote and actual sales tax. There were fourteen sets of questions posed to each voter. He said the poll indicates that having the sales tax measure coupled with an advisory measure will increase the stability of the support of the issue. In conclusion he recommended that based on the data the City of Woodland could go for a one-half cent sales tax which has a reasonable chance of being successful and could be successful going for an eight year term if it is coupled with an advisory measure. Without the advisory measure he recommended shorting the sunset to six or four years.

RESOLUTION NO. 4039/ORDINANCE NO. 1303:

Jonathan Cristy, legal counsel from Kronick, Moskovitz, Tiedemann & Girard, presented a proposed resolution which would call the election and states the measure or measures that would be presented to the voters. He said the text of the measure was developed by Mr. Godbe. He also presented an ordinance to be introduced to specify the method of collection of the transaction and use tax, if the voters gave their approval, through the State Board of Equalization and the specifics regarding the basic choices before the Council. He said the authorizing legislation adopted by the legislature will allow the Council to present a measure either at a one-quarter cent additional sales tax or half-cent additional sales tax. The other choice in both the ordinance and the resolution is the question of the duration of the tax. He said the resolution proposes an advisory measure followed by a sales tax measure, and he said this idea is being promoted around the State because of the good effect it seemed to have in Santa Clara County in persuading the voters there to adopt a general sales tax. He said it is not a binding measure so that the uses of funds are not binding on the City Council, but it is simply an expression of the voters' preferences of what the sales tax moneys could be used for. He said this is a general tax. If the uses of the tax were specified in a manner that was binding on the City Council, the measure would require a two-thirds vote of the voters to adopt. He said that is not what the authorizing legislation did. He said the Santa Clara tax measure was challenged in Court, and the Trial Court ruled in favor of the County and said it was not a binding measure. The tax was only a general tax and required only a simple majority. He said the challengers have appealed, and it is ready for oral argument. He said they do not know how the appeal will come out, so there is an element of risk if

the City chooses to put an advisory measure on the ballot, and someone could challenge the issue. Finally, he said the resolution and ordinance require a “yes” vote of four of the five Council Members to approve. Under Proposition 62 a general tax measure requires a two-thirds vote of the legislative body which would be four of five Council Members.

Mr. Godbe responded to questions from the Council regarding the poll.

Vice Mayor Losoya suggested some language revisions for the advisory measure. He proposed that the word “Shall” be struck and have the measure read “Any new voter approved sales tax may fund the following and other identified projects . . .” He said this way it is inclusive of every possible way of spending the money. He said he felt this make it look more like a general sales tax measure rather than leaving some projects out.

Mr. Cristy said the proposed language would change the measure to a statement of fact rather than an advisory measure. The suggested language would tell the voters how the tax money would be used. He said that could be accomplished by the information that comes out of the City.

Mr. Godbe said the intent of the advisory measure methodology that was developed in Santa Clara County is to specify the services and not leave it open ended. He said the problem the general sales taxes have is that they are open ended. He said the idea of the advisory measure is to state that the general sales tax measure is not a blank check but rather states how the money will be spent.

The City Manager said the advisory measure will give some assurance to the voter, and if that assurance is watered down, its value decreases.

Vice Mayor Losoya said he would like to soften the advisory measure as much as possible, but he also understands the response given by legal counsel.

Roberta Paul, President of the Woodland Chamber of Commerce, said the Chamber of Commerce has been working on the proposed sales tax for about two and one-half years and supports the sales tax measures. She said the Chamber feels the sales tax measure is the most fair and equitable way to work with the City and to face some of the issues that the Council is now addressing. She said in October the Chamber Board voted to support a one-half cent sales tax up to four years. She said that is still the position of the Chamber.

Doug Worl, representing the Partners for Woodland Progress, said the Partners have brought this whole process a lot farther than many people thought they could over the past two and one-half years. He said the Partners support a four-year sunset clause. One reason is that it gives the City and future councils enough time to determine where the money needs to be spent. Secondly, he said the Partners are looking at raising about \$40,000 for an effective campaign. He said he would not like to be restricted with a two-year clause, and two years from now have Partners or another group raise an additional

\$40,000 to effectively campaign for this issue again. He said Partners for Woodland Progress strongly support a one-half cent sales tax measure.

