

ACTION MINUTES OF THE CITY COUNCIL
Wednesday, July 18, 2001
CITY HALL COUNCIL CHAMBERS

CALL TO ORDER/ROLL CALL

Mayor Michael P. Leary called the July 18, 2001 regular City Council meeting to order at 6:33 p.m.

Present: Mayor Leary, Mayor Pro Tem Scherman,
Councilmembers Briggs, Cooper and Soares

Absent: None

Mayor Leary led the Pledge of Allegiance.

PUBLIC COMMENT

Therese Schultz, of the Elk Grove Senior Center, invited the community to attend “Hot August Nights”, a benefit for the Senior Center, to be held at Beeman Park, 8830 Sharkey Avenue on August 4 between 4:00 – 8:00 p.m.

Sarah Johnson asked about the status of the Council districting. She recalled that it was requested that the public be able to participate in the districting process. Mayor Leary announced that there would be a public districting workshop in August.

Michael Jones, of the Laguna Greens Neighborhood Watch invited the Council to attend National Night Out, August 7, 2001, 6:30 p.m. at Jeannie Womack Park.

Merwin Rose complimented Councilmembers Briggs and Soares for supporting 40-foot streets as a standard. He also commended Councilmember Briggs for requesting a public session on the acquisition of real property by the City of Elk Grove. He asked that a notation be added to the agenda to indicate the regular Council meeting will resume after the closed session.

Sandi Russell spoke of the importance of community in Elk Grove. She urged the Council to institute a moratorium on growth, and opposed the development of a Civic Center.

Michael Monasky read an excerpt from ***Suburban Nation***, a book relative to community planning. Mr. Monasky spoke about the cost of police services and equipment.

Mr. Monasky expressed his opinion that \$5.6 million is a sufficient budget to support police services. He expressed concern that the June 20 minutes were not available and that the police services agreement was not available at the June 20 meeting when voted on by the Council.

Joey Tomko expressed his opinion that while the City has a new City Hall, the Brown Act was violated wherein citizen input was not considered. He enumerated concerns about Council actions during the previous year. He stated the Council should listen to and represent the citizens.

Tom Russell and Anne Kahn deferred their comment time allocation to **Dannetta Garcia**.

Dannetta Garcia noted her respect to Councilmember Cooper, but referred to him as “heavy handed”. She noted many resignations and hoped that those in charge of personnel were using an approach that would encourage employees to stay. She spoke in support of assisting Rancho Cordova in their incorporation effort. She applauded Councilmembers Briggs and Soares for supporting public property acquisition consideration in public session.

Ms. Garcia stated there have been too many consultants employed at considerable costs. She criticized the manner in which the insurance for the City was acquired. She encouraged Council decorum, legal compliance, community relations, efficiency, innovation and public involvement. She recognized herself as “a voice for the voters” and urged the Council to understand that partnership between the Council and community is necessary.

APPROVAL OF AGENDA

Mayor Leary announced that Agenda Item No. 7.3 has been removed from the agenda.

Motion: M/S Soares/Scherman to approve the agenda. ***Motion carried by the following vote: Ayes: 5; Noes: 0.***

PRESENTATIONS/ANNOUNCEMENTS

Agenda Item No. 4.1: Presentation of plaque to former Mayor James Cooper

Mayor Leary presented the plaque to Jim Cooper recognizing and appreciating his dedicated service and leadership as Mayor in the City’s first year of incorporation.

Agenda Item No. 4.2: Introduction of Stanley Grady, Director of Community Development

City Manager David Jinkens introduced Stanley Grady, the Director of Community Development. Formerly the Planning Director of the City of Bakersfield, he has served in a variety of capacities including Assistant Planning Director, Community Development Coordinator, and Associate Planner, supervising the planning and environmental functions as well as neighborhood enhancement efforts.

