

CALL TO ORDER/ROLL CALL

Mayor James Cooper called the January 24, 2001 regular City Council meeting to order at 6:32 p.m.

Present: Council Members Briggs, Leary, Mayor Pro Tempore Soares,
Mayor Cooper

Absent: Council Member Scherman

Mayor Cooper led the Pledge of Allegiance.

PUBLIC COMMENT AND PRESENTATIONS

Dan Davis stated that he was ordered to remove a sign in front of his business used to indicate that his business is open because it allegedly does not comply with the Special Planning Area conditions for Old Town. Mr. Davis reported that Christopher Castorena, Assistant Planner for County of Sacramento, alleged that the sign was an A-frame sign. Mr. Davis asserted that this is an effort to generate new taxes for Sacramento County before authority is turned over to the City of Elk Grove. Mr. Davis recalled that at the August 2, 2000 City Council meeting, Dennis Campbell, President of the Old Town Merchants' Association, requested that decisions on signage enforcement be delayed until the Association's committee presents its recommendations.

City Manager David Jinkens asked he be allowed to look into the matter with staff. He recalled the discussion regarding delaying code enforcement issues with the exception of matters of health and safety.

Council Member Briggs suggested the item be brought back to a future meeting to discuss the policies, guidelines and procedures of code enforcement.

Council Member Leary stated that before the issue is brought back to Council, it would be appropriate for the matter to be addressed by the Old Town Merchants' Association to achieve consensus.

Joey Tomko asked if Council is aware of the proposed sale of a 180+ acre parcel currently owned by Sacramento County that the City might have priority rights to purchase. Mr. Tomko requested that the item be placed on the agenda prior to the property being purchased by developers to allow the citizens of Elk Grove to have an opportunity for input on the purchase.

Council Member Leary stated that there has been no notification that the City has the first right of refusal on the property. While a public entity may have the first right, it has not been confirmed that it will be the City of Elk Grove.

Mayor Cooper asked that staff check on the issue and bring back a timetable.

Mr. Tomko requested that he be notified of the outcome.

Regina Duarte, Antoinette Duarte and **Franklin Souza** each expressed concern regarding the adverse effects the Grant Line Road and Highway 99 interchange project will have on the S.E.S. Hall and property. They cited concerns regarding the disruption of business, easement acquisition, ingress and egress, financing the consequential building reconfiguration and remodeling, traffic noise impact, and other issues that they stated were not addressed in the EIR. A letter was presented on behalf of the S.E.S. Council expressing their concerns (filed).

Mayor Cooper assured the group that there will be notification of public meetings prior to proceeding with the project at which time they can bring their concerns forward.

City Manager Jinkens noted that an opportunity for public comment on the proposed project is scheduled for January 25, 2001 Planning Commission meeting. Recommended actions by the Planning Commission will return to the Council for an additional opportunity for public comment.

Steve Reiff stated that he requested the Council's assistance in August to address a noise issue behind United Rentals. He thanked the Council and staff for the installation of a sound wall at that location.

Roy Herburger, of The Elk Grove Citizen, recognized and presented Elk Grove's first Mayor, Mayor James Cooper, with the "Man of the Year" award. Mr. Herburger recognized Mayor Cooper's community involvement and the excellent job he has done in moving Elk Grove forward in its initiation as a City. He thanked the remainder of the Council for their efforts as well. Mr. Herburger noted that Council Member Scherman was last year's "Woman of the Year" award recipient. Fire Chief Meaker was last year's "Man of the Year".

Mayor Cooper accepted the award and stated that he was honored and humbled to accept the award and thanked his family for their support. He stated that he considers this as an award for his fellow Council Members and the Elk Grove community.

APPROVAL OF AGENDA

Motion: *Council Member Leary moved and Council Member Briggs seconded a motion to approve the January 24, 2001 agenda. Carried by a 4-0 vote; Absent: Council Member Scherman.*

PRESENTATIONS/ANNOUNCEMENTS

Agenda Item No. 4 -- *Overview of Water Service Delivery to the Residents of Elk Grove: Issues and Opportunities*

City Manager Jinkens noted that the Council had requested a presentation to address water supply issues. He introduced representatives from Elk Grove Water Works and Zone 40 to make the presentation. He noted that a presentation from the Water Forum would be made in February to address the water from a countywide perspective.

