

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

July 28, 1998

The Woodland City Council 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. Before the closed session the Mayor announced the closed session topics. The Council then convened the closed session for: (1) a conference with real property negotiator (negotiating parties: City of Woodland and Layton Knaggs, regarding property described as APN 027-330-17, Kentucky Avenue and West Street, under negotiation was price, pursuant to Sec. 54956.8); (2) a conference with Legal Counsel regarding anticipated litigation and significant exposure to litigation pursuant to subdivision (b) of Sec. 54956.9 (one case); and (3) Public Employee Appointment (Sec. 54957) regarding the job title of City Manager.

Council Members present at the special meeting were: Losoya, Borchard, Flory, Peart and Ryhal. Council Members absent: None. Staff present for first two closed session topics: Assistant City Manager Phillip Marler and City Attorney Ann Siprelle. Council Members only attended the closed session portion regarding the public employment of the job title City Manager.

The special session and closed session were adjourned at 7:00 p.m.

The Woodland City Council met in regular session at 7:05 p.m. in the City Hall Council Chambers.

PLEDGE OF ALLEGIANCE:

Mayor Melton Losoya opened the meeting and invited everyone present to join him in the pledge of allegiance to the Flag of the United States of America.

ROLL CALL:

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

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Marler, Siprelle, Ruggiero, Wegener, Winnop,
Barry, Vicars, Ponticello, Pollard, Phipps, Hessel,
Brown, Coble, Gatie, Monahan, Wilson, Horgan

MAYOR ANNOUNCEMENT:

Mayor Losoya reported that the Council just completed a closed session regarding real property negotiations, anticipated litigation and public employee appointment of the City Manager. He said in regard to the Interim City Manager position the Council will continue a closed session to discuss the matter at the end of this regular meeting.

MINUTES:

On motion of Council Member Ryhal, seconded by Council Member Flory and carried by unanimous vote, the City Council approved the minutes for the adjourned regular Council meeting of July 21, 1998, as prepared.

COMMUNICATIONS:

1. From Mrs. Melba E. Smith a letter was received in support of water conservation and a moratorium on building.

2. From Amy Freeman a letter was received urging the City to continue its use of ground water. Both communications "1" and "2" were responses to the City's recent distribution of a publication soliciting comments regarding City of Woodland water.

COMMITTEE REPORTS:

1. From Public Works Director Gary Wegener a report was received transmitting the minutes of the Water Resources Association Board meeting of June 15, 1998.

2. From Parks, Recreation and Community Services Director Tim Barry a report was received summarizing action taken at the Parks, Recreation and Community Services Commission meeting of June 22, 1998.

3. From Fire Chief Miles Julihn a report was received transmitting the minutes of the Yolo County Emergency Services Agency Board meeting of June 26, 1998.

4. From Tim Barry a report was received summarizing action taken at the Commission on Aging meeting of July 14, 1998.

5. From Community Development Director Janet Ruggiero a report was received summarizing action taken at the Planning Commission meeting of July 16, 1998, as follows:

a. Commission canceled the Planning Commission meeting of August 20, 1998.

b. Commission discussed the criteria given to City staff from Caltrans regarding the location of off-premise signs adjacent to

freeways. Commission directed staff to prepare the draft specific plan for consideration by the Planning Commission in September.

c. Commission received an oral report from City staff on the Planned Neighborhood Specific Plan.

PUBLIC COMMENT:

Jason Davis, Marketing Manager for Yolo Shortline Railroad, said only two times in our Country's history have National artifacts, such as the Constitution, the Declaration of Independence, and the Gettysburg Address been able to leave Washington, D.C. These events occurred in 1947 and in 1976, and the documents were carried by train across the Country. During these two tours the general public was able to view the relics of our Nation's past. In the meantime the crews that man these trains have had reunions every once in a while, but never before have both of those crews gotten together and had a reunion. He said they planned to have their reunion this year in conjunction with the Gold Rush Sesquicentennial in Old Sacramento, and they are also an official event of the Sesquicentennial. Unfortunately, he said they will be in Old Sacramento and Yolo Shortline has offered Woodland as a potential place for them to have their banquet, their reunion, and to unveil and dedicate a museum commemorating the two freedom trains. He said there is an exhibit car from the 1976 trip that has been redecorated and turned into a rolling museum that they plan to tour across the Nation from time to time. He said they are asking that the Council approve a resolution welcoming the crews of the Freedom Train and unveiling and dedicating the train on its new mission of touring across the Nation. He said the train includes one baggage car and also a car that Yolo Shortline has donated, and it will be on display starting Labor Day weekend in Woodland. The train will be open to the public on the weekends and for school groups on week days. He said this will be good for Woodland, and the Chamber of Commerce supports the project.