Agenda Item No. 4.3: Dixon Pit Landfill Closure Update

Phil Carter, Planning Director, introduced **Patrice Webb**, of the Sacramento County Environmental Management Department, Enforcement Division, to present information on the Dixon Pit Landfill operation and closure summary.

Ms. Webb described the technical requirements of landfill closures, monitoring and enforcement. She submitted a site history and closure summary (dated July 12, 2001, filed). Ms. Webb provided a brief monitoring and enforcement history.

Councilmember Soares questioned what proactive measures the agency might take to provide more information to the neighbors.

Ms. Webb answered that they have met with the homeowners' association and that neighborhood meetings might be a good means for facilitating communication.

Mayor Leary opened the public comment opportunity.

Oscar Benevidez and **Shirley Peters** commented on the nuisance and activity at the landfill and questioned whether the activity was related to inappropriate or illegal activity. Ms. Peters requested that a wall be erected in front of the property.

With no other requests to speak, Mayor Leary closed the public comment period.

Agenda Item No. 4.4: Pedestrian Timing for Traffic Signals

Interim Public Works Director Clay Castleberry reported that the City of Elk Grove utilizes the national standard formulation for pedestrian signal timing. Additional time, however, is added to signals in the vicinity of schools.

Resident **Don Mahler**, President of the Laguna Riviera Neighborhood Association, addressed the Laguna Boulevard / Trenholm intersection. Mr. Mahler stated that he and his handicapped daughter tested the intersection pedestrian signals at that intersection. He felt that many people interpret the "Don't Walk" signal literally, rather

than understanding that the signal actually is instructing those who have not yet started their cross to “Don’t Walk” or start.

Mr. Castleberry reported that he was directed to consider the timing of the Williamson / Elk Grove Boulevard crossing, utilized by a number of handicapped persons. He reported that the time allowed for crossing will be increased.

Councilmember Briggs noted that the high-density intersection at Laguna Boulevard / Bruceville Road is eight lanes, with vehicles traveling at high rates of speed. Cars are not stopping when the light is red and pedestrians lose time for crossing waiting for the intersection to clear. He felt that the timing should be increased to take this into account.

Sandi Russell, on behalf of Elk Grove Adult Training, noted that the signal timing for several of the intersections in the vicinity of Elk Grove / Williamson and Elk Grove / Emerald Oak should be increased to accommodate those who have difficulty in crossing due to disabilities.

Mr. Castleberry answered that the other intersections will be considered.

Mayor Pro Tem Scherman was to share information on area pedestrian volumes that would be helpful in the study, including timing for audible signals.

Councilmember Soares stressed the critical need to look at the traffic synchronization at the Sheldon Road/Hwy. 99 area. He recalled CalTrans’ plans to widen the off-ramp by adding an 8-foot shoulder. He asked that the Public Works staff work with CalTrans to complete this project.

CONSENT CALENDAR ITEMS

Motion: M/S by Councilmember Cooper/Mayor Pro Tem Scherman to approve the consent calendar items except 5.1 (~~5.1~~, 5.2, .5.3). ***Motion passed by the following vote: Ayes: 5, Noes: 0.***

Agenda Item No. 5.1: Approve the Scope of Work with Carter/Burgess for:

- 1) Design of improvements to Elk Grove Boulevard – Elk Grove-Florin Road to Waterman Road***
- 2) Railroad Grade Separation Feasibility Study***

Agenda Item 5.1 was removed from consent calendar.

In response to questions by **Councilmember Briggs**, Public Works Director **Clay Castleberry** noted that the firm of Carter/Burgess (formerly Vail Engineering) was supported by the Old Town community. He noted that Vail Engineering prepared the Old Town conceptual plan.

Councilmember Briggs questioned why staff was not following the purchasing ordinance by seeking requests for proposals for the project.

Mr. Castleberry responded that State law allows public entities the latitude to retain professional services without going through the request for proposals process.