Keith DeVore, Director of Water Resources, gave an overview addressing water supply and identified three related variables: demand, conservation, and supply. He noted the groundwater supply basin is generally bounded by the American River to the north, the Sacramento River on the west, to the rock formation to the east, and the Cosumnes River to the south. He stated that the surface water supply is generated from the Sacramento River.

He explained that growth has created additional demands and also pays for the additional surface water supply. The Water Forum follow-up presentation will address a groundwater management plan for the south area.

From a policy perspective, Mr. DeVore noted the importance of staying within the limits established by the Water Forum. He stated that the construction of a surface water treatment facility by 2010 through a partnership between East Bay Municipal Utilities District (EBMUD), Sacramento County Water Agency, and the City of Sacramento, might be hastened by growth.

In response to **Council Member Briggs'** inquiry regarding how the City is involved in the planning process, **Mr. DeVore** answered that the City will have input on the master plan to the extent that it may be necessary for the water agency to respond to Council Policy.

John Coppola, an engineer with County Water Resources, gave an overview of the area water supply and noted that the agency's largest service area, Laguna Vineyard, has 22,000 customers. He reported that capital funding for the Laguna Vineyard facilities, provided by Zone 40 is as a result of the Sacramento County Water Agency Act. Zone boundaries were expanded to the Urban Services Area limits on the east and south and to the north by the existing water purveyor's boundary in 1999.

Mr. Coppola stated that the original Zone 40 Master Water Plan adopted in 1987 included a conjunctive water use program of ground and surface water to meet the Laguna Vineyard area demand. Updated in 1995, the reassessment identified a water supply alternative that incorporated a water conservation component. The plan included provisions for water recycling for non-potable uses and groundwater capacity facilities sufficient to replace dry-year restrictions on surface water use. In 1998, a newly

adopted Water Master Plan identified alternative water sources to expand Zone 40 service to the East Franklin area and the North Vineyard area. It is expected that the Sacramento County Board of Supervisors will approve the latest Master Water Plan update this summer. Mr. Coppola stated that the proposed updated plan will address changed surface water supply conditions and include the County's commitment to the Water Forum agreement.

Regarding the 1995 Master Water agreement, Mr. Coppola stated that its purpose was to provide the terms under which a permanent supply of wholesale treated ground and/or surface water will be provided by Sacramento County for use within the 1986 Elk Grove Water Works (EGWW) expanded franchise area. He noted the primary terms of the agreement and designated responsibilities and commitments of Elk Grove Water Works (EGWW) and the Sacramento County Water Agency (SCWA).

In response to **Council Member Leary's** request, by use of a map, **Mr. Coppola** identified the original certificated area of Elk Grove Water Works. (For the record, the area boundaries can generally be described as bounded by Waterman Road to the east, Bond Road to the north, East Stockton Boulevard to the West, with various southerly boundaries north of Grant Line Road. The original area was expanded in 1987 to encompass an area bounded by Grant Line Road extending northeasterly from Waterman Road to Sheldon Road and Sheldon Road westerly to East Stockton Boulevard.)

In response to **Council Member Leary's** inquiry regarding the filtration or treatment of wells to meet the EPA Arsenic Rule, **Mr. Coppola** reported that of the twenty-one wells serving the area, seven do not meet the arsenic standard. It is unclear what the mitigation options are until the agency confers with the State Department of Health Services. Mr. Coppola projected a worse case scenario, which would require the treatment of individual affected wells.

Mr. Coppola offered one option, yet to be discussed with the Department of Health Services, as a blending of the water so that the over-all system concentration would be below the standard. He reported that the wells are marginally above the standard established, which is 10 parts per billion. He was unable to accurately address the cost and cost-sharing issues, but estimated the treatment of each well at \$1 million. That estimate is contingent upon having enough land at each site to construct a treatment facility. Another alternative for treatment would be to provide transmission of the water to a centralized treatment site. He noted that this would add considerably to the cost.

Council Member Leary questioned whether the remaining unaffected wells would be exempt from the mandate if at the time of original testing the arsenic levels were within the accepted limit.

