

Woodland City Council Minutes  
Council Chambers  
300 First Street  
Woodland, California

December 19, 2000

**REDEVELOPMENT AGENCY**  
**SPECIAL SESSION/CLOSED SESSION**

The Woodland Redevelopment Agency Board met in special session at 6:00 p.m. in the second floor conference room of City Hall in order to convene a closed session. The Board held a conference with Real Property Negotiator (Section 54956.8). The Negotiating Party was the Agency. The subject properties were: APN 066-160-022 (Bells Trailer Village), 066-920-027 (Dana Trailer Park and Motel), and APN 066-920-028 (Woodland Trailer Park). Under Negotiation were the price and terms of payment.

Board Members present were Chairperson Borchard, Board Members Dote and Monroe. Vice Chair Flory and Board Member Peart arrived at 6:30 p.m. Also present were Agency Attorney Ed Quinn, Executive Director Rick Kirkwood and Assistant City Manager Phil Marler.

**CITY COUNCIL**  
**SPECIAL SESSION/CLOSED SESSION**

The Woodland City Council met in special session at 6:30 p.m. in the second floor conference room of City Hall in order to convene a closed session. The Council held a conference with Legal Council regarding existing litigation (Section 54956.9), Fairbanks v. City of Woodland, Martino v. City of Woodland, and Fernando and Ana Morales v. City of Woodland. The Council held a conference with Legal Counsel regarding anticipated litigation (Section 54956.9), significant exposure to litigation pursuant to Section 54956.9(b) (one case).

Council Members present were Mayor Steve Borchard, Vice Mayor David Flory, Council Members Martie Dote, Jeff Monroe and Neal Peart. In addition City Manager Rick Kirkwood, Assistant City Manager Phil Marler and City Attorney Ann Siprelle also attended the closed session.

The special session and closed session were adjourned at 7:08 p.m.

**CITY COUNCIL**  
**REGULAR SESSION**

Mayor Borchard opened the regular Council meeting at 7:10 p.m.

**CLOSED SESSION ANNOUNCEMENT**

Mayor Borchard advised the Redevelopment Agency, in closed session, held a Woodland Redevelopment Agency special session at 6:00 p.m. in the second floor conference room of City Hall in order to convene a closed session. The Board held a conference with Real Property Negotiator (Section 54956.8). The Negotiating Party was the Agency. The subject properties were: APN 066-160-022 (Bells Trailer Village), 066-920-027 (Dana Trailer Park and Motel), and APN 066-920-028 (Woodland Trailer Park). Under Negotiation were the price and terms. The Woodland City Council met in special session at 6:30 p.m. in the second floor conference room of City Hall in order to convene a closed session. The Council held a conference with Legal Council regarding existing litigation (Section 54956.9), Fairbanks v. City of Woodland, Martino v. City of Woodland, and Fernando and Ana Morales v. City of Woodland. The Council held a conference with Legal Counsel regarding anticipated litigation (Section 54956.9), significant exposure to litigation pursuant to Section 54956.9(b) (one case). The Agency Board gave direction to the Executive Director and the City Council received reports on all items.

**PLEDGE OF ALLEGIANCE:**

Mayor Borchard invited all in attendance to join him in the pledge of allegiance to the Flag of the United States of America.

**REVISION TO THE AGENDA**

Mayor Borchard announced that the Redevelopment Agency meeting scheduled for this evening would be cancelled.

**ROLL CALL:**

COUNCIL MEMBERS PRESENT: Dote, Flory, Monroe, Peart, Borchard

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Richard Kirkwood, Phil Marler, Ann Siprelle, Karl Diekman, Marie Bryan, Margaret Vicars, Steve Harris, Gary Wegener, Henry Agonia, Anthony Heredia, Mitch Dion, Kent Wickstrom, Ken Bechthold, Bruce Lecair, Pat Whelan, Wyatt Cline, Mark Brooks, John Nail, Greg Russell, Ken Zeier, Greg Moutinho

ALSO PRESENT: Contract Engineer Nick Ponticello

MINUTES:

Council Member Dote requested inclusion in the minutes of November 15, 2000, a brief statement as made by all members of the public in attendance at that meeting.

On motion by Council Member Peart, seconded by Council Member Dote and carried by unanimous, the Council approved the minutes of the regular meeting of November 15, 2000 with the addition of the comments as requested by Council Member Dote above.

WRITTEN COMMUNICATIONS:

1. From the United States Department of Commerce, U. S. Census Bureau, a letter and Certificate of Recognition were received thanking the City for our efforts and assistance in making Census 2000 a success.

COMMITTEE REPORTS:

1. From Parks, Recreation and Community Services Director Henry Agonia, a report was received transmitting the minutes of the November 14, 2000 Commission on Aging meeting.
2. From Library Services Director Marie Bryan, a report was received transmitting the minutes of the November 20, 2000 Library Board meeting.
3. From Community Development Director Steve Harris, a report was received transmitting the Summary of the November 30, 2000 Planning Commission meeting as follows:

- a. Conditionally approved the design of the accessory building located at 410 Casa Linda Drive.
  - b. Discussed the remaining lots to be developed in the Klein Farms Tentative Subdivision Map #4060.
4. From Community Development Director Steve Harris, a report was received transmitting the Summary of the December 7, 2000 Planning Commission meeting as follows:
- a. Rejected proposed sign plans and alterations to the Texaco Station at 1123 Main Street and directed the applicant to work with staff on new designs or revisions to the existing designs that are in keeping with the intent of the Design Guidelines contained in the Downtown Specific Plan.
  - b. Heard the Midas Landscape Appeal, located at 22 Main Street, and directed the applicant to obtain landscape approval from staff and phase in the landscaping over a one year period.
5. From Public Works Director Gary Wegener, a report was received transmitting the minutes of the December 12, 2000 Traffic Safety Commission meeting.
- Vice Mayor Flory requested further information regarding the item in the minutes stipulating a two year period must pass prior to reconsideration of traffic calming measures. Director Wegener will put this into Policy format and place on a future Council Agenda for consideration and discussion.
6. From Community Development Director Steve Harris, a report was received transmitting the minutes of the December 12, 2000 Community Development Block Grant Committee meeting.

PUBLIC COMMENT:

Finance Director Margaret Vicars thanked the County of Yolo, Information Services staff and other staff members whom assisted in the installation of the new network system this past weekend. She also thanked all those who assisted in the painting and carpet installation in the Finance Office over the past several weeks.

John Murphy, Chairperson of the Tree Commission, thanked Public Works Management Analyst, Sherri Martin for her years of service assisting the Commission. The Public Works Department has shifted some of the internal duties and Management Analyst Nancy Adams will be working with the Tree Commission from this point on.

#### COUNCIL STATEMENTS AND REQUESTS:

Council Member Peart thanked all that had participated in the Christmas Parade. The Woodland Police Department Honor Guard received first place in their division, with the City employee float receiving a fifth place award and the Support Branch second, third and fourth place awards.

Council Member Monroe paid recognition to Ann Vernon who held a Christmas party and requested her guests to bring toys and food to take to the Fire Department for donation to families in need.

Vice Mayor Flory advised that the Opera House is beginning a new season and a mailer will be distributed soon. He also reminded Council that the "Murder at the Library" program is to be presented in February.

#### PRESENTATIONS:

##### TRAFFIC SAFETY COMMISSION

Mr. Steve Sprague, Chair of the Traffic Safety Commission, provided a history of the Commission, which was established in July of 1976 and is authorized for a membership of seven. Some of the duties of the Commission are to advise and make recommendations to the Council regarding traffic, parking, transit planning, improvements to traffic conditions and the enforcement of traffic regulations. They also receive complaints regarding traffic matters and hear appeals.

