

CITY OF ELK GROVE

Incorporated July 1, 2000

MINUTES OF THE CITY COUNCIL
Regular City Council Meeting
May 9, 2001
Robert L. Trigg Education Center
Board Room

CALL TO ORDER/ROLL CALL

Mayor Cooper opened the regular City Council meeting of May 9, 2001 at 6:35 p.m.

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

Absent: None

Mayor Cooper led the Pledge of Allegiance.

PUBLIC COMMENT

Oscar Benavidez, representing the Greater Sheldon Road Estates Homeowners Association, expressed problems of dust, noise and odors with the Dixon Pit Landfill. He was especially concerned with the groundwater contamination. Mr. Benavidez stated that M-1 zoned businesses in the area are not compatible with the residential areas. Mr. Benavidez questioned why trucks are using residential streets to park their trailers during the process of dumping their loads of dirt.

Mayor Cooper noted that Public Works Director **Clay Castleberry** would contact him.

Dannetta Garcia addressed the estimated costs for law enforcement services. She urged the Council to be cautious in adding law enforcement services before the revenue neutrality issue has been resolved.

Jeff Chandler, representing South County Citizens for Responsible Growth, requested that the Council reconsider their opposition to Assembly Bill 680. He stated that in discussing the issue with Assembly Member Steinberg, he learned there are potential benefits to the City of Elk Grove should AB680 come to fruition. Mr. Chandler's presentation enumerating the benefits: 1) the revenue neutrality agreement with the County of Sacramento would be bought out; 2) The City would enjoy an estimated \$49 per capita increase in reallocated retail sales tax; and 3) the tax revenue increase from AB 680 plus the debt retirement would equal \$6 million. Mr. Chandler stated his perception that City staff had not fully assessed this information before making the recommendation to oppose AB680.

Mayor Cooper responded that both he and City Manager David Jinkens had met with Assembly Member Steinberg.

Mr. Jinkens further responded that Assembly Member Steinberg had met with City Managers in the region whose cities would be affected. Mr. Steinberg reported that the original bill has changed and that growth, not situs, is now the basis for consideration. Mr. Jinkens stated that due to the fact that the bill has changed and not yet published, has complicated staff's ability to fully assess the impacts. Mr. Jinkens noted that the League of California Cities recommended opposition of the bill.

Mayor Cooper noted that once the amended bill has been received, it would be reviewed for possible action, if warranted.

Sandi Russell reiterated and supported comments made by Dannetta Garcia regarding law enforcement services.

Gene Robinson addressed AB 680 and urged the Council and City staff to solicit the assistance of Representative Pescetti.

APPROVAL OF AGENDA

Motion: Moved by Council Member Leary, seconded by Council Member Scherman to approve the order of the agenda, noting that Agenda Item Nos. 7.1, 7.2, 7.4 have been pulled from the agenda. Motion passed by a 5-0 vote.

PRESENTATIONS/ANNOUNCEMENTS

Agenda Item No. 4.1 -- Proclamation: Elk Grove Red Wolves "A" Division Select Soccer Team

Mayor Cooper read the proclamation into the record applauding the efforts, accomplishments and community spirit achieved by the team.

City Attorney Manzanetti requested the Council to consider Agenda Item No. 7.3 prior to Agenda Item No. 6.1.

Motion: Moved by Council Member Leary, seconded by Council Member Scherman to change the order of business of the agenda to consider Agenda Item No. 7.3 prior to 6.1. Motion passed by a 5-0 vote.

CONSENT CALENDAR ITEMS

Motion: Moved by Council Member Briggs, seconded by Council Member Scherman to approve the consent calendar (5.1, 5.2, 5.3). The motion carried by a 5-0 vote.

Agenda Item No. 5.1 -- *A ward Contract to Clean Net, Inc. for Janitorial Services for City Hall for the Period of May 2001 through June 30, 2003*

Agenda Item No. 5.2 - Resolution No. 2001-24 *authorizing the Mayor to execute a subdivision agreement with Pappas Laguna, L.P., for Laguna Business Park South, Unit No. 1*

Agenda Item No. 5.3 -- Resolution No. 2001-25 *authorizing the Mayor to execute a subdivision agreement with D.R. Horton, Inc., for Shadowbrook Unit No. 2.*

Note: Agenda Item No. 7.3 was heard immediately following the consent calendar. See Agenda Item No. 7.3.