Mr. Coppola answered that testing of the wells does not indicate an upward trend in the arsenic concentration. He optimistically projected that the wells would not exceed the

level. He said that it would be more likely that the EPA would lower the arsenic standard and the wells would potentially fall from compliance.

In response to **Council Member Leary's** inquiry on which wells are bordering on compliance, **Mr. Coppola** answered that all of the wells in the Laguna area are at 10 to 12 parts per billion and the two wells near Grant Line and Hwy 99, an industrial-service area, are considerably higher at 40 parts per billion.

Mayor Cooper questioned what the past practice has been for distributing costs for capital improvement funding, recognizing the large service area of Zone 40 and significant cost estimated for treatment of each well.

Mr. Coppola responded that capital facilities funding is typically spread over the entire zone.

Regarding an increased building trend in the Zone 40 area, **Mayor Cooper** questioned whether Zone 40 would be able to accommodate the service demand.

Mr. Coppola confirmed that meeting the increased demand is a realistic goal of the agency. With the recent agreement with EBMUD, the agency is more optimistic about moving forward with the project.

In response to **Mayor Pro Tem Soares'** question regarding how many wells there are, system wide, that do not meet the arsenic standard, **Mr. Coppola** responded that the seven wells identified are the only wells affected.

Council Member Briggs questioned the timing and fund expenditure aspects if the agency is required to bring the wells into compliance and whether there is a health concern for residents without water filtration systems.

Mr. Coppola reported that the EPA requires compliance within five years. He also stated that the water is no different than it was a month ago.

In response to **Mayor Cooper's** question regarding the long-term effects of arsenic exposure, **Mr. Coppola** answered that the EPA changed the standard because of their finding that arsenic exposure has detrimental health affects through increased skin cancer and possibly an adverse affect on kidney function. Mr. Coppola also reported that the wells affected are bordering on compliance and that the water is blended with the water from the other wells and surface water in the system. He projected that it is highly unlikely that any customer is provided with water that exceeds the arsenic standard.

Council Member Briggs asked for information on the gray-water recycling plant for Zone 40, constructed for the purpose of providing water for irrigation and landscaping to developments which are trying to get approved.

Mr. Coppola explained that this is a recycled wastewater treatment facility at the regional plant that addresses the entire groundwater basin and is an alternative to extracting additional groundwater. He stated that initially, the project was undertaken to supply water to the Laguna West, Lake Side, Elliot Ranch and Stone Lakes area. It provides for future expansion to the East Franklin area. The regional benefit for the construction of the facility is to negate additional groundwater pumping or other surface water purchases.

In response to **Council Member Briggs'** inquiry whether the developers paid for the treatment plant, **Mr. Coppola** stated the Sacramento Regional Wastewater Agency constructed the plant. The developers installed distribution systems within their respective developments.

Council Member Leary questioned the methodology of the conjunctive water use. **Mr. Coppola** responded that the proposal is to construct a treatment facility near Freeport and treat diverted water at that location and distribute to the Laguna area.

Council Member Leary questioned if in the event there is a failure wherein Elk Grove Water Works is unable to provide service, particularly in response to the potential economic effect the Arsenic Rule could have on Elk Grove Water Works, could Sacramento County assume that service.

Mr. Coppola responded that while the agency would be capable of providing the service, no consideration has been given to that scenario and indicated his reluctance in addressing that alternative.

Mike Kenny, General Manager of Elk Grove Water Works, gave an overview of the Elk Grove Water Works (EGWW) operative and service area history. Mr. Kenny reported that although regulated by the Public Utilities Commission, EGWW initially participated in the Water Forum. He projected that current water demands will continue to be met by groundwater sources, which is a more economically feasible process than purchasing surface water through the County.

Mr. Kenny stated that EGWW has eight wells impacted by the Arsenic Rule. He noted that initial discussions have taken place with the State Department of Health Services and the County about regional blending opportunities to address mitigation. Mr. Kenny cited other areas of concern: 1) the energy crisis and need for generation at the individual well sites; and 2) iron manganese concentrations.

In response to **Council Member Briggs**, **Mr. Kenny** explained there is a plan under consideration to construct and operate a water treatment facility that would filter the iron manganese and arsenic. He stated that the costs and new rules on treatment might require consideration of bringing Zone 40 water to the original franchise area.