The Commission is directing efforts for the coming year on: (1) development of a Mission Statement; (2) a Woodland/Davis Bikeway; (3) vehicles stopping between the crossing arms at railroad crossings; (4) six month work plan; (5) upgrade of the Traffic Calming Request Form; (6) General Plan Circulation Element; (7) twenty year Transportation and Expenditure Plan for Yolo County. Mr. Sprague identified specific issues presented this past year. He also discussed his thoughts regarding membership on the Commission and urged members of the community to apply for this and other Boards and Commissions.

On behalf of the Commission, he thanked Traffic Engineer Bruce Pollard, Engineering Technician Bryan Weiser and Police Sergeant George Bierwirth for their support and assistance to the Commission. Mr. Sprague also introduced Martin Torres, the newest member of the Commission.

Council Member Dote thanked the Traffic Safety Commission for responding to the Transportation District request for their review of bus stops on Main Street for the new route to the Capay Valley. They responded quickly and confirmed the safest places to stop for the passengers.

Vice Mayor Flory announced the current vacancies on Boards and Commissions and urged members of the community to consider volunteering for service.

#### TREE CITY USA DESIGNATION APPLICATION AND RESOLUTION 4243

John Murphy, Chairperson of the Tree Commission summarized the requirements to qualify for a Tree City USA Designation in that the City must have; (1) Tree Board or Department, (2) Tree Ordinance, (3) Annual Community Forestry Program, and (4) Arbor Day Observance and Proclamation. As the City has met all of these requirements, we now qualify to apply for the Designation as a Tree City, USA.

On a motion by Council Member Monroe, seconded by Council Member Dote and carried by a unanimous vote, the Council adopted Resolution 4243, "A Resolution Supporting the Woodland Tree Commission's Tree City U.S.A. Application".

#### YOLO LITERACY COUNCIL REPORT AND PRESENTATION OF CHECK

Library Services Director Marie Bryan introduced Literacy Coordinator, Nancy Leroy, who summarized the programs supported by the Library and Literacy Program. Many of these programs are outreach programs held at local schools, in public spaces such as the Atrium at the Yolo County Administration Building and small regional theaters. Ms. Leroy provided the Council with a packet of information regarding these various programs and their benefit specifically to the 133 learners over the past year, but to all who have need. One of the projects this year is the purchase, through a grant, of a 32-foot bus, which will provide programs to families who have difficulty attending programs on the designated sites.

Sue Huscroft, President of the Yolo Literacy Council and Ms. Leroy, presented the Council with a check in the amount of \$16,000 for the Literacy Council's share of the 2000-01 budget for the Library Literacy service.

#### CONSENT CALENDAR

Council Member Dote removed the following items from the Agenda:

5. Authorize Six Month Extension in Contract Engineering Division Director Services with Ponticello Enterprises
16. Authorize Agreement with Dingle Elementary School for Provision of an Enrichment Recreational Component in the Dingle After-School Program

On a motion by Vice Mayor Flory, seconded by Council Member Monroe and unanimously approved, the Council approved the following Consent Calendar items:

#### TREASURER'S REPORT FOR OCTOBER 2000

The Council reviewed and accepted the October 2000 Investment Report as submitted.

#### MINIMUM WAGE ADJUSTMENT FOR TEMPORARY EMPLOYEES

The Council approved a minimum wage adjustment for temporary employees who are currently compensated at the minimum wage.

#### EMPLOYEE ASSISTANCE PROGRAM

The Council approved the continuation of the Employee Assistance Program (EAP) for the calendar year 2001 and directed the City Manager to execute the necessary contractual agreement.

#### PIONEER PARK COMPLETION, PROJECT NO. 96-23

The Council accepted the Pioneer Park Project 96-23 as complete and directed the City Clerk to file a Notice of Completion.

MANAGEMENT EMPLOYEES TERMS AND CONDITIONS OF EMPLOYMENT -  
RESOLUTION 4244

The Council adopted Resolution No. 4244, "A Resolution of the City Council of the City of Woodland Approving Certain Terms and Conditions for Management Employees" and directed the City Manager to take the necessary steps to implement this Resolution.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM - RESOLUTION  
4245

The Council adopted Resolution 4245, "A Resolution Approving and Authorizing Execution of a Disadvantaged Business Enterprise (DBE) Program".

CERTIFICATION OF ELECTION RESULTS

The Council received the Statement of Votes for the Presidential Election held November 7, 2000 as certified by the County of Yolo.

RECLASSIFICATION OF LITERACY ASSISTANT TO LITERACY COORDINATOR

The Council approved a reclassification of the Library's Literacy Assistant to Literacy Coordinator, increased the position to full-time and approved the job description, salary and bargaining unit designation.

SPRING LAKE SPECIFIC PLAN BUDGET AMENDMENT - RESOLUTION 4246

The Council adopted Resolution 4246, "A Resolution of the City Council of the City of Woodland Authorizing an Amendment to the Spring Lake Specific Plan Budget" to add \$28,000 for a total of \$1,195,830 to the project thus far.

WOODLAND VETERINARY HOSPITAL - 445 MATMOR ROAD

The Council accepted as complete those public improvements constructed with the development of the new Woodland Veterinary Hospital construction at 445 Matmor Road and directed the City Clerk to prepare a Notice of Completion.

SUBDIVISION 4042, AVIGNON, IMPROVEMENT AGREEMENT AND FINAL MAP

The Council approved the Final Map and Subdivision Improvement Agreement for Subdivision No. 4042, Avignon.

WASTE MANAGEMENT ADJUSTMENT FOR GARBAGE PICKUP RATES

The Council received information regarding the rate increase adjustment in conformance with the Consumer Price Index, for Waste Management garbage pickup.

URBAN WATER MANAGEMENT PLAN FOR 2000 - RESOLUTION 4247

The Council adopted Resolution 4247, "A Resolution to Adopt the City's Year 2000 Urban Water Management Plan" and authorized the Mayor to send the report to the California Department of Water Resources on behalf of the City of Woodland.

HOMELESS COORDINATOR REPORT FOR NOVEMBER 2000

The Council received the November 2000 Homeless Coordinator Report.

DEPARTMENT OF WATER RESOURCES/WATER RESOURCES AGENCY  
MEMORANDUM OF UNDERSTANDING

The Council received the draft Memorandum of Understanding between the California State Department of Water Resources (DWR) and the Yolo County Water Resources Association (WRA) for review and discussion.

ITEMS REMOVED FROM THE CONSENT CALENDAR:

EXTENSION OF CONTRACT ENGINEERING DIVISION DIRECTOR SERVICES  
WITH PONTICELLO ENTERPRISES

Council Member Dote asked for clarification of the cost for this extension. Public Works Director Gary Wegener stated it would be at the same rate we have been paying for these services.

On a motion by Council Member Dote, seconded by Vice Mayor Flory and carried by a unanimous vote, the Council authorized a six month extension in Contract Engineering Division Director services with Ponticello Enterprises.

DINGLE ELEMENTARY SCHOOL AND CITY OF WOODLAND PARKS, RECREATION AND COMMUNITY SERVICES AGREEMENT (AFTER-SCHOOL PROGRAM)

Council Member Dote asked if this Agreement will have any impact on our Joint Use Agreement and questioned Agreements with individual schools. Parks, Recreation and Community Services Director Henry Agonia said the Agreement is with the school specifically as this is a School Learning and Safety Neighborhood grant the school has received. The funds to the City will come from school site funds, not District funds. The City will provide a recreation component. The program has been very successful in the past. Council may wish to receive a presentation at a time when the children have shown achievement in math, reading and comprehension through the program. It is not part of the Joint Use Agreement.

