

CITY OF ELK GROVE

Incorporated July 1, 2000

MINUTES OF THE CITY COUNCIL

February 21, 2001

Robert L. Trigg Education Center

9510 Elk Grove-Florin Road, Elk Grove, CA 95624

Board of Education Hearing Room

CALL TO ORDER/ROLLCALL

Mayor James Cooper called the February 21, 2001 regular City Council meeting to order at 6:31 p.m.

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

Absent: None

Mayor Cooper led the Pledge of Allegiance.

PUBLIC COMMENT (Matters not on the agenda)

Joey Tomko requested an update on the property adjacent to the Sheriff's Station.

Council Member Scherman, also a member of the Regional Sanitation Board explained that the Board would not be using the property and it will be offered to other governmental entities. She noted that the Board has not yet established a market price. On behalf of the City, Ms. Scherman reported voicing an interest in the property.

Mr. Tomko requested that the Council reconsider the Rancho Cordova Incorporation support issue at a future agenda to give the public an opportunity to express their positions.

Mayor Cooper responded that he didn't assume that the issue was closed, and with the energy crisis looming, the State surplus may be depleted. He noted there is a good chance that the City will lose State funding to support critical function. He also stated that looking out for the best interest of the City of Elk Grove is the Council's first priority.

Council Member Leary recalled that the Rancho Cordova Incorporation proponents were directed to approach the City of Folsom first and to return to the City of Elk Grove.

APPROVAL OF AGENDA

Mayor Cooper requested that due to an existing emergency situation which threatens public safety and pursuant to GC 54956.5(2), that the Council vote to consider a report

on the Union Pacific Railroad Grade Separation Feasibility Study and Safety Improvements at the Elk Grove Boulevard/UPRR grade crossing, and direct staff to take possible action.

Motion: Council Member Scherman moved and Council Member Leary seconded a motion to consider a report on the Union Pacific Rail Grade Separation Feasibility Study and Safety Improvements at the Elk Grove Boulevard/UPRR grade crossing pursuant to GC 54956.5(2) The motion passed by a 5-0 vote.

The item was considered in lieu of Agenda Item No. 6.

Motion: Council Member Briggs moved and Council Member Scherman seconded to approve the agenda as amended. The motion passed by a 5-0 vote.

PRESENTATIONS/ANNOUNCEMENTS

AGENDA ITEM NO. 4 -- 2000 FAMILY OF THE YEAR AWARD PRESENTED TO THE BARTHOLOMEW FAMILY -- BY ROY HERBURGER

Roy Herburger, of *The Elk Grove Citizen* provided a chronology of the Bartholomew Family's historical and continuing dedicated community service and involvement. The Bartholomew Family was represented by Amy Bartholomew, Wayne Bartholomew, Jacque Bartholomew, Nancy Douglass, and Sheryl Douglass Connolly.

AGENDA ITEM NO. 5 -- PROCLAMATION FOR "FALUN DAFA WEEK" FOR THE WEEK OF FEBRUARY 19-25, 2001

Mayor Pro Tempore Soares read and presented the proclamation to Mr. Kelvin Lim.

Special Item Added to Agenda pursuant to GC 54956.5(2):

AGENDA ITEM NO. 6 -- A REPORT ON THE UNION PACIFIC RAIL GRADE SEPARATION FEASIBILITY STUDY AND SAFETY IMPROVEMENTS AT THE ELK GROVE BOULEVARD / UPRR GRADE CROSSING

City Manager David Jinkens presented the staff report. He noted that the Public Works Department staff would address, 1) a grade separation study for which funds are available, and 2) the safety improvements at the existing Union Pacific Elk/Grove Boulevard Grade crossing.

Dan Shoeman, of the Department of Transportation reported that as a result of AB 2928, the Traffic Congestion Relief Program (TCRP) was established. He explained

that the TCRP identified \$150,000 for a grade separation feasibility study along the Union Pacific Corridor. The bill identifies three specific locations—Bond Road, Elk Grove Boulevard, and Grantline Road.

The grade separation construction feasibility assessment would consider several issues, including existing conditions, accident history, traffic volumes, amount of time of interruptions to traffic flow. The study would review alternatives to constructing at grade crossings. Pedestrian and bicycle safety issues and impacts to adjacent properties would be taken into consideration. Cost estimates for an at-grade separation would also be prepared. He noted that the study scope can be adjusted, as long as the agency stays within the original intent. He stated that there are as many as five locations within the local corridor that could be considered.