After Council comments the following action was taken:

On motion of Council Member Losoya, seconded by Council Member Flory and carried by the following vote, the City Council adopted Resolution No. 4039 entitled “A Resolution of the City Council of the City of Woodland Directing Consolidation of the Election With the Statewide Election and Placing a Proposition on the June 2, 1998 Ballot” (with a one-half cent sales tax which will expire after four years) and introduced and read by title only Ordinance No. 1303 entitled “An Ordinance of the City of Woodland Adding Article V to Chapter 23 of the Woodland Municipal Code Related to a Transactions and Use Tax to be Administered by the State Board of Equalization”:

AYES:	COUNCIL MEMBERS:	Borchard, Flory, Losoya, Ryhal
NOES:	COUNCIL MEMBERS:	Rominger

The City Manager said staff will be coming back to Council with some clarifying language with regard to the watch dog committee element of the measure. He said Council needs to talk about how to constitute that committee.

ADJOURNMENT:

The meeting was adjourned at 7:02 p.m.

---

Jean Winnop, City Clerk, City of Woodland

Vice Mayor Losoya said he encouraged the Council to support placing the measure on the ballot, and in reference to a sunset clause he appreciated the thought that was shared at the last meeting in reference to the two year term, but after thinking about it I think that we need more than two years in order to collect the revenue, be able to identify projects and have projects in place and operating so that we can make an assessment if it's working and if it is accepted by the residents and by the public so therefore I would support a four-year clause. He said he would also like to soften the advisory measure as much as possible but he also understands the response given by legal counsel.

Council Member Borchard said he supports a four-year sunset clause and a one-half cent sales tax, and he agrees with the language proposed for both the advisory vote and the sales tax measure.

Council Member Flory thanked Mr. Godbe for doing the survey which was very informative and thanked those who worked on getting the legislation passed through legislature. He said he supports the recommendations of the Chamber of Commerce and Partners for Woodland Progress for a one-half cent sales tax measure with a four-year sunset clause.

Council Member Ryhal said he does not have a problem with any of it. He said he has been supportive from the beginning. He said he supports the one-half cent sales tax, and he said he would have no problem supporting six-year sunset clause versus a four-year clause. He said he could live with a four-year clause if that is the Council's pleasure. He said he agrees with the proposed language for the measures.

Mayor Rominger said she made her thoughts known in the past, and she will stick with them. She said she thinks a two-year tax is the best regardless of what the poll says. She said the poll actually speaks for itself in that it shows a wider range of support for a two-year tax. She said she is very disappointed that the Partners came back with a four-year recommendation after she had sat down with a couple of representatives of the Partners and had given her some assurance that if she were to support the sales tax, which she is basically opposed to, that they would also support a two-year time frame, and she said she does not see that happening now. She said that in itself disappoints her greatly. She said she will stick with a two-year time frame and felt that is the most appropriate, and it does allow the voters to look at all of the Council Members within a short period of time. Candidates can acknowledge the way the dollars have been spent and project how

they would foresee the dollars to be sent. She said that is a reasonable amount of time regardless of the dollars that will possibly need to be spent for another election campaign.

Vice Mayor Losoya said in defense of the Partners group initially there was a lot of discussion for the two-year sunset clause, and he attended several of the partners meetings, and he would like to say that was the direction initially that the Partners group was going in. However, after discussing and considering a lot of the issues that we talked about at the Council meetings it ultimately got to a four year term. He said there was not an initial meeting that the Partners went into supporting the four year sunset clause and the two-year clause was talked about quite a bit before they got to the four-year clause. The other comment I want to make was I am assuming that Measure B is going to be included as well. He said publicly although he will support it as it is but publicly would like to say that I have difficulty with a watch dog or any kind of a group that oversees what the Council is elected to do. That is what we are supposed to be doing. If there is any problem out there of the voters and are critical of what the Council does, then come election time they can mark their opinion the ballot. I just wanted to say that publicly. We could have watch dog after watch dog after watch dog group, but that's what our charge is.