On motion by Council Member Dote, seconded by Vice Mayor Flory and carried by a unanimous vote, the Council authorized the City Manager to execute an Agreement with Dingle Elementary School which will provide Parks, Recreation and Community Services staff funding in the amount of \$2,680 for the provision of an enrichment recreational component in the Dingle After-School Program.

PUBLIC HEARINGS

None

REPORTS OF THE CITY MANAGER:

REGULAR CALENDAR:

GIBSON RANCH PHASE II COSTS AND SOUTHEAST AREA SPECIFIC PLAN SUPPLIMENTAL ENVIRONMENTAL IMPACT REPORT MITIGATION MEASURES

Finance Director Margaret Vicars summarized the cash flow concerns for this project. It is estimated there will be a \$1.9 million shortfall in the Community Facilities District #1 (CFD 1), Phase II. It is estimated that

approximately \$0.3 million will be the responsibility of the abutting property owners and \$1.0 million will be received in infrastructure fees, still leaving \$0.6 million to the red for the project. Director Vicars stated line-by-line those items which are yet to be completed in the project. The per unit costs were listed at \$3,547 for the remaining 300 units. For the 2001 year there approximately 100 units scheduled for construction outside of the FEMA area. During 2002 the additional 200 units are scheduled for construction. As a result of these fees, we are fairly certain we will receive \$1,064,100, which results in the \$0.6 million still needed. We have been hearing 5% to 15% for inflation costs due to delay of construction, but we are utilizing a 10% inflation factor of \$1 million to the project, which is not funded. Council Member Monroe asked if the 10% is for a one year delay and Director Vicars stated to the affirmative. He also asked if it was correct that infrastructure inflation has increased by agreement in the amount of 4% in one year. The figure is an average is based upon the tri-partied and a fee structure that was built at the time this project was instituted with the Specific Plan. Phase II in its current level of construction and with funds available, is feasible for completion, before looking at any of the mitigation measures before Council this evening.

Vice Mayor Flory asked how we got from the doomsday report at the last months meeting as portrayed the newspaper to where we are today. Director Vicars said she did not have an answer for the type of construction for the future. There have been higher estimates than what she has been giving the Council, they are very conservative. She does feel they are attainable and did not want to promise more revenue than she was able to attain. Now that she has a better idea of what can be built, she feels more comfortable with the funds that can be raised for this project.

Council Member Peart asked if the \$10.9 million is an updated figure and there has already been a one year delay, has that delay been incorporated in that figure. She deferred to Contract Engineer, Nick Ponticello. Council Member Peart restated his question in that is \$1.9 million for Phase II an updated figure as of this present time? The original CFD was a lower number over a year ago. It was addressed to the MPFP and the figure was adjusted to \$10.9 million. The original figure was in the \$8 million range. The number now is the most current cost and reflects the cost estimates from the Consultants for construction, consultant costs and administration of the project.

Director Vicars said that as we have been talking with construction firms are giving us 5%-15% for a one year delay, but another issue is that the firms are so busy, State-wide, they are expecting to fill their entire season's work in

the February-March bidding frame. By the time they get to the May/June/July bidding cycle, they will be escalating the 2002 prices into 2001 as a premium.

Council Member Dote said she had mentioned the light industrial commercial at 12 acres and indicated a revenue from that at about \$322,000. What would have been expected from the 216 multi-family units was \$360,000 so would be receiving \$37,000 less. What is the net affect on receipt of the overall acreage and will that affect Phases II and III? Director Vicars said we will need to watch this but we need to be aware of how quickly the fees come in and whether she has the funds long enough to earn some interest, what the inflation costs actually turn out to be. Right now, on paper, it definitely has a negative impact.

Council Member Monroe has made contact with a Teichert representative who told him that when bidding later in the season it depends upon the backlog and the money they have on the books. The size of the job is also important. The Teichert representative said this project would probably have four to six bidders on it so the bidding will be competitive even later in the season. He said his best guess could be anywhere, but he would guess on the low end of 0%-5%. Director Vicars said that Engineering staff has been saying 7%-10% so it is a guess across the range. She wants Council to see the down side and be prepared.

Community Development Director Steve Harris discussed the proposed mitigation measures. Mitigation A: (1) replaces the Crepe Myrtles with Sycamore trees on the West end of Gibson Road; (2) removes the Olive trees; (3) does not realign Gibson Road; (4) has a significant and unavoidable visual impact; (5) adds no cost to the Project. Mitigation B1: (1) realigns Gibson Road around the Olive trees; (2) doubles the landscaping area; (3) provides for transplanting of 50% of the Olive trees to the South side of Gibson; (4) encroaches on the new high school campus; (5) has a significant and unavoidable visual impact; (6) increases the cost of the project by \$627,200. Mitigation B2: (1) realigns Gibson Road around the Olive trees; (2) doubles the landscaping size; (3) allows only a twelve foot easement between the road and the new high school campus; (4) has a significant and unavoidable visual impact; (5) increases the cost of the project by \$523,200. Mitigation C: (1) Gibson Road is not realigned; (2) Olive trees are made available for reuse in the community at no expense to the City; (3) visual impact is significant and unavoidable; (4) there is no additional cost to the City. Mitigation D: (1) the Olive tree on Bourn Drive removed; (2) trees are replaced on a one-to-one ratio with trees specified in the Community Design Guidelines; (3) the visual impact is significant and unavoidable; (4) the additional cost to the City is \$200.00.

Council Member Monroe asked if the Sycamores would be the same size as the Olive trees presently on the site. Director Harris stated they would not be initially but grow to a height taller than the Olive trees. Council Member Monroe stated he had understood previously that should the Olive trees be removed, they would be replaced with fully mature, tall trees. Director Harris said it would depend upon what nursery stock was available.

Vice Mayor Flory said there is no additional cost but there would be if we provided the planting of trees to residential homes. This is assuming that we remove the tree but make the tree available to someone, but there is a cost of \$500 or more for transplantation. Assistant City Manager Marler stated that this option is included in Mitigation C.

Council Member Peart left the meeting at 8:30 p.m. and returned at 8:32 p.m.

Director Harris stated that Mitigation B2 has been recommended by the Tree Commission. Vice Mayor Flory said he had made the assumption that it was \$500-\$600 to transplant the trees but Director Harris stated that this cost would be closer to \$4,000 to \$7,000 per tree. Assistant City Manager Marler stated that the costs presented this evening are on the low end.

Council Member Dote said she understood the transplant meant they were held in boxes for a year prior to replanting and the cost of holding them was for maintenance. Assistant City Manager Marler said this is a separate cost estimate but was not part of the Mitigation. Should Council decide to move them, but the location to accept them not be available immediately, this would be a cost for retaining until planting.

Council Member Monroe left the meeting at 8:45 and returned at 8:46.

Director Harris summarized the net results and costs for the various Mitigation measures. Director Wegener summarized the various costs associated with the road realignment. The estimated cost for realignment would be \$186,300.

Council Member Monroe asked how the drainage would be different by realigning Gibson Road. Director Wegener indicated the relocation of the current storm drainage line is significant. By shifting the road, the new lines would need

to be tied into the existing lines. He said the lines in place were installed based upon the curb of the newly constructed road without the Olive trees under consideration.

Council Member Peart asked if this would hold up under the increased volume of traffic and Director Wegener stated it was re-enforced and should hold up well. Council Member Monroe asked if the contingency fund is not used, does it move to the rest of the project. Director Wegener said it could be shifted to other uses within the project. The landscaping costs would be in the area of \$336,900. The commercial area would reduce the landscaping costs by approximately \$50,000 to \$286,500.