Mayor Losoya said since the matter is not on the Council's agenda, he could not comment on the request. He recommended that a resolution or proclamation be considered at the September 1 Council meeting agenda.

Tom Stallard, Member of the Yolo County Board of Supervisors, said he wanted to reaffirm the fact that he is one of three Supervisors who represent Woodland, and he offered any assistance at any time to Woodland. He said the success of Woodland is fundamental to the success of Yolo County. He said he hoped the Supervisors can always be good fellow citizens of Woodland and they want to work with the City to achieve the City's objectives which are consistent with the County's needs and objectives.

Council Member Borchard said the Council's desire is to work with Yolo County in every aspect that the City can. He said there is the County/City 2 x 2 where issues of mutual concern can be discussed. He noted that Council agreed on a meeting for the closed session held this evening.

Mayor Losoya said the Council will be discussing the Interim City Manager position and recruitment for the City Manager position. He suggested two Council Members be appointed to read material the Council received on search firms and do some other research in this regard and report back to Council on September 1 with some recommendations.

Council agreed that Council Members Ryhal and Borchard shall review the search firm information regarding the recruitment for a new City Manager and report back to the City Council on September 1, 1998.

CERTIFICATES OF APPRECIATION TO NICHOLAS PONTICELLO:

On motion of Council Member Borchard, seconded by Council Member Ryhal and carried by unanimous vote, the City Council approved a Certificate of Appreciation to recognize Nicholas Ponticello, Senior Civil Engineer of the Public Works Department, who was leaving the employment of the City of Woodland after five years of service.

Mayor Losoya presented the Certificate of Appreciation to Mr. Ponticello.

CERTIFICATE OF APPRECIATION TO BRUCE POLLARD:

On motion of Council Member Borchard, seconded by Council Member Ryhal and carried by unanimous vote, the City Council approved a Certificate of Appreciation to recognize Bruce Pollard, Associate Civil Engineer of the Public Works Department, for his leadership and commendable project management skills on the Interstate 5 (I-5)/State Route 113 (SR 113) Interconnection Project.

Mayor Losoya presented the Certificate of Appreciation to Bruce Pollard.

RESOLUTION OF APPRECIATION TO MANUEL ARTECHE:

On motion of Council Member Peart, seconded by Council Member Ryhal and carried by unanimous vote, the City Council approved a Resolution of Appreciation to recognize Manuel Arteché for his efforts with Cruise Night.

Mayor Losoya presented the Resolution of Appreciation to Manuel Arteché.

HEARING - DELINQUENT GARBAGE/YARD REFUSE ACCOUNTS:

City Clerk Jean Winnop said Waste Management of Woodland has given a report to the City concerning delinquent garbage/yard refuse collection accounts and requesting that the Council hold a hearing to consider placing the delinquent accounts on the 1998-99 tax roll as liens against the respective properties.

Mayor Losoya opened the public hearing. There being no comments, Mayor Losoya closed the public hearing.

Resolution No. 4088:

On motion of Council Member Borchard, seconded by Council Member Peart and carried by unanimous vote, the City Council adopted Resolution No. 4088 approving the list of delinquent refuse accounts from Waste Management of Woodland and directing the Tax Collector of Yolo County to collect the delinquent accounts as liens against the properties.

REPORTS OF THE CITY MANAGER:

CONSENT CALENDAR:

Council Member Flory requested that the agenda item regarding construction of Library storm drainage improvements be removed from the Consent Calendar.

Council Member Peart asked that the agenda item regarding landscape maintenance services be removed from the Consent Calendar.

On motion of Council Member Flory, seconded by Council Member Ryhal and carried by unanimous vote, the City Council approved the following Consent Calendar items:

PARKS, RECREATION AND COMMUNITY SERVICES MONTHLY REPORT:

The City Council accepted the Parks, Recreation and Community Services monthly report.