In response to **Council Member Leary's** inquiry regarding Mr. Kenny's assertion that EGWW's costs are less than the County's, **Mr. Kenny** clarified that he was addressing

treatment costs. Council Member Leary expressed concern that if EGWW is not able to prevail in current litigation regarding hookup costs, the costs may be passed on to the consumer. **Mr. Kenny** said that EGWW would be unable to hide those costs as rates would be disclosed during public hearings.

Council Member Leary stressed that the City Council will take a very aggressive approach to assure customer rates are balanced. He asked that he and Council Member Soares be included in the process as part of the Water Subcommittee.

Mayor Cooper opened the discussion to public comment.

Ann Ulrich expressed her concern over the continued deterioration of water quality in Elk Grove. She asserted that if ratepayers are required to pay more for their water, they should have a better product. Regarding Mr. DeVore's previous statement about the quality of the water, she asked whether filtering out the arsenic would also address other water concerns. She expressed her frustration that no one seems to be offering timely solutions.

Archie Morse expressed his concern regarding the appraisal and sale of the Elk Grove Water District. He read an excerpt of a report, which he emphasized was not an appraisal, which placed the agency's value at over \$20 million. He said that the actual appraisal placed the value at \$1.5 million. He stated that if anyone wants to read the report, it is a warning to interested buyers.

Council Member Leary thanked Mr. Morse for his presentation and confirmed that the District Board had its own appraisers working for them. He also said there was a lack of notification under Proposition 218 requirements. He noted that there are legal issues that are currently being addressed.

Sandi Russell reported attending the water board meeting on this date and asked that Mr. Kenny be allowed to address the new well that is to be built.

Mr. Kenny explained that litigation has encumbered EGWW plans to construct a filtration plant to treat iron manganese and a storage reservoir in the Fallbrook and Fikert areas.

Mr. Coppola asked that he be allowed to re-address the arsenic concern. He explained that arsenic is a naturally occurring element in the groundwater. In establishing the Arsenic Rule, the EPA considered: 1) the result of drinking two liters of affected water

everyday for a period of 70 years; and 2) whether one's likelihood for developing cancer or another chronic illness would be increased by one in one million. Mr. Coppola explained that as a result of the testing, statistics concluded that in order to provide an increased level of protection, the standard should be lowered to 10 parts per one billion. He reported that both water agencies perform source tests, which are provided to

customers every April. He assured the public that they should feel comfortable in drinking their water.

In response to **Mr. Tomko's** question whether continued or increased pumping of groundwater would affect private wells, Mr. Kenny answered that private wells would not be affected, and that the issue would be addressed at the February 14 Water Forum presentation.

Agenda Item No. 5—Infrastructure Financing

Clay Castleberry, Director of Public Works introduced **Maureen Zamarippa, Paul Filio and Mark Dovison**, the City's Infrastructure Management Team, to present an overview of existing districts, districts in process and the methods of financing for each. They have been authorized to proceed with the financing districts for the area that covers East Franklin, Laguna Ridge and Lent Ranch and will give an overview of the financing aspects for public facilities.

Maureen Zamarippa stated that her presentation would provide a broad overview of infrastructure financing, a description of what is considered infrastructure, infrastructure alternatives, advantages and disadvantages of each, uses in the City, and known forthcoming issues.

Ms. Zamarippa explained that due to the wide variety of projects and their costliness, it is difficult for a single developer or project to finance all of the costs. She explained that public facilities encompass roadways, transit, parks, parkways, fire stations, schools, libraries, open space, water, and sewer and drainage facilities.

She enumerated the types of debt financing, and expounded on the advantages, disadvantages and maintenance of each as addressed in the staff report. Ms. Zamarippa reported how the Elk Grove area has benefited from these funding mechanisms.

She stated that numerous districts have been formed within the City of Elk Grove: the Laguna Area Roadway Development Fee, the Laguna Area Community Facilities District, the Park Meadows Community Facilities District; the Hampton Village Assessment District, and the Elk Grove West Vineyard Public Facilities Financing Plan.