Council Member Monroe asked if landscaping the area around the Olive trees would be \$100,000. Director Wegener said this would be for the additional 20 feet of landscaping which would need to be added to the project. Council Member Monroe said that if we remove that 20 feet from the South side of the road, we could then save that \$100,000? Director Wegener said the project does not include landscaping on the South side of the road and it is the fronting property owner's responsibility. Director Vicars said the Spring Lake Specific Plan would be responsible for these costs. It calls for a 30 foot public right-of-way and a 20 foot private easement. If we put an additional 20 feet on the North side, it reduces the South side by the same amount and should be discussed within the Spring Lake Plan. Much of the landscaping would be the responsibility of the abutting property owner. The addition of 20 feet on the North side does not diminish the requirements on the South side. The \$100,500 is just to landscape the additional 20 feet on the North side. Council Member Monroe asked if the \$23,900 to prune the trees could be saved by utilizing City staff. Director Wegener said this cost would be for outside or inside staff as existing staff would need to complete this pruning on overtime as their load is at maximum.

Council Member Dote said that Director Wegener had stated the cost on the East Street landscaping was \$3.60 per square foot and does that include the trees. He said it does include the trees. A portion, approximately 20% near Ogden, of the landscaping on Gibson does not have trees and that price will change. The smaller trees are about \$50 per tree to put in. This part of the project is from Bourn to Ogden as the alignment comes back in at Ogden.

Vice Mayor Flory asked if the quote was for average of the entire project to Ogden and it was stated that it was. Director Wegener said the original quote from RRM gave a proposal of \$53,000 for the original review work. Task 1 was removed, which was the conceptual landscaping and cost estimates. Their range

is \$3.00 to \$5.00 with East Street actually at \$3.60. Council Member Dote said the additional design cost is \$45,000 and what was the original design cost for the project. The change deals with the grade to retain the existing trees as we must keep the ground cover at the base of the tree at the same level. We cannot put in fill and cover bark. We will have to bench the walkway in at the road, recreate a swale for drainage, keep the tree grade the same and then tie into the roadway. The design cost for this will be higher.

Mayor Borchard asked if we had any cost figures to maintain various types of trees. Director Wegener stated we do not, but he does have a figure on the added landscaping costs at \$15,000 on an annual basis. He did say the Olive trees would have to be pruned more often but are easier to prune than a full grown Sycamore. One of the concerns had to do with the fruit drop. The spray to prevent fruit drop would be between \$100 and \$200 per tree. On a mass basis the costs should be less.

Council Member Monroe suggested that rather than spraying, we have some type of drought resistant landscaping under the trees so that the fruit falls into the bushes and disappears. Vice Mayor Flory asked if the walkway that would meander through the area would have fruit droppings on it. Director Wegener will look into the location of the walkway in relation to the trees.

Director Vicars said that one of the issues is how we might fund B2, which is the Tree Commission Mitigation recommendation. Possible funding sources would be to increase the City-wide development funding fee at \$235,400 which would be between \$45 and \$50 per building permit per equivalent dwelling unit (EDU) for the next 20 years. This would then leave a shortfall of \$287,800. This figure does not include any cost escalation or redesign. Council had asked where we could recapture some of the funds needed. The capital projects for the next two years could be tapped to fund, but then we need to determine which projects will be cut or eliminated. Council Member Monroe said that if we realign the road and take Mitigation B2, they we would be \$287,800 short. Director Vicars said we would need to find a funding source for it. The \$235,400 will not be in hand by the time the project starts as this is a development fee collection over the next 10 to 20 years. It is a source that can be counted on in the future.

Council Member Peart asked if we collected the \$235,000 did we have to spend it on the Gibson Road project? Director Vicars said if we collect it and put

it in the major projects financing plan, it should be spent on that project. Vice Mayor Flory asked if the increase in development fees is by 45%, does that include any new building. Director Vicars said we are not proposing to increase the development fees by 45%, we are taking 45% of the \$523,200 and

collecting that from a funding source from the development fee. He asked about applying it only to the Southeast area and the Spring Lake Development. She said adding it only to the Sycamore Pointe and Spring Lake is a legal issue. At this point she can only make a nexus for a Citywide fee, not for Sycamore and Spring Lake. The figure would be lowered if the \$50,000 were to be removed.

Contract Engineer Ponticello answered Council Member Dote's question about a cross section from the right-of-way line from the North and South part of Gibson Road in that 1/2 is 55% Spring Lake-45% Citywide development fees, the other 1/2 is 55% Sycamore Point-45% City-wide development fees. Council Member Monroe stated there must have been many projects in the City in the past years and asked what has been done if the contingency fund was not enough and we ran over budget. Engineer Ponticello said Council was asked to approve additional funding. The issue is the General Fund. Most of the transportation type projects are either from development fees or grant funds received from the State or other sources. He has never had to go into the General Funds. Council Member Dote asked if there was any Federal money available and Director Vicars said there was not. There were very set funding sources for the original Specific Plan, development fees, CFD bonding, the infrastructure fees, abutting property and special projects and it is 100% locally funded. Engineer Ponticello said if we Federalize the project, cost becomes a factor. Most of the Federal funds are for rehabilitation of roads, which become degraded due to traffic flow. He has avoided utilizing Federal funds due to many reasons, one of which is the extensive restrictions. They do attempt to attain State funds, as they are more flexible and discretionary. One of the concerns is the timeliness of attaining these funds as we have missed the cycle for fund request.

**Council recessed from 9:28 p.m. to 9:40 p.m.**

Vice Mayor Flory asked Director Vicars about passing along the fees to future development and where the remaining money would come from. She said it would come from the General Fund. He asked if she could increase the fees to 70%, and she said it was at 45% because the Gibson Road is at a 45%-55% and that is the nexus built into the A. B. 1600 law. There is not a stronger nexus on Gibson Road for these two developments. Council Member Monroe asked again

where the 55% would come from and she is suggested it come from General City Capital funds. Right now, the 55% is coming from the CFD Bond, the infrastructure fees, but those are set for existing projects and she cannot add to or ask for more dollars in those areas. She needs to find another source for the

55% of the money and she feels the only legal way to do that is to come from General Revenue. He asked if we mitigate the cost and take away \$300,000 by using another mitigation, do we then have to split the \$200,000 so that it would be \$100,000/\$100,000. She said it would be 45-55 on whatever the amount is. We used B2 only at this point because that was the recommended scenario from the Tree Commission.

Council Member Dote asked if a property owner in Sycamore is paying a Mello-Roos Bond, mortgage, development fee specific for this improvement district (infrastructure fee), financing 55% of half of Gibson Road, and in addition because there is a City-wide development fee at 45% of half. The property owner now buys a house in the Spring Lake area. Would the fees be the same. These fees could change because at the time the Sycamore area was begun, there was no thought of Spring Lake. The rest of the money was to come from the abutting property owners. The existing project as it sits right now can be paid for out of the Southeast Area bonding, infrastructure fee, the City-wide development fees that are the 45% set for this project, abutting property owners, special projects and General Fund revenues. The additional funds needed for Mitigation B2 cannot be raised by increasing the bonding or adjusting the infrastructure fee because those are dedicated for Phase II and Phase III of the construction. Council Member Dote said this was set up originally without Spring Lake in the mix and the property owners are the County and some farmland. They are not going to pay for 45% of \$10.9 million. Director Vicars said the money for Spring Lake will go to all of the other projects for Spring Lake. If we add this additional \$523,000, they will also be picking up a share of that on a City-wide basis. It is anticipated that everything that is currently in the plan would be paid for either in the Southeast area or City-wide. Spring Lake will be paying for everything they have on their side when we get to that point. At the time they develop, part of the cost will be to the abutting property owners. It was never anticipated that Spring Lake would build or pay for widening Gibson Road that was always part of Sycamore Point.