CAPITAL BUDGET IMPLEMENTATION MONTHLY REPORT:

The City Council accepted the Capital budget implementation monthly report.

RIGHT OF WAY FOR KENTUCKY/WEST STREET TRAFFIC SIGNAL PROJECT:

The City Council in connection with the right of way for the new traffic signal and intersection improvements at Kentucky Avenue and West Street, Project No. 96-01 authorized the purchase of land from Fred M. Eaton and Esther H. Eaton in the amount of \$11,800; authorized the purchase of land from Lee A. Archie in the amount of \$13,000; and authorized the Director of Public Works to execute the agreements on behalf of the City of Woodland.

SOURCE REDUCTION AND RECYCLING ELEMENT ANNUAL REPORT:

The City Council received the Source Reduction and Recycling Element Annual (1997) Report to the California Integrated Waste Management Board.

WATER, STORM DRAIN, WASTEWATER SYSTEM IMPROVEMENT PROJECTS:

The City Council authorized the Public Works Director to award the construction contract for construction of the 96/97/98 Water, Storm Drain, Wastewater System Project, Project No. 96-17 and 97-17, to Sierra National Construction, Inc. of Carmichael, CA, in the amount of \$586,836.50, should that contractor be determined the lowest responsible/ responsive bidder; authorized expenditures in the amount of \$645,520.15; and authorized expenditures in the amount of \$2,500 for materials testing services.

PLANNING SERVICES FOR REVIEW OF TURN OF THE CENTURY SPECIFIC PLAN:

The City Council authorized the City Manager to sign a contract amendment with Tschudin Consulting Group for continued planning services to assist City staff in the review and processing of the new specific plan for the Planned Neighborhood Area.

RESOLUTION NO. 4089 - PERS EMPLOYEE PAID MEMBER OPTION:

The City Council adopted Resolution No. 4089 implementing the reporting of employer paid member contributions to the Public Employees' Retirement System (PERS) for employees in Police Mid-Management; and the City Council directed staff to incorporate this change in benefits into a new Memorandum of Understanding with Police Mid-Management.

REGULAR CALENDAR:MISCELLANEOUS LANDSCAPE MAINTENANCE SERVICES:

Council Member Peart inquired about the bid process for miscellaneous landscape maintenance services. He asked if the cost item for North Park Lighting and Landscape District was the same as Traynham Park.

Parks Recreation and Community Services Director Tim Barry said the maintenance for Traynham Park will come in a different bid package and different process. He said the North Park Lighting and Landscape District bid price includes the median and soundwall maintenance along County Road 98, Kentucky Avenue,

and Ashley Avenue. He said the property owners within the District pay annual fees toward these costs.

Council Member Peart asked if the future bidding could include all of the work in the North Park District area in one contract.

Mr. Barry said staff felt it was best to separate out this type of maintenance from actual park maintenance work which involves a few more disciplines and items they felt could be better handled with a separate set of specifications.

Council Member Peart inquired about the Streng Pond Lighting and Landscaping District.

Mr. Barry said city staff has been maintaining the pond area, but included in this specification is the landscape median along Gibson Road which is adjacent to the Streng Pond District.

Council Member Peart said the low bid was reduced from \$106,836 to \$93,240 which is \$13,506. He asked what was cut.

Mr. Barry said there were areas the City crews could maintain cheaper than the bid price, so those were eliminated from the bid price.

Council Member Peart said he was very satisfied with staff's approach of mixing City crews doing the work and the outside contractor.

On motion of Council Member Peart, seconded by Council Member Flory and carried by unanimous vote, the City Council awarded the bid for miscellaneous landscape maintenance to Procedia Landscape in the amount of \$93,240.00 and the City Council amended the 1998-99 Operations and Maintenance Operations and Maintenance Budget to reflect the new bid prices.

BID REJECTION FOR LIBRARY STORM DRAINAGE IMPROVEMENTS:

Council Member Flory asked why there was such a large discrepancy between the City's estimate and the actual bid. He asked if the City determines later that the bid is acceptable, could the City award the bid then.

The Public Works Director said after a bid is rejected the City could not later accept the bid. He said the bid consideration could be extended 30 to 45 days to give staff more time to evaluate it. He said basically staff felt there is a lot of work going on in the private sector now, and this is not a favorable climate for putting work out to bid. The fact that there was only one bid is an indication of that. The only bid received from Pack Construction of Woodland in the amount of \$53,642.00 was more than twice the \$25,600 engineer's estimate.