Mr. Shoeman stated that the transportation staff is working with the City Manager and the Public Works Director to refine the study scope and to prepare a request for proposals (RFP) for consultant services. The necessary applications to the State are also being prepared for consideration by the California Transportation Commission at their March 28, 2001 meeting.

Regarding implementation of interim safety improvements at the Elk Grove Boulevard at-grade crossing, Mr. Shoeman explained that the traffic staff has developed two options to prevent illegal crossings of closed gates: 1) installation of secondary crossing arms opposite of the existing arms to effect full closure of the access; and 2) construction of a two-foot wide concrete median from the crossing and extending some distance therefrom. Mr. Shoeman stated that Option One would be more costly and necessitate the permission of Union Pacific Railroad since it would require access to their property. Option Two could be implemented without compromising lane widths or existing parking. Additional coordination would be necessary to prevent driveways from being blocked. The Fire Chief should also be consulted to address passage by and for emergency vehicles.

Mr. Shoeman stated that the traffic engineering staff does not believe that additional signage would be effective without the installation of improvements. He noted that a public education campaign and additional enforcement should be considered.

Council Member Scherman asked that cost estimates be prepared for each option. She also stated that the railroad may be more amenable toward working with the City to achieve Option One at this time.

Council Member Briggs expressed his support for moving forward with the study immediately.

Council Member Soares questioned whether the installation of concrete barriers could be instituted as an interim solution. He also noted that Assemblymember Pescetti's

Representative, **Monica Azevedo**, was present, and asked her to address how the funding might benefit the City in addressing the problem.

Ms. Azevedo explained that AB 1390 funding allows for a certain number of pilot “horn on the stick” projects without cost to participating cities. The bill allows for a limited number of projects, without defining “limited”. She suggested that Mr. Jinkens give the City Manager of Roseville a call relative to the implementation of the program in Roseville.

Council Member Leary expressed concern that an additional safety hazard may be created with the installation of the linear concrete barriers and the barriers may be problematic for motorists and emergency vehicles. He suggested expediting the process with the railroad to get the extended arms installed.

Mayor Cooper opened discussion to public comment.

Sarah Johnson voiced her support for the City moving forward with the application for study funds. She stated that the study is necessary in order to make an informed decision on grade separation. She supported the installation of secondary gates to prevent vehicles from illegally entering the right-of-way. She opposed installation of concrete medians and felt they would be ineffective. She recommended using the Operation Lifesaver Program for public education.

Danetta Garcia proposed that in addition to the two options offered by staff, the City should apply for Federal 130 emergency funds. She reported that if Elk Grove meets the criteria, the City may be able to take advantage of one of the 25 allocated slots for funding. She stated that if application is made in a timely manner and if conditions are met, the railroad, in conjunction with CalTrans, would assist the City. She noted that “Section 1” addresses at-grade crossing gates and signals to be fully funded by the railroad.

Ms. Garcia noted that if the City of Elk Grove is selected as an emergency nominee, in addition to installation of the quad gates, the side railing project could be federally funded at 90%, with 10% participation by the City. She explained that an application must be presented for each crossing. She stressed that the side rail project is an important component of the crossing solution.

Sandi Russell requested that the Elk Grove-Florin Road and Sheldon Road crossings be added to the scope of the \$150,000 study.

Joey Tomko opposed the installation of concrete barriers. He supported installation of double-armed gates.

Mayor Cooper closed discussion to public comment.

Mayor Cooper noted that Mr. Jinkens has checked into Section 130 fund availability. He stated that while the local Union Pacific organization has made a limited effort to resolve the issue, decisions are made in Omaha, Nebraska. He expressed his opinion that the railroad's bottom line is profit, and if the project can be funded by some other entity, the railroad will not expend funds to address the problem.

He stated that the railroad should be held to abiding by the 10-minute rule, and when violations occur, enforcement should be instituted.

City Manager David Jinkens asked that direction be given to staff regarding proceeding with the study. He noted that meetings with Union Pacific railroad have gone forward with the objective of achieving compliance with the 10-minute rule and to prevent blockage of the crossings. Mr. Jinkens stated that a financing mechanism will be proposed for grade separation projects that would require those developments which benefit from the project to share in the construction costs.

Regarding the PUC 130 funds, he noted there will be a meeting to consider moving forward with the application.

Council Member Leary stressed the importance of prioritizing fund allocations by location.

Mr. Jinkens was given direction to proceed with the grade separation study application with a regular update on grade separation and safety issues.

After a brief discussion by the Council Members, consensus was reached that priority should be given to crossings as follows: Elk Grove Boulevard, Bond Road, Grantline Road, Sheldon Road, and Elk Grove-Florin Road.