PUBLIC HEARINGS

Agenda Item No. 6.1 -- *Consideration of Proposed Lent Ranch Marketplace Project*

Phil Carter and Eric Norris, planning staff, presented an overview of the project components and Planning Commission recommendations (filed).

Mr. Carter enumerated the public hearings and meetings.

Mr. Norris reviewed the proposed project components and entitlements in detail, and reviewed the Planning Commission's recommendations.

Mr. Norris stated that the items to be considered for approval through the public hearing process are: 1) approval of the project; making findings, approving a mitigation monitoring and reporting program and adopting a statement of overriding considerations; and, 2) approval of the Lent Ranch Special Planning Area and rezone of the project from AG-80 to SPA.

Regarding the request to defer fees, it will be necessary for staff to return with a recommendation to amend the Elk Grove Municipal Code to allow this request.

Ed Gillum spoke on behalf of the project proponent and noted the availability of project proponents Brad Geir, Trevor Christian, David Levinberg, and property owners Bob and Lisa Lent. He noted that this significant project has been in the process for an excess of

13 years. In reference to the EIR, Mr. Gillum recognized the effort of various contributors to the document in analyzing the project impact. Mr. Gillum agreed that the EIR consideration should remain open to address additional comments presented at this meeting.

Mr. Gillum recognized that after numerous hours of consideration and public comment, the Planning Commission unanimously recommended approval to the City Council. He stated that the proponent concurs that additional mitigation for agricultural losses is warranted.

Mr. Gillum also noted that the project conforms to the Elk Grove General Plan. He stated that in 1993, when the County updated the General Plan, the Lent Ranch and other surrounding areas were incorporated into the urban development area. The proposed project is within the Urban Services Boundary and the Urban Policy Area for urban uses development.

He noted significant areas of concern addressed during the Planning Commission consideration and asked Jerry McCuiston and David Levinberg, respectively, to address economic concerns and mall security. He urged that the Council leave the public hearing open for response to comments made during public comment.

Jerry McCuiston, Sr. Development Director of General Growth Properties, noted that a market analysis performed by Peter Guernsey, addressed the economic viability of the project as substantiated by population growth and the number of new jobs created in the past ten years in the Sacramento metropolitan area. He also noted the growth experienced in the 10-mile radius of Elk Grove.

David Levinberg, Vice President of Security for General Growth, addressed developing a security plan for shopping centers. He stated that in developing the plan a needs analysis is performed to determine the level of police and fire services, training and equipment availability. Mr. Levinberg reviewed security systems and approaches implemented in other shopping centers, based on broad considerations.

The City Council recessed for a short break prior to opening the public comment opportunity and reconvened at 6:30 p.m.

Mayor Cooper opened the public comment opportunity.

Michael Monasky, Joey Tomko, Lisa Dixon, William D. Kopper (Bob Gately yielded his 3-minutes to Mr. Kopper), **Jeff Chandler, Sandi Russell, Sharon Lynes**, spoke in opposition of the project approval at this time citing issues relative to traffic impacts, conflicts of interest, diminishing natural resources, economic viability and impacts to established businesses, project size, conformity to the description of the Environmental Impact Report and General Plan. Mr. Monasky filed a letter (dated March 8, addressed to the Planning Commission), for the record.

Michael Evans, a member of the IBEW, did not take a position to support or oppose the project, but cautioned the Council to take care and caution in approval of the project to the benefit of the community.

Peter Christensen, of the Sacramento Metropolitan Air Quality Management District, stated the district has two recommendations: reduce the operational emissions by 35%; and, 2) mitigate construction emissions. He acknowledged efforts to negotiate these issues with the proponent. He encouraged the City Council to continue the hearing until a complete plan is concluded.

Marianne van Steyn Chick, Greg Mahoney and Janet Toppenberg, President of the Elk Grove Chamber of Commerce, spoke in support of the project, referring to the potential economic benefit to the city through sales tax generation, and enhancement to the quality of life in Elk Grove.

Ed Gillum, representative for the project proponent, reiterated his request to continue the public hearing to allow a response to some of the issues raised.

*Motion: Moved by Council Member Scherman, seconded by Council Member Briggs to close the public hearing and continue it to provide additional opportunity for the Council to consider the matter and reach a decision based on the information provided, including the comments presented during the public hearing. **The motion and second were withdrawn.***

Council Members discussed possible dates for the continued public hearing.

Motion: Moved by Council Member Leary, seconded by Mayor Pro Tem Soares to continue the public hearing to May 16 and to allow additional public comment and testimony. Motion carried by a 3-2 vote; NOES: Cooper, Scherman.

REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

Agenda Item No. 7.1 -- Approval of Agreement for Law Enforcement Services

This item was removed from the agenda without consideration.

Agenda Item No. 7.2 -- Contract Services with Pacific Municipal Consultants (PMC) for Planning Services

This item was removed from the agenda without consideration.

Agenda Item No. 7.3 -- *Lent Ranch Marketplace Final Environmental Impact Report (EIR) (State Clearinghouse No. 1197122002)*

City Attorney Manzanetti noted that staff has been in contact with the Lent Ranch Marketplace project team, who requested that the item be heard tonight and continued for Council action until after the public hearing (Agenda Item No. 6.1) on the matter is closed.

Patrick Angell, Acting Environmental Coordinator for the City of Elk Grove, reviewed the EIR, five volumes, which consist of the draft EIR, Final EIR, and a document of responses to comments received after the release of the Final EIR. He reiterated staff's recommendation to consider the material and continue any action until after the Lent Ranch Marketplace Project is concluded. Mr. Angell noted that the EIR must be certified before action is taken on the project and that CEQA findings should also be addressed.

Mr. Angell explained the environmental review purpose and process as required by the California Environmental Quality Act (CEQA). The EIR is documentation of the significant environmental effects and proposed mitigation. He explained that the Council must consider the information and make findings.

Mr. Angell stated that the EIR Notice of Preparation was released on August 28, 2000 with the 30-day review period ending September 27, 2000. The draft EIR, Volumes 1-3, was released on October 27, 2000, initiating a 45-day review period. Public comment was received and considered before the Planning Commission. Testimony was received from 24 individuals.

The Planning Commission extended the public comment period through December 15, 2000. The final EIR was released on January 30, 2001. The project and the EIR have been fully considered by the Planning Commission, allowing additional public comment beyond the December closing date. Volume 5 responds to the comments received after the release of the Final EIR.

Mr. Angell explained that after certification of the EIR and once the project is considered for approval, findings must be made as well as a statement overriding considerations for any significant effects. The Mitigation Monitoring Program, which addresses the timing of mitigation measures, must be adopted and a notice of determination of the action is filed.

The EIR identifies significant and unavoidable effects in the following areas: loss of important agricultural land and compatibility to adjacent agricultural areas; air quality impacts resulting from construction and operation; biological resources associated with habitat loss; land use compatibility impacts; traffic, noise and visual resource impacts.

Key concerns addressed during the public review period were: segmentation of the project in regard to considering the Marketplace project separately from the interchange

project; agricultural resource impacts; growth inducing effects; availability of documents used to prepare the draft EIR; and the economic effects of the project.

Mr. Angell noted that additional correspondence has been received from Regional Transit, the Air Quality District, and a resident addressing a variety of issues previously addressed in the EIR. He reported that the Air Quality District and the proponent are negotiating additional air quality mitigation measures.

Mr. Angell noted that it is staff's recommendation to adopt the resolution certifying the final EIR, making findings contained within the resolution.

Mayor Cooper opened the public comment opportunity.

William Kopper, legal counsel representing Salvatore Rotolli, Richard Bertolucci, and the Sacramento County Citizens for a Quality Environment, made a statement opposing the project and certification of the EIR, citing reasons as the use of out-of-state labor, environmental impacts, the threat to community safety posed by the proximity of Suburban Propane, and traffic concerns.

Joey Tomko questioned why the traffic study used to prepare the EIR did not extend to the Grantline/Wilton Road, an intersection where the traffic is already congested. He questioned relying upon only one of the five reports prepared on the safety of the Suburban Propane facility.

Lisa Dixon questioned the labor provisions applicable to the project construction. She stated that the Council has the right to insist that a percentage of the contractors and labor used for the project originates locally.

Michael Monasky presented a letter (filed) submitted to the Planning Commission on February 8, 2001, addressing concerns regarding growth inducement and transportation impacts. He referred to the EIR as inadequate.

A.C. Steelman, business representative with the IBEW, Local 340, referred to the report initiated by William Kopper, relative to traffic concerns. Mr. Steelman stated that the traffic study used for the EIR was not completed using acceptable techniques. Mr. Steelman read excerpts from the report relative to increased traffic impacts and requested the Council consider the traffic report prepared by Dan Smith, DKS Traffic Engineers, Sacramento.