Senior Civil Nick Ponticello said the bid package is simplistic in nature, and there were no surprises in the estimate with the type of work is being done.

On motion of Council Member Flory, seconded by Council Member Ryhal and carried by unanimous vote, the City Council rejected the bid from Pack Construction for construction of the City Library Drainage Repair, City Project No. 97-31.

NEGOTIATIONS WITH TURN OF THE CENTURY REGARDING REIMBURSEMENT AGREEMENT:

Heidi Tschudin, contract planner for the Turn of the Century (TOC) Specific Plan, said staff and TOC representatives discussed some of the issues that they were at odds with. She reported that they are now in agreement on all items. One key item was the issue of interest that could be charged from the people who had subsequently paid fees to develop their property in the area, and that that interest would then go to TOC as a part of the reimbursement. At issue was whether the City had the authority to do that sort of thing, and she said the City Attorney has confirmed that although there is no express authority in State law to charge this interest it can be done assuming the Council is able to make a determination that the interest charge will reasonably fall within the cost of administration of the Plan. She said staff felt the deliberations on July 7 fulfilled this requirement, and at that time a majority of the Council determined that the interest was an appropriate cost of that money over time. She said the proposed agreement which Council received expressly allows for interest to be charged on Specified Plan fees required of future development in the area. Based on a recommendation from the City Finance Director the identified rate would be the Local Agency Investment Fund, plus two points. That fund is presently 5.8 percent, so the return on the money would be slightly more than 8 percent. The interest would accrue on an annual basis, or a simple interest basis, and the assessment of such charges would not commence until the development phase within which a subject property was located, had begun. This addresses the procedural issues previously of concern to staff and precludes the problem of the interest charge becoming a penalty on later Plan phases. A second major issue was the list of things that would be reimbursable. As revised the agreement reflects a maximum Specific Plan cost of \$865,623 which includes items for which there is a bid price and best guess estimates for other items. At the end of the adoption of the Specific Plan the real numbers will be inserted and will become the basis for the fees. The third major issue was the participation of other property owners. She said a section was added to the reimbursement agreement that addresses the issue of participation of additional property owners. The agreement states that if within two months of the execution of the reimbursement agreement any property owner in the area can choose to become a funding participant as well which would require them to pay with TOC their fair share of

costs upfront and that would entitle them to be reimbursed through the City's mechanism later in the process.

Tom Lumbrazo of TOC thanked Ms. Tschudin and the Community Development Director for their efforts in working out the problems. He said that now both sides are happy with the agreement. He noted that TOC had to accept because of the legal issues of charging interest, and even though there is an interest provision in the agreement because of Woodland's growth rate issue and the need to phase property, there will probably be very little or no interest.

Gary Livaich, attorney representing William and June Holman who own property within the Specific Plan, said the property has been in the Holman family since 1910. He said Mr. Holman objects to the Specific Plan and objects to the reimbursement agreement. He said staff has indicated the agreement they negotiated with TOC is fair, reasonable, and in fair compliance with the Government Code. He said that depends which side of the issue you are sitting on. He said recently a United States Federal Judge in discussing the fundamental rights of property ownership recognized that one of the most cherished rights is the right to be let alone and noted that the importance of property ownership in our Country is that it is exclusive ownership, the ability to exclude free-riders. He said this is not a common ownership State. He said TOC does not own Mr. and Mrs. Holman's property, but TOC is planning for the development of it. He said that is not fair or reasonable to the Holmans. This Specific Plan burdens their property, and they do not want to develop it. He said the Council is about to penalize them. He said they do not want to be a stumbling block in the path of development, but they do not want to be unfairly burdened with a private developer's costs. He said they have a different view of the interest charge, and he said if it is a small issue with the developer it should be stricken from the agreement. He said interest is not a cost of administration but rather a double dip. He said the City would be asking people such as the Holmans to pay for it. His review of the facts is that there are over 1,100 acres in the proposed Specific Plan, and only 900 acres are used to calculate the allocation. He said properties such as Woodland Christian School, Yuba Community College and County of Yolo are excluded. He said even though these are public use facilities, there is benefit to the properties. He said if the benefits are good enough for the public properties it should be good enough for the Holmans' property. There should be consistency across the board. He said if the City was proposing the Specific Plan, administering the Plan and assessing the property owners, the Holman's might not have the same objections. The Holmans do object to who the proponent is here, who the developer is, and some of the representations made to them concerning options to purchase their property.