Ms. Zamarippa concluded by stating that this presentation was designed to give the Council a knowledge base from which to make decisions on the future financing of public improvements. She also noted that developers are proposing to combine the East Franklin, Lent Ranch and Laguna Ridge projects into one regional development impact district, primarily to address the financing of the Grantline/Highway 99 Interchange. She reported that the regional approach is focused only on fees and not debt financing. Implementation of the Laguna South district is targeted for July 2001. The East Franklin Developers are also proposing an additional smaller CFD.

A component may also be included for the construction of City Hall. This can be done provided that the cost is distributed over the entire city and not just to the developed areas.

In response to **Mayor Pro Tem Soares'** question regarding whether the fees that are currently being charged are what they should be, Ms. Zamarippa responded that the development base is monitored every two to three years and the information is brought back to the Council for consideration.

City Manager David Jinkens reported that one objective in working with the infrastructure team is to focus on the known and forthcoming needs and make adequate provision. He stated that development of the General Plan will also define projected needs.

CONSENT CALENDAR ITEMS

No items scheduled.

PUBLIC HEARINGS

No items scheduled.

REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

Agenda Item No. 6 -- Speed Cushion Demonstration Project -- Tegan Road

Public Works Director Clay Castleberry requested Council's authorization to acquire one of the semi-portable speed cushions for installation on Tegan Road on a trial basis. He noted that there is a possibility that existing transportation funds might allow for the payment of the project.

Mayor Cooper opened the discussion to public comment.

Michael and Mary Deutsch addressed the Council and urged the installation of the speed cushions citing the safety of the residents and children. Posting reduced speed limit signs has not reduced the speeding traffic. Regarding the opposition of permanently placed asphalt speed humps by the Fire Department, Mr. Deutsch noted that the speed humps are used in Sacramento. He also expressed the possibility of the Public Works Department designing a lower speed hump that would slow the traffic

without detriment to emergency vehicles. He also expressed concern for the safety of children in the area over that of Fire equipment.

Joey Tomko asked what the comparative costs are between temporary and permanent speed cushions.

Mr. Jinkens responded that the portable speed cushions allow an unimpeded response by emergency vehicles, although their cost is greater.

In response to questions from Mayor Cooper, **Assistant Fire Chief Morrison**, answered that 75% to 80% of their calls are medical calls. The average response time in the urban area was estimated at four to five minutes. **Mayor Cooper** noted that the difference of seconds is crucial when responding to medical calls, especially when lives are at risk.

Assistant Fire Chief Morrison reported **Chief Meaker's** support of staff's recommendation and noted concern for the ability to safely administer medical procedures when transporting patients by ambulance over the speed humps.

Council Member Leary stated that once the Police Department is in place, stringent speed enforcement efforts may reduce the speeding problem. He favored taking a slow approach, approving staff's recommendation as an interim solution. He warned that this could also lead to requests for installation at numerous locations, which would additionally compromise emergency vehicle response.

Mayor Cooper recognized that the Tegan Road situation is unique and that future requests to the Council for additional speed humps for other areas should not be recognized as a viable solution.

Staff Recommendation:

- 1) Authorize the installation of speed cushions and appurtenances, signs and markings on a trial basis for Tegan Road;
- 2) Authorize our service provider to purchase the prefabricated speed cushions and make the installation or contract for the installation;
- 3) Authorize the cost of the speed cushions from existing transportation funds or from gas taxes or Measure A funds that have not been allocated.

Motion: Moved by Council Member Leary and seconded by Council Member Briggs to authorize staff's recommendation with the understanding that this is a temporary solution. Motion passed by a 4-0 vote; Absent: Council Member Scherman

Agenda Item No. 7 -- Creation of a City Council Special Projects Ad-Hoc Committee

City Manager David Jinkens reported that at **Council Member Leary's** request, the issue of creating a special projects ad-hoc committee is brought forward for

consideration. He noted that the projects which would be immediately considered are the Elk Grove Auto Mall expansion and Lent Ranch Marketplace. He noted that this committee may provide a means to improve communication between staff and major project managers and provide feedback to the Council.

Council Member Leary commented that he had attended a recent meeting between planning staff the Lent Ranch Marketplace project representative. He noted that he felt by his attendance at the meeting, Council involvement was positive. He stated that this was a good means to get involved and have the opportunity to report back to the Council and to facilitate project progress.