CONSENT CALENDAR ITEMS

Motion: Moved by Council Member Leary and seconded by Council Member Scherman to approve the following consent items. Motion passed by a 5-0 vote.

AGENDA ITEM NO. 7 – APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETINGS OF JANUARY 17, 2001 AND FEBRUARY 7, 2001

PUBLIC HEARINGS

No items scheduled.

REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

AGENDA ITEM NO. 8 -- RESOLUTION NO. 2001-07 APPROVING THE PEDERSEN GREENS OPEN SPACE MANAGEMENT PLAN (OSMP)

Kristin Maravilla explained that the Pederson Greens Open Space Management Plan is a design manual that addresses the management of the recreational open space area surrounding the portion of Laguna Creek south of Center Parkway and west of Bruceville Road. She stated that the creation of the plan was a condition of approval of the Pederson Greens development project, approved in January 1999 by the Sacramento County Board of Supervisors. The Community Services District has approved the plan and the plan is presented at this time with a recommendation by the Planning Department for City Council approval.

Council Member Briggs questioned references in the report to “the proposed parking lot” which is represented by three individual parking stalls. Throughout the report, there is no reference that the “parking lot” is paved.

Ms. Maravilla responded that the applicant had confirmed that the access road, parking stalls and parking lot will be paved.

The Mayor opened the discussion to public comment. There were no requests to speak on the matter. The Mayor closed the public comment opportunity.

Motion: Council Member Leary moved and Council Member Scherman seconded the adoption of Resolution No. 2001-07 approving the Pedersen Greens Open Space Management Plan (OSMP). The motion passed by a 5-0 vote.

Agenda Item No. 9 – RESOLUTION NO. 2001-08 INITIATING A SPECIAL PLANNING AREA PROCESS FOR THE LENT RANCH MARKETPLACE PROJECT

Eric Norris, Planning Manager, explained that the resolution presented for Council adoption will initiate the process of preparing an SPA amendment for the Lent Ranch Marketplace project as directed by Council at its January 17, 2001 meeting. He noted that the initiation of the process is exempt from CEQA.

Mayor Cooper opened the discussion to public comment. There were no requests to speak on the matter. **Mayor Cooper** closed the public comment opportunity.

Motion: Council Member Scherman moved and Council Member Leary seconded the adoption of Resolution No. 2001-08 initiating a Special Planning Area process for the Lent Ranch Marketplace project. The motion passed by a 5-0 vote.

Agenda Item No. 10 – RESOLUTION NO. 2001-09 APPROVING THE LEASE/LEASEBACK FINANCING FOR THE PURCHASE OF CITY HALL PROPERTY AT 8400 LAGUNA PALMS WAY

City Manager David Jinkens stated that the recommendation under consideration is the adoption of a resolution authorizing agreements for a lease/leaseback financing for the City Hall property located at 8400 Laguna Palms Way. Mr. Jinkens stated that this was a good business decision for the City as the purchase cost was substantially less than the cost that would have accrued by leasing a facility. California Statewide Communities Development Authority is financing the purchase through the CaLease Finance Program. The purchase of the building is to close on April 1. The financing is accomplished through a tax-exempt arrangement using a Lease/Leaseback mechanism.

Mr. Jinkens explained that the City will buy the property, lease it to the CaLease Financing Program, which will in turn lease it back to the City. The payments will be the equivalent of loan payments and the term of the lease is 15 years. The resolution authorizes the execution of the lease/leaseback documents. This agreement commits the City of Elk Grove to a payment of \$3,924,000 plus tenant improvements, and with financing, the total cost is \$4,150,000. The interest rate on the lease is 5.96%. He noted that the current FY 2000-01 budget covers the costs of the additional tenant improvements.

Council Member Leary read a statement and recommendation for approval of the resolution prepared by Finance Director Gene Albaugh. Mr. Leary stated that this was very creative financing on the City's behalf and the City also has the flexibility and first right of refusal to the property adjacent to the new City Hall property. He noted that the Sacramento Cable Television Commission has given the City a \$30,000 grant to install the necessary facilities to provide cable access. Mr. Leary stated that because we are purchasing the building these improvements will be very beneficial.

Mayor Cooper opened the discussion to public comment.

Joey Tomko questioned whether the percentage was a fixed rate. He stated that he thinks it was a smart buy, but that he was unhappy that the citizens had no say on their city hall and their money.

Council Member Leary confirmed that it was a fixed rate.