City Council Adjourned Regular Meeting

February 10, 1998

Page

ssful and could be successful going for an eight year term if it is coupled with an advisory measure. Without the advisory measure he recommended shorting the sunset to six or four years.

RESOLUTION NO. 4039/ORDINANCE NO. 1303:

Jonathan Cristy, legal counsel from Kronick, Moskovitz, Tiedemann & Girard, presented a proposed resolution which would call the election and states the measure or measures that would be presented to the voters. He said the text of the measure was developed by Mr. Godbe. He also presented an ordinance to be introduced to specify the method of collection of the transaction and use tax, if the voters gave their approval, through the State Board of Equalization and the specifics regarding the basic choices before the Council. He said the authorizing legislation adopted by the legislature will allow the Council to present a measure either at a one-quarter cent additional sales tax or half-cent additional sales tax. The other choice in both the ordinance and the resolution is the question of the duration of the tax. He said the resolution proposes an advisory measure followed by a sales tax measure, and he said this idea is being promoted around the State because of the good effect it seemed to have in Santa Clara County in persuading the voters there to adopt a general sales tax. He said it is not a binding measure so that the uses of funds are not binding on the City Council, but it is simply an expression of the voters' preferences of what the sales tax moneys could be used for. He said this is a general tax. If the uses of the tax were specified in a manner that was

binding on the City Council, the measure would require a two-thirds vote of the voters to adopt. He said that is not what the authorizing legislation did. He said the Santa Clara tax measure was challenged in Court, and the Trial Court ruled in favor of the County and said it was not a binding measure. The tax was only a general tax and required only a simple majority. He said the challengers have appealed, and it is ready for oral argument. He said they do not know how the appeal will come out, so there is an element of risk if the City chooses to put an advisory measure on the ballot, and someone could challenge the issue. Finally, he said the resolution and ordinance require a “yes” vote of four of the five Council Members to approve. Under Proposition 62 a general tax measure requires a two-thirds vote of the legislative body which would be four of five Council Members.

Mr. Godbe responded to questions from the Council regarding the poll.

Vice Mayor Losoya suggested some language revisions for the advisory measure. He proposed that the word “Shall” be struck and have the measure read “Any new voter approved sales tax may fund the following and other identified projects . . .” He said this way it is inclusive of every possible way of spending the money. He said he felt this make it look more like a general sales tax measure rather than leaving some projects out.

Mr. Cristy said the proposed language would change the measure to a statement of fact rather than an advisory measure. The suggested language would tell the voters how the tax money would be used. He said that could be accomplished by the information that comes out of the City.

Mr. Godbe said the intent of the advisory measure methodology that was developed in Santa Clara County is to specify the services and not leave it open ended. He said the problem the general sales taxes have is that they are open ended. He said the idea of the advisory measure is to state that the general sales tax measure is not a blank check but rather states how the money will be spent.

The City Manager said the advisory measure will give some assurance to the voter, and if that assurance is watered down, its value decreases.

Vice Mayor Losoya said he would like to soften the advisory measure as much as possible, but he also understands the response given by legal counsel.

Roberta Paul, President of the Woodland Chamber of Commerce, said the Chamber of Commerce has been working on the proposed sales tax for about two and one-half years and supports the sales tax measures. She said the Chamber feels the sales tax measure is the most fair and equitable way to work with the City and to face some of the issues that the Council is now addressing. She said in October the Chamber Board voted to support a one-half cent sales tax up to four years. She said that is still the position of the Chamber.

Doug Worl, representing the Partners for Woodland Progress, said the Partners

have brought this whole process a lot farther than many people thought they could over the past two and one-half years. He said the Partners support a four-year sunset clause. One reason is that it gives the City and future councils enough time to determine where the money needs to be spent. Secondly, he said the Partners are looking at raising about \$40,000 for an effective campaign. He said he would not like to be restricted with a two-year clause, and two years from now have Partners or another group raise an additional \$40,000 to effectively campaign for this issue again. He said Partners for Woodland Progress strongly support a one-half cent sales tax measure.