Council Member Monroe said he feels Spring Lake makes the Gibson Road project mandatory. Director Vicars said the Specific Plan and EIR's indicate the Southeast Area/Sycamore Point make the road widening mandatory. He said there will be a greatly increased amount of traffic from Spring Lake onto Gibson and can we add any kind of a building fee just to Spring Lake to make up for that difference? Director Vicars stated she did not feel we could take a project

that was identified in a Specific Plan and fees set to pay for that project and now identify another Specific Plan to pay for those costs. City Attorney Siprelle said the Spring Lake project did not generate the need for this improvement. Council Member Monroe said if we take away twenty feet of that buffer on the South

side, there would be a cost savings. Director Vicars said that goes into the Spring Lake Specific Plan and has nothing to do with the cost of Gibson Road as it is laid out in the Sycamore Ranch Specific Plan. The legal documents do not allow for the cost to be put on Spring Lake. City Attorney Siprelle said, for example, if the Spring Lake Plan was going to generate so much traffic that an additional traffic light or lane was needed that would be paid for by Spring Lake. The Tri-partied Agreement entered into by the City, school district and developers years ago lays out how those improvements are going to be paid for and we cannot go back and change it now.

Vice Mayor Flory said then you couldn't go back to the developer with information that costs of building have risen by \$50 per lot. City Attorney Siprelle said if you can get them to amend the Agreement voluntarily, it could be changed. Vice Mayor Flory said we could do this on the Spring Lake Agreement.

Mayor Borchard reminded the public he would allow a 3 minute time span per speaker as there were many people who wished to speak.

John Murphy, Chairperson and Kelly Lyons, Member of the Tree Commission said Council had asked for more options to consider as a result of their November meeting. The Commission had discussed possible cost reduction measures and directed John and Kelly to meet with community members, academia and others requesting input. Some of the figures they discussed are not correct based upon those received at this evening's meeting. They looked at Mitigation B2 and options of further reducing the costs. The first item was to increase landscape area. The additional 20 feet cost in landscaping cannot be absorbed by the Spring Lake area. If the area was shifted and the total landscaping remained the same, there would be no net cost increase. The second item was the pruning. They feel that City employees can do this pruning. There would be no additional cost if priorities were changed. The third item would be the grading. It is unclear why grading would be so expensive even if the trees were removed. The drainage is not presently caught by storm drain or curb and gutter. The runoff could be mitigated by a "V" groove and infiltration basin. The walkway lighting could be addressed by the commercial and school lighting so that the Ballard lighting would not be necessary. Some lighting is necessary, but 60% of the lighting could be eliminated. The redesign fees could

be eliminated completely by utilizing the U. C. Davis Landscape Architecture Program. This is not a complex landscaping project and the Professor feels that one or two students could easily take on this project. The adjusted costs would be approximately \$65,000. Other cost savings could be low maintenance ground

cover, use of asphalt rather than concrete, landscaping along the school and commercial parcels could be delayed and mature trees would be expensive.

Council Member Monroe said to remove the trees, it would be \$500 per tree or \$28,000, which would be a savings if not removed. Council Member Peart stated he is bothered by the numbers. He feels the lighting is crucial and would not want to open the City up to litigation by cutting back on this item. Commissioner Lyons said the Council had asked for the numbers and the lighting is a huge consideration, but said there would be a light between each tree. The numbers were very carefully considered and are not meant to be concrete, but said numbers given to you by staff may need to be reconsidered.

Vice Mayor Flory thanked the Commissioners for providing information as requested. The issue is whether Council wants to consider any of these issues further. Mayor Borchard said his decision is based upon costs. He cannot respond to the lighting and would need staff's response on the numbers. He prefers concrete rather than asphalt because he wants the area to have a quality look.

Council Member Monroe said if lighting is essential on this path, then the whole middle of the City needs to be addressed. It is dark on all of the streets in the middle of town and we have liability there as well. Director Wegener said we do have other areas in the City where we would like to increase lighting. As we go forward with new projects, we would like to maintain this standard and try to catch up in the rest of the City. Assistant City Manager Marler said the Tree Commission had been looking at ways to decrease these costs. The resources available were being put off because of FEMA. We had thought the task to the Tree Commission would be put off until February. When the Council chose to move the decision forward, time was diminished for the Commission to review the options. Commissioner Lyons said if we choose to eliminate the trees and use concrete versus asphalt, Council may want to consider the aesthetic value of the trees versus the aesthetic value of the asphalt.

Council Member Monroe left the meeting at 10:10 and returned at 10:12.

Vice Mayor Flory questioned Commissioner Murphy on how the Commission would feel about using General Fund money for this project when we have cut back extensively on maintenance of trees a few years ago. This \$250,000 for the Olive trees could be utilized for many other projects for trees within the City. Commissioner Murphy said the Olive trees are just as much a

part of the City as any other trees. The Council must allocate the money as they see fit.

Lonny Wunder, Manager of the Fairgrounds and resident of the Southeast area, said he had a home for the trees at the Fairgrounds. He has had some estimates done and the movement is in the \$63,000 range. He does not feel the Southeast area should pay for the cost of these trees as they are high maintenance. Director Vicars said the costs would be absorbed by the lighting and landscaping district, 100% to the Sycamore Ranch until the build out.

Vice Mayor Flory asked what would be the cost per year to keep the Olive trees. Director Vicars stated it would be \$15,000 per year spread over 2,500 houses, which would be \$6.00 per house per year.

Bruce Jacks said he feels that people backing up to the road would be having the most benefit of the Gibson Road shift as they have the additional buffer zone. He feels that any Council Member who could possibly benefit from an additional buffer zone should remove himself or herself from the discussion. With the reduction of the buffer on the South, we will have something that looks very similar to Gibson Road along President's Park with a cyclone fence instead of a masonry wall. He feels the City does not have the time or money to redesign the road.

**On a motion by Vice Mayor Flory, seconded by Council Member Dote and carried by a unanimous vote, the Council extended the meeting until 12:00.**

Marjorie Brown believes by leaving the trees our community will have a different look than other communities within the State. The cost figures have become more confusing as we move forward. She feels we should widen the road and delay the landscaping.

Mayor Borchard asked staff opinion on phasing the project. Director Vicars said we could realign the road and do the construction portion, absorb the \$186,000 out of the savings from delaying landscaping from the original project,

then fees we are collecting would be based upon the original project. We would need clear direction to take dollars we have collected for the existing project and spend them on realigning the road. We would then look for other sources to do the existing project portions. Council Member Monroe said his impression was we would delay landscaping and look for alternative plans with the remaining

funds that would allow the landscaping to stay within remaining funds, within budget. Director Vicars said again that landscaping money could not be utilized to realign the road and she would need clear legal direction on this. We have a legal document under A. B. 1600, which states clearly we are collecting money for specific purposes and cannot use the money for other purposes. City Attorney Siprelle said the Agreement is clear and if we do not follow the Agreement the land owners can sue to retrieve their money. Council Member Dote said the existing project is the hardscape and landscape. When the money is collected it is then identified for the project, but not for which segment of the project. Director Vicars agreed but said it is identified for the project as it exists. Development fees are specific for the project. When collected they go into the same fund, but when spent we must identify where they are allocated. The three Phases have been funded independently as they come along. We have funding for Phase I and Phase II with a \$300,000 shortfall for the current project. We cannot take a new piece and place it into the current project utilizing the old fees. City-wide fees can be increased to cover the new mitigation measures, but we cannot utilize prior fees specified for the Phases. At some point we must find with additional funding.