Mayor Pro Tem Soares asked if it is a staff function to facilitate resolution where there is project gridlock. He questioned whether there is a current need for Council intervention. **City Manager Jinkens** responded that issues have been brought to the City Manager when there is a need for facilitation with positive results. Whether that is a role of the City Manager or a Council Committee is one of preference at the direction of the Council. He also noted that a report would be provided to keep the Council informed.

Council Member Briggs noted that the projects in question are in the process of review with the Planning Commission with information flowing between the Planning staff and the developer on the mechanics of the process. He expressed his concern that the Council, as policymakers, would be involved in the process at the administrative level. If there is a problem, a constituent should be able to contact their elected official to register a complaint or concern. He viewed this as micromanaging and expressed concern that the Council would be involved in the planning stages of projects. He stated that he could not support the proposal as presented.

Council Member Leary responded that this is not a problem-driven committee, but rather one that would facilitate communication during the process.

Mayor Cooper opened the discussion to public comment.

Michael Monasky suggested all further development within the City be delayed until the General Plan is drafted, which would reflect the will of the people. Mr. Monasky gave his opinion that community districts should be formed and represented by community councils.

Mayor Cooper closed public comment.

Agenda Item No. 8 -- December 2000 Financial Statements

Gene Albaugh, Director of Finance, reported that the City is in good fiscal condition.

City Manager Jinkens responded to Council inquires on various expenditures.

Agenda Item No. 9 -- Transition Planning—Elk Grove Police Department

This item was pulled from the agenda.

GENERAL ADMINISTRATION INFORMATION

Verbal update on Cable Commission Status

City Manager Jinkens reported meeting with Paul Hong and Judith Stiner of the Commission who noted the expectation that the City's population will reach 80,000, likely this year. The Commission will recognize SACOG's certification of the population in April. He noted that with membership on the commission, the City's revenue will increase from \$115,000 to \$230,000 annually. He also reported that there is a conflict with televising the Council meetings on Wednesday nights, but that the meetings could be televised on Thursday.

Flag Presentation/Donation

Mr. Jinkens reported that the Veterans' of Foreign Wars have offered to present and donate an American flag, the California Republic flag and a Missing In Action Prisoners of War flag at the City Hall dedication.

Council Member Briggs asked if a flag pole has been planned for the new City Hall. Mr. Albaugh confirmed that accommodations have been made for the pole.

Transition of Police Services

Mr. Jinkens stated that he will be working with Chief Flint and the Law Enforcement Technical Advisory Committee regarding the transition.

COUNCIL COMMENTS/FUTURE AGENDA ITEMS

Mayor Cooper requested that the issue of determining a permanent lending institution be revisited.

Council Member Leary requested the following be addressed or information provided:

- Weekly updates on the recruitment and hiring of executive staff
- Report by Council Members of committee activity at recent League of California Cities Conference (requested for February 7 meeting)
- Traffic flow on Laguna Boulevard west of Highway 99 and also Elk Grove Boulevard west of Highway 99
The speed limit in both areas is 45 MPH. Council Member Leary expressed that Laguna Boulevard, a six-lane thoroughfare, should be able

to sustain a higher speed limit. He requested that Mr. Castleberry evaluate both locations to determine whether the speed limit can be increased.

- Stop control at Grant Line Boulevard and Bond Road
Council Member Leary noted that there have been several accidents at the "T" intersection.
- Several accidents have occurred in front of the Sheriff's Office Substation. Westbound vehicles on Bond Road waiting to turn into the Substation have been rear-ended. There is only one-lane of traffic with no turn lane. He noted that the oncoming traffic has a very wide lane that may be utilized to provide a turn lane, which would also allow for a continuous flow of westbound traffic.

Council Member Briggs asked that the Council agendas remain consistent in bringing action items to the Council for consideration on the first and third meetings and presentations on the second and fourth meetings of the month.

CLOSED SESSION

No items scheduled.

ADJOURNMENT

With no other business to be conducted by the Council, the Mayor adjourned the meeting at 9:26 p.m. The next City Council Meeting is scheduled for February 7, 2001 at the Robert L. Trigg Education Center Board Room, 9510 Elk Grove-Florin Road at 6:30 p.m.

ATTEST:

Peggy Jackson, City Clerk
City of Elk Grove

JAMES COOPER, MAYOR of the
City of Elk Grove