City Manager David Jinkens confirmed that the City is following the guidelines established by the purchasing ordinance for retaining consultant or professional services. If the Council were to request an RFQ (Request for Qualifications), staff can be directed to do so but this would prolong the process.

Motion: *Moved by Mayor Pro Tem Scherman that a Request for Qualifications be sought for this project.*

Mayor Leary opened the public comment opportunity.

Sara Johnson stated that she has been closely involved in development of the Old Town master plan and attended all the project meetings. Ms. Johnson noted the community involvement in planning the project, and stated that she has complete confidence in the firm, adding that Jeff Townsend, formerly of Vail, now with Carter/Burgess, is the lead contact for the firm. She urged the Council not to diminish community input.

Frank Maita, President of the Old Town Merchant's Association, stated that the Association's relationship with Carter/Burgess has been positive, and there are components of the master plan that continue to need work. He stated that if there are concerns about the firm that it would be appropriate to look more closely. He felt the project should move as quickly as possible.

Dan Shoeman, County Public Works, expressed concern about delaying the project and noted that there are key funding sources with deadlines that may be affected.

Motion Amended: *To allow a 30-day period to look at the firm's qualifications. The motion died for lack of a second.*

The public comment opportunity was closed.

Staff was directed to research the background of Carter/Burgess and return information on the firm to the August 1, 2001 agenda and provide Carter/Burgess an opportunity to make a presentation.

Agenda Item No. 5.2: Ordinance No. 11-2001 adopted, An Ordinance of City of Elk Grove Amending the City of Elk Grove Zoning Map from AG-20 and AG-80 to RD-5, RD-7, SC and O Zones on Assessor Parcel Numbers 132-0020-082 and 132-0020-083 Franklin Meadows EG-00-053
Adopted by consent.

Agenda Item No. 5.3: **Ordinance No. 12-2001** adopted, *An Ordinance of the City of Elk Grove Amending the East Franklin Specific Plan and the City of Elk Grove Zoning Map from AG-20 to RD-5 and O Open Space Zones on Assessor Parcel Numbers 132-0020-026; 132-0020-032; 132-0020-044; 132-0020-045; 132-0020-052 Elk Grove Greens EG-00-052*
Adopted by consent.

PUBLIC HEARINGS

No items scheduled.

REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

Agenda Item No. 7.1: **Application for Funding Under the 2002 State Transportation Improvement Program for the Sheldon Road / State Route 99 Project**

Interim Public Works Director Clay Castleberry urged that the Council to approve the application for this project.

Mayor Pro Tem Scherman questioned when the application would be considered by the Sacramento Transportation Authority (STA).

Dan Shoeman, Public Works Department, stated that applications are to be submitted to Sacramento Area Council of Governments (SACOG) by August 1. The STA programming committee will consider the applications in August and September, to prioritize projects and make funding recommendations. The STA Board will consider the recommendation in October. SACOG will adopt in November, and submit to the State in December. By April 2002, the California Transportation Commission will fully adopt the STIP funding.

Mayor Pro Tem Scherman noted the lack of representation by the City of Elk Grove on the STA Board. She stated that participation by the cities of Elk Grove and Folsom was opposed by the City of Sacramento, in favor of a weighted vote.

Mayor Leary stated the importance of the City of Sacramento's funding participation as a quadrant of the project is in their jurisdiction.

City Manager Jinkens recommended that a meeting be held by a representative Councilmember and the City Manager of each of the jurisdictions to discuss the project.

Mayor Leary opened the public comment opportunity.