Vice Mayor Flory asked if the realignment includes the intersection change, and Director Vicars stated it does include that change. Council Member Peart said the EIR indicates the landscaping included in the original plan. We have then guaranteed this will be done as part of the original plan. He does not feel we can legally change once the plan was approved. Director Vicars said there is some room for minor changes only. There is a build out timeline without specific dates attached, which allows some leeway. The landscaping would have to be completed at some point. The supplemental EIR to the original plan would allow the changes, but we would have to use future dollars, not existing.

Tess Sprague provided the Council with copies of her comments. She wrote an article for the Tafoya Elementary School Times regarding the Olive tree issues which she also provided. Ms. Sprague feels the trees should be maintained as they make the area in which she lives more attractive. She does not feel the money is the only issue. The trees do not require as much water as newer landscaping would need. She also has a concern regarding the habitat for the birds and other animals that utilize the trees daily.

Adrienne Monroe presented a letter from Sheri Cunningham who could not attend the meeting this evening. Ms. Cunningham's letter expressed support to save the trees and urged the Council to be sure the cost figures were accurate.

Ms. Monroe stated she supported Mitigation B2 and feels we could begin construction and deal with the landscaping at a later time. She commended the Tree Commission for their study. She also commended Malcolm Leiser, a commercial property owner along Gibson Road. He held a meeting with citizens in the area to seek input on what they would like to have done with the property. She stated the EIR was meant to be impartial and feels it was. The ruling on aesthetics is important. There is no official historical value according to the EIR, but the Historical Commission has not yet seen the report.

Brenda Pate expressed support of the movement of the trees to the Fairgrounds. She feels the jog in the road would be dangerous and the money could be better utilized elsewhere. She also has a concern about the pits from the trees on the walkway and the possible liability to the City. She objects to the residents of the City being required to pay for the residents of the Southeast area to have the ability to see the trees from their homes. These fees will be passed along to the other residents of the City who have no interest in these trees.

Doug Worl stated that one year ago we did not have enough money to fix our roads, build a Police Station, build a Senior/Community Center and build soccer and softball fields. There have been close to \$70,000 for attorney's fees the City has paid out to fight this lawsuit. There are more important things for this community to look at. This is the first City in the State of California to tax itself via Measure H. He questioned why we would spend from \$500,000 to \$700,000 to realign a road to save trees.

Ken Sanaghan feels there is no aesthetic value to the trees. He stated any Council Member should excuse themselves if they have any interest in the area. If we had begun the area with no trees, we would not have picked Olive trees to plant as they have no aesthetic value. We are talking about spending more money when we don't have enough to complete the project. Prior to beginning this project, these trees were not considered attractive. Now they have become a big issue.

Pat Murray stated that removing the trees are an aesthetic consideration. Woodland has a Mediterranean climate and these trees are an important type of tree to the area. Road 102 as you come off of I-5 has no landscaping. This is

what you will have if you remove the Olive trees or delay the landscaping. She is pleased the University is becoming involved in the project.

Council Member Peart left the meeting at 11:05 and returned at 11:07.

Colette Stewart presented photos of Gibson, the trees and areas along Pioneer Avenue. The Southeast area has already had a delay in their infrastructure completion. There is a concern this delay has created a dangerous situation for children walking to school. Ms. Stewart identified each of the areas of concern, lack of crosswalks and sidewalks whereby children must walk around barricades and into the street to get to school. She asked Council to insure these infrastructure completions would be done as soon as possible for the residents of the area, especially the children, to provide for their safety.

Stuart Allen addressed the Council and said he feels there is a great deal of aesthetic value to the trees. The character of the tree is unique and makes the neighborhood different from other areas.

David Wilkinson urged the Council to move the road and preserve the trees. This is an emotional issue for residents of the City. Community values embodied in the General Plan, agricultural history, historic preservation and improvement of the aesthetics of the community should be considered. We need to make the community more attractive and draw businesses here. Preservation of mature trees is of value. It is unfortunate this mitigation issue was not addressed many years ago when the EIR was done. The added cost of the development would have been included at that time. We expect growth to pay its way. He thanked John Murphy and Kelly Lyons for bringing people together who have experience and are experts in landscaping. This demonstrates that creative people can find a creative solution that will cost less.

Ken Trott said we need to look at the trees as a resource that has value. The replacement cost at \$2,000 a tree has value and the trees themselves will live many more years and have more value. He has never seen anyone injured by an Olive pit. Sycamores are constantly dropping bark and stems, year around. Olive trees drop olives once per year and maintenance is a wash. There is plenty of space between the Olive trees and the wall where landscaping could be done around them. The narrow landscaping between the school and the road does bother him and we need to resolve the issue. The General Plan holds a vision, which points clearly at keeping the trees and incorporating them into the design. Mr. Trott said a year or so ago he tried to get lights for his neighborhood to make it safer. He was undermined by staff and opposed by the Council to move ahead. He said we need to change the kind of leadership we

have and do something creative. Council Member Peart stated if the City were to commit for the \$250,000 to maintain trees in the whole City, then we could eliminate these 50 trees. Mr. Trott said it is a question of priorities. If the Council were to commit \$250,000 per year to tree maintenance in the City, he would agree to the removal of these Olive trees. Vice Mayor Flory said in

reference to the lighting district, there was a difference of opinion among staff and proponents, but the City committed funds and staff time to the study. The Council did not support the issue due to the controversy over a proposed district. It was not felt enough votes could be received to support the district. Mayor Borchard said he appreciated the input from Vice Mayor Flory as he has a concern about comments made about staff. Funds in the amount of \$25,000 were allocated to determine if the district would be agreeable to two-thirds of the community. We saw about a fifty-fifty split. Council did not feel going further than the \$25,000 would be of benefit.

Dan Ryhal supported the statement Mayor Borchard had made regarding the lighting district. Council had supported the district until they received information that citizens who lived in the district would not support the fees.

Mr. Ryhal read the statement Council Member Monroe had made indicating he would step down from the decision should there be any financial impact on him, or fees to his community of any kind. He feels there have been many statements there will be fees to the community and he, Council Member Monroe, has a conflict of interest. Mr. Ryhal will be providing FPPC with additional information on this issue. He directed a statement to Vice Mayor Flory that he and Mr. Ryhal, when he was a Council Member, had made repeated statements they were fiscally and financially conservative, they were stewards of the City's money, and would make sure the money was spent in a conservative manner for the good of all of the community, not frivolously. He feels not removing the trees is a frivolous expense. We have had to ask citizens for additional money to fix the roads and we are spending money in the reserve for other issues. Thus far expenditures for this issue are at about \$600,000. With additional litigation, we will be well over \$750,000 with a slowed project and increased penalties. There is no value to the trees as indicated by a professional. The City is on a fixed income. There are things still to be done that area, children are walking in the roads, people have been killed and trees should not be an issue. Council Member Dote asked about the figures and the additional litigation. Mr. Ryhal said they are filing with the FPPC for another evaluation. If the Council chooses to support Council Member Monroe, there will be legal fees. Costs are increasing by waiting to proceed. Council Member Dote said the City Attorney had stated if Council Member Monroe chooses to continue to sit on the Council on this issue, any litigation fees are his own responsibility.

