

CITY OF ELK GROVE

Incorporated July 1, 2000

MINUTES OF THE CITY COUNCIL REGULAR MEETING Wednesday, February 19, 2003 CITY HALL COUNCIL CHAMBERS

CALL TO ORDER/ROLL CALL

Mayor Soares called the February 19, 2003 regular City Council meeting to order at 6:30 p.m.

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

Absent: None

Boy Scouts Troop 288 Color Guard, under the direction of Scoutmaster Bill Aubin, posted the colors and led the pledge of allegiance.

Immediately following the Pledge, Mayor Pro Temp Scherman presented a Proclamation of Recognition to Scoutmaster Bill Aubin for his dedication to community youth (See Presentations, Agenda Item No. 4.1).

PUBLIC COMMENT

Lisa Dixon referred to the activation of the newly constructed traffic signal at the Bond and Waterman intersection. She applauded the new east / westbound turn lanes on Bond Road and encouraged construction of turn lanes on Waterman Road. She referred to a recent situation where a police officer attempted to expedite the traffic flow and commented that if this was a simulation of what is to be expected by the traffic signal, it would be less effective than the four-way stop sign.

Mayor Pro Tem Scherman recognized that **April Lieb**, a Sheldon High School Senior studying American Government in the audience and stated that Ms. Lieb plans studies in photography.

Mayor Soares introduced **Alissandra Cetto**, a foreign-exchange student from Rome, Italy who is staying with the Soares family.

APPROVAL OF AGENDA

Motion: *M/S Leary/Scherman to approve the agenda. The motion passed by the following vote: Ayes: 5; Noes: 0*

PRESENTATIONS/ANNOUNCEMENTS

Agenda Item No. 4.1 was heard prior to the Approval of the Agenda.

Agenda Item No. 4.1: *Proclamation honoring Scoutmaster William “Bill” Aubin for his outstanding dedication to youth*

Agenda Item No. 4.2: *Presentation by Sacramento Area Council of Governments (SACOG), Executive Director, Martin Tuttle on Operational and Funding Opportunities*

Mr. Tuttle recognized Elk Grove as a major regional center with a direct impact on regional transportation. He expressed his appreciation for **Councilmember Cooper’s** and **Councilmember Briggs’** participation on the SACOG Board of Directors as member and alternate, respectively. He recognized the Sheldon Road Interchange as a major project of interest to Elk Grove.

Mr. Tuttle explained a number of common terms used at SACOG. He stated that the Major Transportation Plan (MTP) is required by federal law. SACOG is the designated MPO, Metropolitan Planning Organization, through which federal transportation plans are disbursed to cities and counties. Seventy-five percent of state transportation funds are disbursed by MPOs.

He reported that SACOG takes a regional approach to project prioritization. Mr. Tuttle recognized the regional importance of the proposed Grant Line corridor connecting State Route 99 to Interstate 5 and State Route 99 to White Rock Road (El Dorado County). He also identified other connector routes in Placer and west Sacramento counties. There are also plans to build out the car pool lanes and extend light rail, including to Elk Grove.

He stated that a technical analysis of the \$23 billion plan concludes that the traffic congestion for the region will worsen by 50% by 2025. As a result, the SACOG Board directed staff to review transportation related land uses by communities. He recognized Christine Crawford and Gwen Owens as staff representing City of Elk Grove interests and acknowledged their participation in upcoming workshops to consider how land uses might be modified to better serve the transportation network.

Mr. Tuttle cited a number of projects of Elk Grove interest, including the multi-modal connector from Grant Line Road to White Rock Road. He stated that this project sets aside \$60 million for open-space easements in order to direct growth where intended and to preserve wetlands and wildlife habitat. The Sheldon Road / State Route 99 interchange is projected for funding in the 2004 STIP (State Transportation Improvement Program). He explained that the State will publish a fund estimate for this region this summer.

He reported that the SACOG Board approved \$500 million in the Master Transportation Plan to be used to provide incentives for land uses that complement the transportation

network. The Community Design Program starts this year with communities competing for \$12 million in funding. He encouraged the city to be aggressive in submitting projects for consideration for this funding source.

Councilmember Briggs questioned the funding equity of projects designated for the City of Sacramento and County of Sacramento vs. the City of Elk Grove.

Councilmember Cooper addressed the options for the light rail extension. He noted that it would be economically feasible to utilize existing rail right-of-way for the extension. He questioned how the City of Elk Grove might be more competitive in future funding cycles.