After Council comments the following action was taken:

On motion of Council Member Losoya, seconded by Council Member Flory and carried by the following vote, the City Council adopted Resolution No. 4039 entitled “A Resolution of the City Council of the City of Woodland Directing Consolidation of the Election With the Statewide Election and Placing a Proposition on the June 2, 1998 Ballot” (with a one-half cent sales tax which will expire after four years) and introduced and read by title only Ordinance No. 1303 entitled “An Ordinance of the City of Woodland Adding Article V to Chapter 23 of the Woodland Municipal Code Related to a Transactions and Use Tax to be Administered by the State Board of Equalization”:

AYES:	COUNCIL MEMBERS:	Borchard, Flory, Losoya, Ryhal
NOES:	COUNCIL MEMBERS:	Rominger

The City Manager said staff will be coming back to Council with some clarifying language with regard to the watch dog committee element of the measure. He said Council needs to talk about how to constitute that committee.

ADJOURNMENT:

The meeting was adjourned at 7:02 p.m.

---

Jean Winnop, City Clerk, City of Woodland

Vice Mayor Losoya said he encouraged the Council to support placing the measure on the ballot, and in reference to a sunset clause he appreciated the thought that was shared at the last meeting in reference to the two year term, but after thinking about it I think that we need more than two years in order to collect the revenue, be able to identify projects and have projects in place and operating so that we can make an assessment if it's working and if it is accepted by the residents and by the public so therefore I would support a four-year clause. He said he would also like to soften the advisory measure as much as possible but he also understands the response given by legal counsel.

Council Member Borchard said he supports a four-year sunset clause and a one-half cent sales tax, and he agrees with the language proposed for both the advisory vote and the sales tax measure.

Council Member Flory thanked Mr. Godbe for doing the survey which was very informative and thanked those who worked on getting the legislation passed through legislature. He said he supports the recommendations of the Chamber of Commerce and Partners for Woodland Progress for a one-half cent sales tax measure with a four-year sunset clause.

Council Member Ryhal said he does not have a problem with any of it. He said he has been supportive from the beginning. He said he supports the one-half cent sales tax, and he said he would have no problem supporting six-year sunset clause versus a four-year clause. He said he could live with a four-year clause if that is the Council's pleasure. He said he agrees with the proposed language for the measures.

Mayor Rominger said  
End User  
End User  
C:\MSOFFICE\WINWORD\MIN0210.DOC  
C:\MSOFFICE\WINWORD\MIN0210.DOC

Jean Kristensen,\\CITY\_FS1\USERS\HOME\Jkristen\min021098.docý????

@HP LaserJet 2100 Series PCL 6

HPBXLB

HP LaserJet 2100 Series PCL 6

HP LaserJet 2100 Series PCL 6

(Untitled)

HP LaserJet 2100 Series PCL 6

(Untitled)

Times New Roman

Times New Roman

Symbol

Symbol

Courier

Courier

Courier New

Courier New

Century Gothic

Century Gothic

Univers (WN)

Univers (WN)

\$

Woodland City Council Minutes

\$

Woodland City Council Minutes

End User

End User

Jean Kristensen

Jean Kristensen

Woodland City Council Minutes

End User

Normal.dot

Jean Kristensen

Microsoft Word 8.0

City of Woodland

Woodland City Council Minutes

\_PID\_GUID

{12062740-21D9-11D4-A073-84866838CE0B}

{12062740-21D9-11D4-A073-84866838CE0B}

Root Entry

1Table

1Table

WordDocument

WordDocument

SummaryInformation

SummaryInformation

DocumentSummaryInformation

DocumentSummaryInformation

CompObj  
CompObj  
ObjectPool  
ObjectPool  
Microsoft Word Document  
MSWordDoc  
Word.Document.8