Motion: *M/S Councilmembers Briggs/Cooper to approve Resolution No. 2001-50 endorsing an application for funding from the 2002 State Transportation Improvement Program (STIP) for the State Route 99 at Sheldon Road Interchange Project; and direct*

*Public Works staff to submit the completed application to the Sacramento Area Council of Governments (SACOG) and the Sacramento Transportation Authority (STA). **Motion passed by the following vote: Ayes: 5; Noes: 0***

Agenda Item No. 7.2: Resolution 2001-51 adopted, designating the Voting Delegate for League of California Cities Annual Conference

Motion 1: *M/S Mayor Pro Tem Scherman/ Mayor Leary to designate Mayor Leary as the voting delegate to the 2001 League of California Cities Annual Conference. **Motion passed by the following vote: Ayes: 5, Noes: 0.***

Motion 2: *M/S Councilmembers Cooper/Soares to designate Councilmember Briggs as the voting alternate. **Motion passed by the following vote: Ayes: 5; Noes: 0.***

Agenda Item No. 7.3: Discussion of Possible Acquisition of Second Building for Public Purposes

The item was pulled from the agenda without consideration.

Agenda Item No. 7.4: Discussion of Services from Regional Transit

City Manager David Jinkens stated that prior to incorporation, the City of Elk Grove was within the boundaries of Regional Transit. As a result of incorporation, the City Council must make the determination on continued public transit services through Regional Transit, by contract, or determine an alternate transit services means.

Mr. Jinkens stated that transit services are funded through the Transportation Development Act. The Council will determine how the \$2.62 million allocation is to be used, with the approval of SACOG. He noted that Councilmember Cooper represents Elk Grove on the SACOG Board. Mr. Jinkens reported that Regional Transit staff has indicated that the cost of providing transit services to Elk Grove exceeds the TDA allocation.

Mr. Jinkens reported that Regional Transit would like for the City to enter into a contract for operating services. He noted that staff has not had the opportunity to fully review the proposed contract.

Addressing light rail, Mr. Jinkens stated that a corridor alignment study should be completed. The cost of this would be between \$100,000 to \$200,000. There may be Section 8 federal funding available through SACOG.

Councilmember Cooper reported repeated requests for operating cost breakdowns from Regional Transit. He questioned Regional Transit's assertion that the TDA allocation does not cover the costs of services to Elk Grove. Mr. Cooper stated that

most of Elk Grove's routes are express routes between Elk Grove and downtown Sacramento. He stated the difficulty in making an informed decision without a full explanation of the service costs.

Mike Willey, Regional Transit representative, responded that the information on costs would be provided. He explained that there are expenses for riders traveling outside of the jurisdiction of origin. Relative to service design, Mr. Willey stated that the service is oriented more toward commuters. He stated that there is significant opportunity to reorient the service with the extension of light rail to the Meadowview area.

Relative to service costs and funding, Mr. Willey explained that beyond the funds provided by TDA, the operational deficit is made up through sales tax and fare revenue.

Several Councilmembers expressed their concern that Regional Transit has not been forthcoming with information relative to service costs provided specifically to Elk Grove and that requests for improved service to riders has not been acted upon by Regional Transit as promised.

There was discussion on the best alignment for light rail. Mr. Willey concurred with staff's recommendation that the most beneficial route could be determined through a refinement study.

In response to Mayor Leary's request for fuel-efficient vehicles to serve Elk Grove, Mr. Willey stated that the diesel fleet will be completely replaced by natural gas vehicles by January 2003.

Mayor Pro Tem Scherman requested that the buses equipped with automatic stop announcement be assigned to areas where they are most needed.

Staff was directed to return information to City Council in 30 days for review. Regional Transit was requested to return to City Council for a presentation in 45 days. It was the consensus of the Council that the City Attorney would not do additional work on the agreement until after the final presentation by Regional Transit.

There were no requests from the public to speak on the matter.

Mayor Leary called for a recess at 10:02 p.m. The City Council reconvened at 10:15 p.m.

Agenda Item No. 7.5: Defining Civic Center Complex Issues for Elk Grove

George Lotz, Planning Commissioner, spoke in support of Council planning for a Civic Center and urged the Council to appoint a number of citizens to a committee to consider conceptual plans for a Civic Center.

Relative to light rail, Mr. Lotz commented that it will have little impact on reducing freeway traffic and that the Council should aggressively seek the expansion of employment opportunities within Elk Grove to reduce commuter traffic.