With no other public requests to speak, **Mayor Cooper** closed the public comment opportunity.

Motion: Council Member Leary moved and Council Member Scherman seconded the adoption of Resolution No. 2001-09 approving the Lease/Leaseback financing

for the purchase of City Hall Property at 8400 Laguna Palms Way. The motion passed by a 5-0 vote.

GENERAL ADMINISTRATION INFORMATION

Mayor Cooper requested Chief Ed Flint to give an update on the Law Enforcement Transition status.

Chief Ed Flint provided a history on the transition team efforts. He noted that two of the four staff members appointed to the team are working on transition issues. Although the other two staff members are paid by the Sacramento Sheriff's Office, they too are working on Elk Grove matters. He noted that they have taken possession of the Elk Grove-Laguna Community Service Center on Bond Road.

Chief Flint reported that the Lieutenant Watch Commanders and first line supervisors have been considered and selected.

In response to comments made by **Council Member Scherman** regarding the volunteers at the Service Center, Chief Flint recognized the volunteers as providing the lion's share of the services and that they will be supported to the greatest extent possible. He added that Cassandra Murphy, budget coordinator, will be looking for furniture to accommodate the volunteers.

COUNCIL COMMENTS/FUTURE AGENDA ITEMS

Council Member Briggs reported receiving the LAFCo agenda for March 7 and stated that the City of Elk Grove is still not agendized for consideration.

City Manager David Jinkens responded that the City is in receipt of correspondence from Mr. Brendage. It addresses the LAFCo application. He noted that the City Planning staff responded properly in submitting the application to LAFCo. LAFCo has up to one year to review the application. The letter from Mr. Brendage has been distributed to the City Council for informational purposes. Mr. Jinkens noted that there will be followup on the matter.

Council Member Briggs asked that the policy of issuing proclamations and commendations are issued be addressed.

Council Member Scherman

1. Requested an update on Hal Shipley's condition.

Mr. Jinkens reported that Mr. Shipley, the City's construction manager, has been hospitalized and is recovering. Mike Shipley has assumed the construction management aspect of the City Hall construction project.

2. Council Member Scherman requested an update on the recruitment and selection of city employees.

Mr. Jinkens reported that offers have been made for three non-management positions. The selection of a Finance Director and a Public Works Director is forthcoming. Applications have been partially screened for the Community Development Director.

Council Member Scherman asked if the dates have been confirmed for any of the positions.

Council Member Leary added that from the committee selection perspective, moving forward with the City Manager selection is a priority so that the City Manager can assist in selecting the top administrative staff. He noted that the interviews for the City Manager position will take place on March 2 and 3 and that on Saturday, March 3, the City Manager should be selected.

3. Council Member Scherman asked if a date had been set for the Task Force for Law Enforcement meeting.

Mr. Jinkens reported that the Law Enforcement Technical Advisory Committee is meeting Saturday, February 24, 9:00 a.m. to 12:30 p.m. at the Valley Hi Country Club.

Council Member Leary

1. Council Member Leary gave a report on the League of California Cities Revenue and Taxation Policy Committee held in January.

He explained that there is currently controversy regarding the application of utility user tax in place for the use of cell phones. Some cities have aggressively pursued appropriating their share of the user utility tax, some in the amount of \$200,000 and more. He asked that the City Manager pursue this issue on behalf of the City. He also noted that the current "Best Practices" policy will expire on July 31, 2002 and will automatically be superceded by the Uniform Sourcing Rules of the Federal Mobile Telecommunications Sourcing Act of 2000, which includes authorization of the application of local tax on mobile telecommunication services based on the primary place of usage regardless of where such services originate, terminate or pass through—in another words, where the person resides

will be the place where the tax is applied. Currently, he felt the City should pursue the user utility tax currently in place.

CLOSED SESSION

Conference with Real Property Negotiators—Pursuant to Government Code Section 54956.8

Property:	Laguna East Business Park, Building #1 (APN# 116-860—Parcel 28) Laguna Springs Drive/Laguna Palms Way
Negotiating Parties:	City of Elk Grove: David Jinkens, City Manager Steve Griffin, Negotiator
Property Owner:	Jackson Properties
Under Negotiation:	Discussion of price and terms of payment

Mayor Cooper reported that no reportable action was taken during closed session.

ADJOURNMENT

The regular City Council meeting of February 21, 2001 was adjourned at 7:53 p.m.

PEGGY JACKSON, CITY CLERK
CITY OF ELK GROVE

ATTEST:

JAMES A. COOPER, MAYOR
CITY OF ELK GROVE