City Attorney Ann Siprelle said if interest can be charged as a cost of administering the Plan the interest can be charged by either the City or a developer. She said the statute does not expressly authorize the charging of

interest; what it does say is that the Specific Plan fee can be enough to pay for the actual cost of preparing and implementing the Plan. She said it is a matter of interpretation as to what are the reasonable costs of implementing the Plan over a period of time.

Mr. Livaiche said interest is not allowed in the Government Code. He said the interest is not a cost of administering the Plan; the interest is a cost of doing business. He said the Government Code says that fees can be charged to defray those costs, but they cannot exceed the cost of preparation, adoption or administration.

The Community Development Director said every property owner that is involved with the Specific Plan will have the right to be heard during the process, but she said the City has not even begun the process. She said it is a matter of looking at a lot different options, but there has been no actual submittal of the Plan.

Andy Efstratis of TOC pointed out that TOC was doing its plan on its 400 acres and the balance of the Plan was being developed by the Technical Advisory Committee (TAC). He said TOC is not planning Mr. Holman's property, the Jones parcel, or Cal Seed, or any of the other properties. He said the TAC is the group that is putting parks, roads, and other types of uses on other parcels of property.

Cate Freeman, resident of Napa and part owner of the Merritt-Jones property at Gibson Road and County Road 101, asked questions about the original reimbursement agreement. She said her primary concern in that agreement was that "developer expressly agreed that any disputes among property owners as to the pro rata share or payments by any property owner to developer and/or subsequent signatory for purposes of funding the Specific Plan shall be resolved exclusively by developer." She asked what happened to the third party negotiator. She also asked how the Specific Plan went from \$100,000 on July 7 to \$193,000 on the date of the final agreement. She urged the Council not to approve the reimbursement agreement as written and consider it further.

Heidi Tschudin responded to Ms. Freeman's questions.

Ed Hendron of Davis said he represents Alice G. Merritt Ranch, said they do not oppose the development of the property and are not trying to stop the development in any way. He said, however, because of past history, there is a distrust between his client and TOC. He said they would not have the same objections if the City were administering the Plan. He thanked City staff, the consultant and City Attorney for their work on the agreement. He said they do not object to the developer getting paid back the amount of money it would cost if the City administered the Plan, but they do feel the agreement is premature and request that the Council not act on the agreement at this time. He said his clients

accept the phasing but they do not know when that will be. He said they feel everyone is shooting in the dark and that there is not enough information to approve the reimbursement agreement.

Responding to a question from Mayor Losoya, the Community Development Director said if a property owner had property within Phase 3 the interest does not kick in until Phase 3 begins.

Ms. Tschudin noted a correction to the Agreement regarding Paragraph P and reference to Exhibits A and B.

Council discussion followed. Council Members Ryhal and Flory said they were ready to approve the Reimbursement Agreement at this time. Vice Mayor Borchard said he would like to research the matter more and continue discussion in September. Council Member Peart said there seem to be a lot of unanswered questions or confusion, and he would like to hold the matter over until September. Mayor Losoya said he has felt comfortable about the process from the beginning, and he was prepared to act on the Reimbursement Agreement. He did say he was concerned about the feeling of mistrust, but he was not certain what could be done about it.

On motion of Council Member Ryhal, seconded by Council Member Flory and carried by the following vote, the City Council authorized staff to execute the Reimbursement Agreement with Turn of the Century:

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

Council took a recess from 9:05 p.m. until 9:15 p.m.

TURN OF THE CENTURY REQUEST FOR PARTIAL SPECIFIC PLAN
PREPARATION FUNDING:

Consultant Heidi Tschudin reported on the Turn of the Century (TOC) request for partial Specific Plan preparation funding. She said staff does not recommend that the Council take the action requested by TOC.