Mr. Ryhal said Council could choose to support him and pay his legal fees. Council Member Monroe said he is confident in the ruling that all relevant facts have been given to the FPPC. He relies on the City Attorney advice. Mr. Ryhal said hit is a moral issue as these trees are a visual aid to Council Member Monroe's home and would be a selling a point. By expanding the buffer, there is

an increased value to the properties along the road. City Attorney Siprelle said FPPC is the only agency that can give a legal opinion that Council Member Monroe could rely on. She provided the information and asked for an opinion. Council Member Monroe asked for clarification of Mr. Ryhal's comment that he is not willing to spend any more money, yet is he willing to spend \$63,000 to move them. Mr. Ryhal said he personally does not think it is necessary, but if a compromise had to be met, he does not have a problem with saving them and moving them to the Fairgrounds.

Vice Mayor Flory said former speakers had mentioned the lack of infrastructure completion in Sycamore Point, sidewalks, landscaping, etc., and asked if it was a scheduled program based upon revenue. Director Vicars said much of these infrastructure improvements were scheduled for later Phases. Phase I was completed, but the issue is that of cash flow. Vice Major Flory said then that any future development in the City would be handled the same. Council Member Dote asked Director Vicars to remind the Council and members of the audience what is included in Phase II beside the Gibson Road widening. Director Vicars said the Gibson Road work, County Road 102, Pioneer, Bourn, Wintun, Gum, some work on Ogden and the Sheriff waterline. This is anything from clearing and grubbing to signal interconnect, stamped concrete, landscaping, sidewalks, curbs, gutters, (seventeen pages of detail were included in the Staff Report for Phase II). Phase III has the rest of Pioneer, the crosswalk (overfly) over Gibson to the high school, which is about \$2.6 million, and some work on Road 102.

Vice Mayor Flory left the meeting at 11:30 and returned at 11:35.

City Clerk Vannucci read comments from a caller who was unable to attend the meeting to express her concerns. The caller said her family is very allergic to Olive trees, they are messy and we planted Olive trees on East. She also had a concern that Palm trees were planted in the park as they are dangerous to children, drop fronds and harbor rodents.

Council Member Dote asked for a clarification on Exhibit A, pages two and three where landscaping and irrigation totals of \$366,184 for Gibson Road. She

asked for the cost of the landscaping portion for Gibson Road only. Associate Civil Engineer Greg Moutinho said in reviewing the Major Projects Financing Plan (MPFP) which broke the project down for Gibson and Road 102. Funds are assigned based upon percentages, 45% is development fees for the entire roadway, from right-of-way line to right-of-way line. The balance is split 27½%

of Gibson to Sycamore Ranch CFD funds and the other 27½% to the South side property owners for the future Spring Lake. The project is less than 100% of the roadway because we are not doing the sidewalk and landscaping on the South side. By applying those percentages inaccurate totals in the development fee and CFD columns would be indicated. Accurate numbers were computed by completing the roadway. Costs for sidewalk and landscaping were added in to complete the cost assessment. The percentages could then be applied to represent accurate figures in the development. We then backed out the \$341,000 so the project specific costs on the cover sheet were accurate for what is to be built. The landscaping, curb and gutter would be completed at a later date and would be assigned to Spring Lake. Council Member Dote then asked for an actual figure for the landscaping only and it was stated it would be \$364,000 for the North side at 20 feet and the center median from Bourn to Pioneer and then from Ogden to Road 102.

Mayor Borchard asked if we were to realign the road, how many feet would be between the curb edge and the high school. Director Wegener said about twelve feet. He then asked how that would be landscaped. Director Wegener said it is difficult to determine. They had wanted a bikeway in addition to pedestrian walkway. For a bikeway to meet standards a minimum of eight feet is needed plus two foot shoulders on each side, twelve feet total. The other side of the fence will be ball fields which is of concern. Vice Major Flory asked about the width of the landscaping on Pioneer and Director Wegener said it is twenty feet with an eight foot bikeway included. Mayor Borchard asked about the walkway on the North side of Gibson and how close it would go to the Olive trees. Director Wegener said we would want to have the walkway as far away from the trees as possible but not against the sound wall. Typically we have meandered two feet out from each side and then within that area. Contract Engineer Ponticello said we could not meander the walkway on Gibson because with the realignment and to get the twenty feet, there would be no room to get the sidewalk to the South of the Olive trees. We would need to keep the path fairly straight to avoid other utilities that are already in that area to the North of the Olive trees. Part of the reason for the lighting is that currently it is scheduled to be in the median and the spread will not reach behind the trees, as it will be blocked by the tree canopy. Mayor Borchard asked if the cost of lighting to the North of the Olive trees is incorporated into the cost estimate. Engineer Ponticello said it was addressed based on moving the roadway,

\$135,000 for the 90 Ballard lights. Sycamores would need lighting as well and the layout would allow for the spacing of the trees so that they would allow lighting. With the Olive trees, they are too close together to allow for lighting to penetrate. The bottom branches of the Sycamores allow for a higher canopy than the Olive trees as well.

**It was moved by Vice Mayor Flory, seconded by Council Member Dote and carried by a unanimous vote that the meeting be extended to 1:00 a.m.**

Council Member Monroe said that the trees are a unique part of the City. Our logo is the "City of Trees". We go the extra yard to support the trees. Ten years ago the Council was given information that these trees were dying and that is definitely not the case. It is illogical to remove old growth trees with character and plant small trees. Tearing out these trees will create a negative stigma. Progress should not be at the expense of your environment. He was told any construction firm would work with the City to reduce costs once they got the bid and they will probably ask for some type of incentive to make this plan work. These companies are very environmentally sensitive. He also spoke about delays and bidding in February or March without a completed design and his contact said it would be not be a problem. The plants proposed by the Tree Commission are drought resistive and many people got together in a short time with alternatives to mitigate the costs of the project. We can complete this project with the talent we have within budget. He wants to save these trees and thinks the \$70,000 for the EIR was an investment in the City and the trees.

Vice Mayor Flory said he is waiting for someone to come up with a proposal to save the trees and not cost the City \$250,000. City Attorney Siprelle said the decision before the Council is to select a mitigation measure. Vice Mayor Flory asked if the mitigation measures proposed could be modified. City Attorney Siprelle said they could be changed, but the staff needs something definite to work up the findings and intent needs to be formulated. Council Member Monroe proposed the cost is not \$500,000, more closely to the \$186,000 figure. The shortfall could be negotiated into the Spring Lake proposal. He believes we should realign the road 20 feet to the South, delay the landscaping long enough for the City to put together an alternate plan that works with the available funds. Vice Mayor Flory asked if the \$180,000 is a hard cost to realign the road and taking that from the estimated \$245,000, what would we have available for assessment on the new development. Director Vicars said only 45% of that figure would be the amount, which is \$95,000 to \$100,000. Director Vicars does not agree with the figures Vice Mayor Flory stated. Her numbers are very conservative and she will not guarantee anything beyond the goal she gave.

Council Member Peart said we passed on this as Mitigation Measure A eighteen months ago. A Council Member and a Tree Commissioner have homes, which back up against trees in question. He feels there is personal gain for both of these people. He would concede Mitigation A, or a modified Mitigation C. He

has a firm bid from a reputable person to move those trees to the Fairgrounds for \$62,500 for 50 trees who would obtain the necessary permits, prune for relocation, remove, transport, dig and prepare the holes with soil treatment, and water for one month at the bid price. They would then be saved for the entire public to benefit.