Mr. Tuttle stated that funds are scarce, and reiterated that depending on the funding level of the 2004 STIP, the City of Elk Grove is a good position to receive approximately \$15 million for the Sheldon Interchange project.

Councilmember Cooper stated that the current Board governance configuration overshadows the City's ability to compete for project funding. He also expressed that because the Elk Grove abuts San Joaquin County, a county not included in SACOG, less consideration is given to this community. He questioned whether including San Joaquin County in the Sacramento area COG has been considered.

Mr. Tuttle responded that staff feels that there are manageable governance options. Mr. Tuttle also stated that with a six-county region to govern, from staff's perspective including San Joaquin County would be pre-mature. He noted that the San Joaquin COG has a greater focus on projects that better connect that area to the Bay area.

Councilmember Leary questioned the formula used to provide equal representation.

Mr. Tuttle reiterated that there is a provision that allows representation by cities although without a voting voice. A proposal will be discussed on February 20 to allow per-capita voting, providing for three thresholds.

Mr. Tuttle concluded his presentation by stating that once the governance issue is concluded, the emphasis toward smart growth should be addressed and consideration given toward how the region can best position itself in the regional planning and development to compete for transportation funding, and how the region can sustain itself and encourage resident retention.

Agenda Item No. 4.3: *Presentation by Sacramento Regional County Sanitation District (SRCSD), District Engineer Bob Shanks on regional governance*

Mr. Shanks provided a background on the formation, history, and services provided by the SRCSD.

Relative to governance, Mr. Shanks stated that the current Board structure is governed by State law. Each Sacramento County Board of Supervisors member is a member of the SRCSD Board, and each incorporated city, has one member with one vote (currently a nine-member structure). The Chair is rotated between a city representative and a county representative.

Changes in population, recent city incorporations, relative voting power and the annexation of additional service area to the District have prompted reconsideration of the governance structure. Mr. Shanks referred to a table (filed) representing the member jurisdictions and populations. A governance subcommittee was tasked with evaluating restructuring options. The committee developed and evaluated ten governance options. Key principles considered were representation of the incorporated and unincorporated areas by the Board of Supervisor members and larger cities having greater relative voting than smaller cities.

Options one, six and seven were preferred by the subcommittee, with a majority of the subcommittee members recommending Option 7.

Option 1 is the existing governance structure.

Option 6 is population based, using the threshold population of the largest supervisorial district (approximately 246,000). Any jurisdiction with a population up to that number would be represented by one member. Each of the Board of Supervisor members would have a seat. The City of Sacramento would have two members with each of the other cities having one member. Yolo County would have a temporary member during the construction of a lateral to serve West Sacramento (13-member board).

Option 7 is also population threshold based, with the threshold set at 150,000. For each population increase above 150,000, an additional seat would be held. Once the population increases by an additional 100,000 over the initial 150,000, an additional seat would be designated. Under this option, Sacramento County would retain five seats, the City of Sacramento would have four members, and each of the other cities would have one member (15-members, if including Yolo County).

Mr. Shanks stated that staff was directed at the SRCSD January 8 Board meeting to seek a legislative sponsor to amend and introduce the state law framed around Option 7 with the caveat that amendments would be made in the future based on feedback from the various jurisdictions with the understanding that the bill would not go forward without a consensus from the member jurisdictions. Staff is to provide feedback to the SRCSD Board on March 12 relative member jurisdictions input.

In response to **Mayor Pro Tem Scherman's** question relative to the concerns of other cities, **Mr. Shanks** reported that the City of Sacramento passed a resolution supporting Option 7. The other cities expressed general concerns associated with the governance of other regional boards, with comments that the current structure works and there may

be some support for the City (Sacramento) being allocated two votes (Option 6), with concerns expressed that the City of Sacramento would have four votes.

Councilmember Briggs commented on the advantages to Sacramento County and the City of Sacramento in having five and four votes, respectively, when considering prioritizing projects funding. Mr. Briggs supported Option 3 -- one vote for each agency. He spoke in opposition to Option 7.

Councilmember Cooper supported Option 6.

Mayor Soares supported Option 3. Concluding that the dominance of the County needs to change as the cities now represent larger blocks of the population.

Councilmember Leary supported Option 6 as it represents weighted voting by population.

Mr. Shanks noted that he felt it was premature to take a formal action.

Mayor Pro Tem Scherman stated that based on the Councilmembers' comments, she is ready to bring the information to the subcommittee.