Tom Lumbrazo of TOC said last September TOC was the only group to submit an application to the City for a Specific Plan. The other landowners, specifically the Merritt Ranch group, said they were going to but did not. During the hearings in September, October, November and December of 1997 the Merritt Ranch Group asked to be included. He said their attorney as well as many of the landowners said they would pay their fair share. He said he met with that group in January and tried to discuss how to work together and the funding responsibilities as well as how to plan together. He said shortly thereafter the

Merritt Ranch Group sent a letter indicating they had no intention of paying anything. He said that put TOC in a position of dealing with the funding issue all by themselves. He said the issue is that TOC supported the idea in the beginning that the developers should pay. However, he said the Council felt in December 1997 that the developer is all of the landowners or most of the landowners, but that is not the case any more. He said it is basically TOC which has a very small interest. The Merritt Ranch Group and other land owners at this point are forcing a decision that either TOC has to pay for all of the costs of the Specific Plan which are nearly \$1 million or that the City pick up the costs. He said the Council has made it very clear that the City was not interested in picking up the costs. He said TOC is prepared today to pick up the costs, but he wanted to make a point about what has happened in this process, that others who said they were going to pay are not paying. He asked the Council to consider deferral of the City staff costs and the Technical Advisory Committee (TAC) costs which are soft costs and do not impact the Plan. These costs would be carried to the end of the project and reimbursed back to the City at time of development. Secondly, last July TOC agreed to pay the City \$120,000 of studies for the Parks Facilities Master Plan and the City's Design Guidelines. This covered not only the new area but also the entire City. He said TOC understood at that time there would be reimbursement back to TOC from a variety of sources. He said approximately \$62,000 to \$66,000 are City-wide costs, not Specific Plan costs. He said TOC is requesting reimbursement as early as next month for those two things that benefited the entire City, not just the new development area. Another issue he said in 1999 when they get into negotiations as to how the Plan works and all of the infrastructure costs get analyzed, TOC would like to see the Council direct staff to work with TOC during that time to develop a range of options that could be brought to Council on ways to fund infrastructure. The infrastructure benefits every property owner in the Specific Plan and the Master Plan area for growth over the next 20 years.

The Community Development Director said there are two issues. Regarding the Design Guidelines there is sufficient money in the 1997-98 Budget for the Planning Division to provide for the coverage of 50 percent obligation on the part of the City which is about \$14,000. She said this sort of discussion has already begun at the Parks, Recreation and Community Services Commission, and TOC already approached the Public Works Department.

Cate Freeman said Merritt Ranch Group is comprised at this time of Bill and June Holman, Emmett and Mildred Heidrick, Cal West Seed, and previously included Mike and Tootie Beeman. She said Merritt Ranch Group was accused of agreeing to pay and not paying. She said at one time her cousin Loren Van Tassell was managing the Merritt Ranch Group and Alice Merritt Ranch (155 acres on Gibson Road and County Road 101). She said she attended the meeting with TOC in January when Merritt Ranch Group agreed to pay their share of the Specifics Plan costs to the City when and if their property was developed. She

said they did not agree on any timeline and did not agree to pay TOC. She said they never agreed to pay TOC. She said they saw TOC's budget which included \$50,000 for the cost of the election, all of their legal costs, and their office staff costs. She said this is part of the reason for the mistrust. She said TOC, formerly Chrysalis Group told each of the property owners that each of the others had signed up. She said when their property is phased in they would be more than happy to pay their share without the interest.

Mike Beeman pointed out that TOC came to the Council and indicated they had a plan. He said TOC said they would finance it and knew all along nobody else was involved. He said TOC told him that all of the other property owners were signed up but him, and he told TOC he was not interested. He gave the Council two letters from Tim Taylor, one dated September 24, 1997 to Mayor Elaine Rominger and one dated November 5, 1997 to the Planning Commission. He said the City should reopen the Specific Plan process and let the City do the planning.

After Council discussion the following action was taken:

The City Council directed staff to prepare an agreement with Turn of the Century regarding partial Specific Plan funding, including issues such as deferring staff time costs, an accounting, a specific date when the funds would be paid, and interests, and report back to the Council in September 1998.

FY 1998-99 OPERATIONS AND MAINTENANCE BUDGET STAFFING INCREASES:

The Council agreed to reschedule review of the proposed Fiscal Year 1998-99 Operations and Maintenance Budget staffing increases on August 3, 1998, at a 7:00 p.m. adjourned meeting.