Council Member Dote indicated surprise at the cost to move these trees as they had a higher cost to prune. It was stated this pruning would be a minimal and rough pruning. She has a concern about the "gateway" to the City. There are no other special entrances to the City. The trees have had no maintenance whatsoever and still are healthy. She does not want the entrances to Woodland to look like all other Cities. It is important to maintain mature trees, which will not be damaged by the first North wind. The cost is certainly a strong consideration but we also need to maintain a vision. She asked for refined costs which are not estimates. The numbers are not real numbers as yet and are likely to change. She asked if we offer the bid and have a contingency if the bid comes in too high, we could revert to the original location. Director Wegener said this is a possible scenario. He envisions finishing the original plan as currently aligned and going out to bid. We would need to confer as to the intent of the contract language in relation to our intent to realign the road to be sure we are in the best position to deal with the issue later on. We could proceed ahead with the redesign work, award the bid and request a proposal from the Contractor for a change order. This type of contract is a unit price contract, line items are identified and when we change we use the line item costs in the contract. The contractor may say those unit costs do not work because what the original contract states is different from the request for change. We could make that determination when the proposal was received from the contractor. Council Member Dote said we could start in that mode and if we see a shortfall condition we can then defer the Gibson landscaping. If we utilize Director Wegener's suggestion, we get out on the bid market early, we can then come back with a contingency if necessary and default to "C" if the costs are too high. Her preference is Mitigation B2, if feasible, but needs better cost figures. If "B2" is too costly, we can default to the modified "C".

Vice Mayor Flory has a concern about the General Fund. The financing is difficult to understand. He feels there is a nexus on some of the expenses in realigning the road. The \$70,000 in litigation fees should not be included in the

cost. He would like to see a compromise to save the trees, have a better project than proposed and one with creative ideas and landscaping that will reduce or eliminate an expense to the General Fund. If we cannot come up with figures to support B2, he would revert to another Mitigation, but he is not sure which as yet. He supports Council Member Dote's proposal. This would be B2 if the

figures are accurate, they would be going out to bid with A, a modified C and putting a change order into B2.

Mayor Borchard said the City paid for the EIR, which is done as a neutral document to provide information and is required by law on these projects. City Attorney Siprelle stated the EIR has no recommended mitigation measure. The Council went a third party to for information as they had a concern about the tree removal. They had stated at that time if the report returned indicating there was no impact or a neutral impact, the trees would be kept, but if the report indicated a negative impact, the trees would be removed. Any other option as stated in the EIR would leave the trees in place. The feeling of the Council at that time was to save between \$350,000 and \$450,000. He would like to see the landscape refined. He feels the Finance Director has the credible numbers available for the Council and the issue is cost. He agrees to Mitigation C with the amendments proposed by Council Member Peart, \$62,000 to transplant the trees as it is the Council's responsibility to control the expenditure of tax dollars.

Mayor Borchard proposed the motion, we are moving for Mitigation Measure B2, will examine the numbers, but if the numbers are not cost effective or are cost prohibitive, we will move to Measure A which will then be modified as a Measure C. Council Member Peart asked if this could go out as an alternate bid. Director Wegener said that the problem would be the time delay element to do the design. He would complete the design, concurrently have the designers working on the realignment design for B2, work on that process with the landscaping and other approaches which would come back as a change order in the June timeframe. We may have some indication of which direction FEMA is going by that time as well. We would then anticipate that build out would proceed rapidly and we would have better numbers on the developer fees we will receive. It would require, however, authorization for an additional \$90,000 in design for the B2 alternative.

**The Council recessed from 12:28 to 12:36 a.m.**

Director Wegener asked for authorization from Council of an intent to proceed with Mitigation Measures A, B2 and C, direct staff to complete the

design on A, which is the current alignment and would remove the trees, go out to bid and award, in the contract advise the contractor that Gibson Road would be a later phase of the work and would not start on that portion and will request a change order when the design is ready. Concurrent with this we will be working the design for the realignment of Gibson Road which would retain the

Olive trees on the North side. When that design is complete, which is likely following the award of the contract for the construction, we would solicit cost estimates from the contractor for that work, negotiate down as best we could and come back to Council with the cost for realigning the road with the actual numbers. We should also have fairly good information from FEMA as to the flood maps and a better feel for the fees we will be receiving for infrastructure. We would need authorization from Council for the design work for Mitigation B2; those were \$45,000 for the roadwork and \$45,000 for the landscaping. He suggested on the landscaping side Council give staff the authorization so we can stay on track, but we would endeavor to work closely with the University and Tree Commission on ideas they have on different types of landscaping. The intent would be we would be able to stay on schedule to be able to come up with a change order request to be issued to the contractor on a specific date, probably in May. Council Member Dote re-emphasized that staff bring in the Tree Commission, landscape architects and contractors who would help with the specifications for the realignment of Gibson Road. It was moved by Council Member Dote and seconded by Council Member Monroe to move the motion as stated above by Director Wegener. Council Member Peart asked for clarification, in that if the cost was too high and we stayed with A1, would we then relocate the trees to the Fairgrounds at our cost. That was the intent, which would then go to C. In both circumstances the trees would be saved. City Attorney Siprelle said to clarify, the Council should understand the City could be spending \$90,000 for the design of the realignment and possibly never use that design. In addition they could then spend \$62,000 to relocate the trees. Council Member Dote said perhaps we would save at least that much by getting into the bid market early and bid the entire project. Director Harris said the EIR identified certain mitigation measures for the various impacts. Each of them reduced but that impact was still significant and unavoidable. He will need to work with the Consultant in crafting the findings based upon the revised mitigation measures so we will need to return at a later date with findings, statement of overriding considerations for the EIR and findings for the project approval once it has been determined through the bid process. City Attorney Siprelle said Council is not formally approving the project. A Resolution will need to return with the selection of mitigation measures, all of the findings and the final approval of the project. The motion was carried with Mayor Borchard voting against the motion.

Mayor Borchard announced that the following items would be continued to December 21, 2000:

23. ADOPT CITY OF WOODLAND FIRE DEPARTMENT ORGANIZATIONAL ASSESSMENT AND MASTER PLAN
24. APPROVE RESOLUTION AUTHORIZING HCD JOBS/HOUSING BALANCE IMPROVEMENT PROGRAM GRANT APPLICATION AND RELEASE BALANCE OF FUNDS TO WERC FOR ECONOMIC DEVELOPMENT ACTIVITIES
25. FEDERAL EMERGENCY MANAGEMENT ACT (FEMA) UPDATE

APPOINTMENT OF 2001 COMMUNITY SERVICE AWARDS NOMINATING COMMITTEE

Assistant City Manager Marler stated that Council needs to begin considering their appointees to the Committee who will nominate those citizens to receive a 2001 Community Services Award. The Nominating Committee will consist of the Mayor and one appointee by each Council Member. The Council should return to the January 10, 2001 meeting with these names so the process can move forward. The proposed date for the Community Service Awards presentation is February 23, 2001.

APPOINTMENT OF NEW BOARD AND COMMISSION MEMBERS

On a motion by Council Member Monroe, seconded by Council Member Dote and carried by a unanimous vote, the Council appointed Jack Potter to the Historical Preservation Commission, Paula Agostini and Don Shapiro to the Redevelopment Citizens' Advisory Committee and Hector Mokhtarian to the Traffic Safety Commission. The City Clerk will provide Council Members with the 2001 interview schedule for potential Board and Commission Members.

ORDINANCES

ORDINANCE 1327 – AMENDMENT TO SECTION 2-6-1, ESTABLISHING APPOINTIVE OFFICES OF CITY CLERK AND CITY TREASURER

On a motion by Council Member Dote, seconded by Council Member Peart and carried by roll call vote, the Council approved the adoption of Ordinance

1327 to amend Section 2-6-1 of the Municipal Code establishing appointive offices of City Clerk and City Treasurer. On roll call the vote was as follows:

AYES: Council Members Dote, Flory, Monroe, Peart,  
Borchard

NOES: None

ABSENT: None

ABSTENTIONS: None

ADJOURNMENT:

At 12:50 p.m. the regular meeting was adjourned.

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City Clerk of the City of Woodland