CONSENT CALENDAR ITEMS

Motion: *M/S Cooper/Briggs to approve the Consent Calendar, and noted a correction to Agenda Item No. 5.11, the resolution declaring the intention to levy street maintenance assessments in the East Franklin Specific Plan, Exhibit B (page 7 of the staff report) was modified relative to the assessment district buildout charge (changed from \$471,875 to \$480,000); page 13, the Engineer's Report was changed from the Construction Cost Index of the Sacramento Area to the San Francisco Bay area; Page 24 of the Engineer's Report, the cost calculation detail was changed from \$27,000 to \$25,000. **The motion passed by the following vote: Ayes: 5; Noes: 0***

Agenda Item No. 5.1: *Approve Warrant Listing through February 5, 2003 (Warrants 005652 through 005734)*
Approved by Consent

Agenda Item No. 5.2: *Approve Minutes of the January 15, 2003 Regular City Council Meeting*
Approved by Consent

Agenda Item No. 5.3: *To adopt **Ordinance No. 2-2003**, an ordinance of the City Council of the City of Elk Grove amending the East Elk Grove Specific Plan from Residential to Commercial and the City of Elk Grove Zoning Map from RD-5 to LC Zone on Assessor Parcel Numbers 134-110-086 and 134-110-087, subject to the map and*

Conditions of Approval for the project known as Windsor Downs West Project No. EG-02-309 (Second Reading)

Approved by Consent

Agenda Item No. 5.4: *To adopt Ordinance No. 3-2003, an ordinance of the City Council of the City of Elk Grove amending Section 16.83.100 of the Elk Grove Municipal Code relating to Development Impact Fees in the Laguna South Area (Second Reading)*

Approved by Consent

Agenda Item No. 5.5: *Authorize the City Manager to execute a revised agreement with Greenberg Traurig LLP for federal legislative advocate services*

Approved by Consent

Agenda Item No. 5.6: *To adopt Resolution No. 2003-28 approving the parcel map for Machado Dairy Subdivision No. 01-237-00*

Approved by Consent

Agenda Item No. 5.7: *To adopt Resolution No. 2003-29 approving the final map for Windsor Glen and authorizing the Mayor to execute a Subdivision Improvement Agreement between the City of Elk Grove and D.R. Horton Inc. Sacramento, a California Corporation*

Approved by Consent

Agenda Item No. 5.8: *To adopt Resolution No. 2003-30 approving the final map for Shadowbrook Unit 5 and authorizing the Mayor to execute a Subdivision Improvement Agreement between the City of Elk Grove and D.R. Horton Inc. Sacramento, a California Corporation*

Approved by Consent

Agenda Item No. 5.9: *Approve the Comprehensive Annual Financial Report (CAFR) for fiscal year ended June 30, 2002*

Approved by Consent

Agenda Item No. 5.10: *To adopt Resolution No. 2003-31 authorizing the Mayor to execute the Laguna South Public Facilities Fee Program Credit Agreement with the East Franklin Implementation Group (EFIG) and Multiple Builders in the East Franklin Specific Plan Area providing for credits and reimbursement against roadway, landscape corridor, and supplemental drainage fees*

Approved by Consent

Agenda Item No. 5.11: *To adopt Resolution No. 2003-32 of the City Council declaring its Intention to Levy Street Maintenance Assessments in the south portion of East Franklin Specific Plan pursuant to Benefit Assessment Act of 1982; approve the Engineer's Report; set a public hearing for April 16, 2003; and provide notices and mail ballots to the record owners within the District*

Approved by Consent

Agenda Item No. 5.12: *To adopt **Resolution No. 2003-33** accepting the subdivision improvements for Tributary Pointe Unit A Village 4A, Tributary Pointe C1, Tributary Pointe D, and Fieldstone Unit 3D*

Approved by Consent

PUBLIC HEARINGS

Agenda Item No. 6.1: *Public Hearing: Backer Ranch Commercial Project No. EG-01-228 – Consider an amendment to the East Franklin Specific Plan, Rezone, Tentative Subdivision Map and Development Plan Review*

RECOMMENDATION: At the conclusion of the public hearing, consider the Planning Commission's recommendation as follows:

1. Adopt a Mitigated Negative Declaration for the Backer Ranch Commercial Project No. EG-01-228
2. Introduce and waive the full reading, by substitution of title only, an ordinance of the City Council of the City of Elk Grove amending the East Franklin Specific Plan to increase a commercial parcel in size and amend the Zoning Map from AG-20 to SC, on Assessor Parcel Number 132-0020-112, Backer Ranch Commercial Project No. EG-01-228
3. Approve a resolution of the City Council of the City of Elk Grove approving a Tentative Subdivision Map and Development Plan Review for Assessor Parcel No. 132-0020-112, for Backer Ranch Commercial Project No. EG-01-228, subject to the findings and MMRP/Conditions of Approval

Mayor Soares opened the public hearing at 7:30 p.m.