Genelle Treaster, speaking on behalf of South County Citizens for Responsible Growth, opposed approval of the project prior to adoption of a publicly approved General Plan. She referred to the City's process of approving the project as "suspect", and stated that it appears that the project approval has been predetermined without objectivity. She alleged that the City has not met its obligation to conduct good-faith

inquiries relative to the project short and long-term effects as required by CEQA. She opposed certification of the EIR, referring to it as inadequate. Ms. Treaster's full statement was contained in a letter submitted dated May 9, 2001 (filed).

Mayor Cooper called for any additional public comment on the item. None was requested at this time and Mayor Cooper closed the public comment opportunity.

Motion: Moved by Council Member Leary, seconded by Council Member Scherman to follow staff's recommendation to close the item and reconsider the item once the public hearing on the project is closed. The motion carried by a 5-0 vote.

Agenda Item 6.1 was heard at this time.

Agenda Item No. 7.4 – Ordinance No. 06-2001 of the City Council of the City of Elk Grove amending the East Franklin Specific Plan and the City of Elk Grove Zoning Map from AG-20 and O Open Space Zones to RD-5, RD-7, RD-20 and O Open Space Zones on Assessor Parcel Numbers 132-0020-014; 132-0020-015; 132-0020-019 – Second Reading

This item was removed from the agenda without consideration.

Agenda Item No. 7.5 -- First public input session: public suggestions for proposed city budget

City Manager Jinkens reported that staff is in the process of preparing Fiscal Year Budget 2001-02 with the objective of delivering the draft to the Council by May 24. A number of meetings will be scheduled to provide an opportunity for public input. A form for public input will be available.

Mayor Cooper opened the public comment opportunity.

Janet Toppenberg, Executive Director of the Elk Grove Chamber of Commerce, requested the opportunity to meet with Council Members to discuss economic development during the budget process.

Michael Monasky expressed concern about the impact the law enforcement contract will have on the City's budget. Mr. Monasky submitted a written statement (filed).

Gene Robinson requested that the City Council set aside funds for tree preservation.

Mayor Cooper closed the public comment opportunity.

City Manager Jinkens announced that there would be a special City Council meeting held on May 12, 2001, at 9 a.m. at City Hall to receive additional public comment on the budget.

This was an informational item only; no Council action taken.

GENERAL ADMINISTRATION INFORMATION

City Manager Jinkens announced that administrative staff will move its operation to the new City Hall facility at 8400 Laguna Palms Way on Friday, May 11. City Hall will be closed until 1 p.m. on Monday, May 14.

Council Member Briggs requested that he be contacted by the City Manager in the event there are future plans to cancel a Council meeting.

COUNCIL COMMENTS/FUTURE AGENDA ITEMS

Council Member Scherman requested an item be agendized to discuss the temporary posts placed at the Elk Grove Boulevard / railroad crossing.

She also thanked Interim Public Works Director Clay Castleberry for the work that has been initiated at the School Street/Elk Grove Boulevard intersection.

Council Member Soares requested an update on issues before LAFCo.

Phil Carter, Planning Manager, addressed options for proceeding on the City's Sphere of Influence. One option is to proceed using the original map submitted by the City. LAFCo and legal counsel projected that this process would be long and arduous and would likely require an environmental impact report.

The second option was to proceed with a Sphere of Influence and annexation co-terminus, staying within the County's Urban Service Boundary. It was LAFCo's projection that if the City were to proceed with the second option, an initial study could be circulated along with a negative declaration as the environmental document. He projected this could be accomplished between 90 – 100 days.

He added that it would also be necessary to also prepare a Master Services Element, defining how services are going to be provided to the area, should it be annexed.

Mr. Carter noted that the services currently provided to that area would continue by the same service providers.

Regarding the annexation of Laguna West, Mr. Carter stated that a property tax agreement must be negotiated with the County of Sacramento before LAFCo will allow the annexation of Laguna West. Mr. Carter stated that staff would prepare a report to enumerate the options.

Mayor Cooper asked when Regional Transit would be making a presentation on services to Elk Grove.

City Manager Jinkens responded that a presentation on the costs of services has been scheduled for May 16. A separate presentation on light rail is anticipated in early June.

Council Member Briggs questioned when long-range calendars for agenda items might be in place for planning purposes.

CLOSED SESSION

No items were scheduled.

ADJOURNMENT

With no additional City business to conduct, the regular City Council meeting of May 9, 2001 was adjourned at 10:30 p.m.

PEGGY E. JACKSON, CITY CLERK

ATTEST:

JAMES A. COOPER, MAYOR of the
CITY OF ELK GROVE