COUNCIL ACTION: Held to August 1, 2001 City Council Meeting.

Agenda Item No. 7.6: Report on Code Enforcement Cases to Date in Elk Grove

COUNCIL ACTION: Held to August 1, 2001 City Council Meeting.

GENERAL ADMINISTRATION INFORMATION

- a) Update on Solid Waste Management Contract Proposal Status – Council Committee & Staff

Mr. Jinkens noted that the Council Committee members, Councilmember Cooper and Mayor Leary, have met with Alex Oseguera of Waste Management. A proposal has been received and is being evaluated. The proposal and a full report will be brought before the Council.

- b) Update on Sphere of Influence Status Report – Phil Carter
Held to August 1, 2001 City Council Meeting
- c) Law Enforcement Services Plan Status Report – City Manager

Mr. Jinkens reported that a draft is available on the service plan components. A budget and contract for police services and have been adopted. The service plan represents goals and objectives for the department during the first year of operation. The document will be posted to the City’s web site for review and return for Council’s consideration.

COUNCIL COMMENTS/FUTURE AGENDA ITEMS

Council Member Soares:

- requested a status on retaining a Federal Lobbyist. He noted that the City is losing revenue by delaying the retention of these services.
- requested an item be brought to the Council relative to the Planning Commissioners’ pay.
- requested the status of publishing and providing a community newsletter to the Citizens of Elk Grove to inform the public of the City’s accomplishments and endeavors.

Mayor Pro Tem Scherman:

- reiterated Councilmember Soares' comments on producing a newsletter. Noted that a "Who to Call" directory should be provided with the newsletter.
- repeated a request to change the street name of Laguna Palms Way to reflect the City, e.g. "City Hall Drive", "Municipal Drive".
- noted that she would give an update on the Sacramento County Regional Sanitation District at another meeting.

Mayor Leary

- requested that staff explore the possibility of adopting an ordinance to double traffic fines in school zones
- requested an open house of the new City Hall be held in August
- noted that the Elk Grove Water Works (FRCD) approved an increase in the water rates (50%). Requested an item be brought back to the City Council to consider whether the City should engage in litigation against the Florin Resource Conservation District, as Proposition 218 provisions may have been violated.
- requested consideration be given to creating a traffic "hot-line"
- requested a schedule of committee assignments and any anticipated committees on which Councilmembers may serve as well as a timeline for appointments

CLOSED SESSION

Mayor Leary opened the public comment opportunity at 10:30 p.m. No persons requested to speak.

The City Council adjourned to closed session at 10:30 p.m. to discuss the following items:

- a) Conference with Legal Counsel – Anticipated Litigation Significant exposure to litigation pursuant to subdivision (b) of GC Section 54956.9: One (1) case

The regular session of the City Council reconvened at 10:39 p.m. Mayor Leary made the following announcement relative to Agenda Item 10 a):

The City Council directed the City Attorney's office to come forward with a specific recommendation after consultation with the Lent Ranch Marketplace applicant for a litigation team to defend the City of Elk Grove against challenges to the Lent Ranch Marketplace project, wherein the applicant's choice of counsel is the lead counsel and the City Attorney's office is involved in the defense only at the strategic level and only to review, in advance, documents submitted to the court to make sure that the legal positions asserted are not in conflict with, or otherwise not advantageous to, the City in other respects or other matters.

b) Public Employee Performance Evaluation
Title: City Attorney
Pursuant to GC 54957

**Item 10b) held to a Special City Council Meeting scheduled for August 2, 2001,
Thursday, 6:00 p.m.**

ADJOURNMENT

By motion, the regular City Council meeting of July 18, 2001 was adjourned at 10:40 p.m.

PEGGY E. JACKSON, CITY CLERK

ATTEST:

MICHAEL P. LEARY, MAYOR
CITY OF ELK GROVE