STATUS REPORT ON INTERSTATE 5/COUNTY ROAD 102 INTERCHANGE PROJECT:

Tim Fleming (project manager) of the consulting firm of Mark Thomas and Company, gave Council a status report on the Interstate 5/County Road 102 interchange project study report. He said the I-5/CR102 interchange was listed within the City's Street Master Plan as well as the General Plan. The timing for this interchange is being promoted from the I-5/SR113 project. The development of the I-5/SR 113 connection Project Study Report (PSR) has identified the need for a southbound County Road 102 to northbound I-5 diagonal on ramp. The

exact location of this ramp needs to be defined to allow the I-5/SR 113 project to proceed and encourage development projects to be located in non-conflicting areas with the future on-ramp location. He said during the Council meeting of October 21, 1997 the Council awarded a contract for the preparation of the PSR. The preparation of a PSR is necessary to define the ultimate improvements to the interchange. The final document will define the geometric improvements of the interchange and prepare a project programming cost estimate. The PSR is the first step in development of a project on a State or Federal roadway and will require State and Federal agency approval. He said this type of interchange includes diagonal ramps, widening the overcrossing and upgrading to current geometric standards. The diagonal ramp is funded (\$2 million) in the State Transportation Improvement Program known as STIP. The right-of-way acquisition for that particular ramp as well as the construction of the ramp is about a year and a half away. For the rest of the interchange the timing is when the City accumulates the funding to pay for it. The other improvements will cost \$7.5 million of which one third is going to be proposed for the State to fund, and two-thirds will be funded by traffic impact fees which the City has to accumulate.

Bob Collet said he is one of the property owners at the northeast quadrant where the Jack In the Box and Shell Service Station are located. He said they appreciate the fact that there will be changes in the intersection, but they have three concerns. One is the sign relocation because they want to have a voice in where it will go. Secondly, is a concern about the taking of their land which is very expensive to them. He said it is priced from \$6 to \$8 per square foot. He said the property owners are focused on getting a sit-down restaurant and motel at that location. He said they need answers right now.

The Community Development Director explained how the issues effect the General Plan and Zoning which is part of the issue that staff has been discussing with Mr. Collet. She said the question proposed by Mr. Collet is the idea of extending the Highway Commercial onto the Industrial property which would require City Council consideration and direction to staff to proceed with that type of an application.

John Pitalo representing Mr. Collet said approximately 1.8 acres would be taken and would reduce the property to about 140 feet in depth from the cul-de-sac to the new take. He said they would like to work with staff to make the property usable in the next five to eight years recognizing that the take will be there but to plan around that property.

Mayor Losoya said he appreciates staff trying to work with the property owners to make the best plan possible.

UPDATE ON EAST STREET BIKEWAY PROJECT:

Council Member Peart said he had a conflict of interest with respect to the East Street Bikeway Project. The City Attorney said if there is no action on the project Council Member Peart will not need to disqualify himself. She said he may ask questions.

Senior Civil Engineer Nick Ponticello gave Council some history and an update on the East Street Bikeway Phase I, Project No. 94-11. He said the City was given funds from Caltrans and SACOG to do two phases along the railroad right-of-way. Since that time City staff has been working diligently to try to facilitate preliminary design to get a bikeway and beautification along East Street. Since that time the Council has adopted the East Street Corridor Specific Plan which has been envisioned for a long time. He said the City had to step back to try to get everything coordinated with the specific plan. In September 1997 staff gave a status report of the bikeway project along East Street as well as information on the specific cost associated with the bikeway at that time, taking into account the 25 foot setback requirement of Cal Northern Railroad to place a bikeway along their right-of-way. He said Cal Northern leases the property from Union Pacific. When the project started Union Pacific was the main player and property owner in the project. He said the project was put on hold pending further information that was being recommended by the Institute of Transportation Engineers who were going through a rail to rails design study that is funded by the Federal Highway Administration and the Institute of Transportation Engineers. He said this study was to bring all of the parties together that were involved in trails along railroad right-of-way and try to develop "best practice" standards to allow trails to coincide with active rails. That study has taken off but has taken longer than expected, and at the same time the East Street Corridor Specific Plan was wrapping up and staff had to look at their project and tie it into the alignment of East Street based on the Specific Plan requirements. He said staff indicated it would give Council an update in the summer of 1998, but he said he did not feel he was any farther than he was in 1993. He said the Federal Highway Administration and Institute of Transportation Engineer's "Best Practices" Committee has not yet come up with any design standards to influence the Railroads position on allowing trails along railroad routes. He said staff does not see this process in the time frame that would allow the City to execute this with funding being an available tool to get their project underway. Therefore, he said they looked at alternative alignments for the bike trail keeping it out of the 25 foot zone which Cal Northern was concerned with. In that process staff looked at a number of issues to be addressed. One was revising the alignment outside the 25 foot right-of-way, and in order to facilitate that there was a meeting on April 23, 1998 with Council Member David Flory and representatives of the Public Works Department, Community Development, Cal Northern Railroad and East Street Corridor Specific Plan Committee. The group toured the entire length of the proposed bike path and discussed options for its alignment. Based on the discussion it was determined that the best alternative was to align the bike path along the street side of the railroad tracks from Main

Street to East Oak Avenue. At Oak Avenue the bike path switches to the west side of the tracks and continues down through Cross Street to Pendegast Street, through Pendegast Street to Gum Avenue, down through Gum Avenue and crosses at Adams private crossing to the east side of the tracks to Gibson Road. He said there are a number of issues to deal with as the project goes to the west side of the tracks. First is the relocation of the Cal Northern Railroad maintenance yard, and the bike path runs right through that. This is in direct conflict with the alignment of the proposed bike trail along the west side of the railroad tracks between Cross Street and Oak Avenue. He said Mr. John Speight of Cal Northern Railroad in a letter to the City has stated that the bike trail will not fly until the corporation yard is moved. He said the Redevelopment Agency is working on that relocation issue.

Mayor Losoya asked that staff report back to the Council in September on some options.

Council Member Ryhal said Council made a decision in 1997 giving direction to the Public Works Director and the consultant to resolve the issue with the railroad within the 30 day time period of June or drop the project. He said he would like to see the Council minutes for May or June of 1997 to review that issue.

Mayor Losoya said that can be discussed in September when the options are presented to Council.

Public Works Director Gary Wegener said there was a communication received from Union Pacific. Mr. Ponticello said this project all along required some sort of easement established for construction of the project. He said staff has been working with Cal Northern to stay out of the 25 foot right-of-way area to get this project built and establish some type of easement in that particular area. He said last week by letter dated July 16 Union Pacific informed the City of their opposition to allowing the bike trail along the active right-of-way. In addition in rare cases where they do permit a trail conveyance of the trail is made in full fee market value of the land. The City was advised by Sacramento County that they are working closely with Union Pacific Railroad in obtaining a cooperative construction maintenance agreement with a ten to fifteen year reversionary clause. He said staff is trying to talk with Union Pacific on their position, but he said the project does not look very good today as far as getting an easement.

Council appointed Council Member Ryhal to participate in the talks with Union Pacific.

On motion of Council Member Flory, seconded by Council Member Borchard and carried by unanimous vote, the City Council extended the City Council meeting from 10:30 p.m. to 11:00 p.m.

Mr. Ponticello said the Council has to put its best foot forward to see if there is something the City can do with the Railroad for this project. He said it will take the cooperation of all parties to make this project a success. He said the Federal and State funding will expire at the end of 1999 and the City must be well on its way with construction improvements before the expiration date.

Gary Wegener said John Speight has indicated his support of the project.

RESOLUTION NO. 4090 - POLICE MID-MANAGEMENT UNIT MOU:

On motion of Council Member Flory, seconded by Council Member Borchard and carried by unanimous vote, the City Council adopted Resolution No. 4090 entitled "A Resolution of the City Council of the City of Woodland Approving Police Mid-Management Compensation" and directing the City Manager to take the necessary steps to implement this resolution.

FUTURE MEETING AGENDA ITEMS:

There were no future meeting agenda items proposed.

ORDINANCE. NO. 1311 - PENALTIES FOR VIOLATION OF ALARM ORDINANCE:

On motion of Council Member Borchard, seconded by Council Member Ryhal and carried by unanimous roll call vote, the City Council adopted and read by title only Ordinance No. 1311, "An Ordinance Amending Section 13-5-22 of the Woodland Municipal Code Relating to Burglary and Robbery Alarms."

ADJOURNMENT:

The Council decided not to meet in closed session after the regular meeting to discuss the public employee appointment of the City Manager.

At 10:44 p.m. the regular meeting was adjourned to August 3, 1998, 7:00 p.m..

City Clerk of the City of Woodland