Craig Hoffman, Associate Planner, provided an overview of the applicant's request. Approval of the plan amendment will result in a road realignment to the north with the Ralph's Shopping Center. The EFSP requires the development plan review with general commercial guidelines relative to architectural site and parking lot designs.

Mr. Hoffman reported that concerns were expressed at the Planning Commission hearing relative to the interface of the residential and commercial uses. He noted that most of the commercial buildings are from 100 to 150 feet from residential properties. A noise analysis concluded that the project design reduced noise impacts to less than what is allowed in the general plan.

Mr. Hoffman noted that condition No. 52 requires the construction of off-site improvements, including improvements to Bruceville Road and the intersection of Elk Grove Boulevard and Bruceville Road.

A mitigated negative declaration was circulated. The Planning Commission voted 3-0 to recommend that the City Council adopt the environmental document and to approve the Backer Ranch project.

Representing Donahue-Schriber, **George Phillips** reviewed the project which includes a Kohl's Department Store. He noted that the project is consistent with the East Franklin Specific Plan.

In response to **Councilmember Cooper's** question relative to the soundwall and berms, **Mr. Phillips** explained that the walls are not solid around the perimeter of the project, but are strategically located to attenuate noise. In between the masonry wall segments, the berming treatment, three to four feet high, would occur. He added that a solid wall was not necessary to attenuate the noise, and to leave partially opened invites pedestrian access.

Councilmember Leary confirmed the developer's intentions to install frontage improvement as soon as possible to Bruceville Road to improve pedestrian and student safety.

Councilmember Briggs questioned the angle of the main entrance driveway.

Mr. Phillips stated that the drive aisles are wider than normal to accommodate turning movements.

In response to **Councilmember Briggs'** question relative to the bus stop, **Mr. Phillips** stated that there are stops on both the Bruceville Road and Elk Grove Boulevard. Mr. Phillips confirmed that there are pedestrian walkways from the periphery to the main stores.

At Councilmember Briggs' request, **Jan Petersen**, agreed to install additional bicycle racks and outside seating, and to consider an alternative to planting oleanders.

In response to **Councilmember Scherman, Ms. Petersen** also agreed to reconsider the light fixtures along the pedestrian walkways and to clearly differentiate and mark the ADA walkways for the disabled. Regarding the fast-food building, she confirmed that the establishment would not have direct access to the street. MPT Scherman confirmed that she does not want oleanders in the landscaping.

Mayor Soares questioned how the stacking of vehicles at the fast-food restaurant would be improved.

Ms. Petersen stated that ultimately if there is a stacking issue, the developer may gain additional area in the vicinity of the fast-food facility when the final drainage solution is reached. They will work to plan for the stacking of vehicles with the objective of keeping the entrance and exit from the main cross aisle.

In response to **Mayor Soares**, Ms. Petersen agreed to include a condition that would provide for a cost-recovery mechanism for law enforcement and/or security services.

Mayor Soares opened the public comment opportunity.

Lisa Dixon encouraged the inclusion of additional pedestrian and bicycle access to the development. She was opposed to having a drive-thru, fast-food restaurant as part of the project.

Pam Spittler opposed the inclusion of a fast-food drive through facility to the project, and stated that it diminishes the quality of what is intended to be an upscale development.

George Phillips stated that the developer tries to accommodate pedestrian access points at controlled street crossings to discourage pedestrians from crossing mid-block. Mr. Phillips also stated that there is an additional pedestrian entry at the corner of Bruceville and Elk Grove Boulevard. Regarding comments relative to the fast-food restaurant, he noted that the project was limited to one fast-food site, and was intentionally located away from the primary corner of Bruceville and Elk Grove Boulevard due to similar concerns expressed by the public speakers. Any user must agree to match the architecture of the center.

Mayor Pro Tem Scherman expressed her opposition to inclusion of a fast-food facility in the project. She asked that when the site plan goes forward, that the developer show the detail of what the facility would look like.

Mr. Hoffman referred to COA No. 56 and noted that the building for the fast-food site is required to be consistent with the other buildings of the development. He noted that the Planning Director is to determine whether the building is in compliance. If the Planning Director cannot make the determination, the Development Plan Review will be completed with the approval of the Planning Commission.

The public hearing was closed at 8:09 p.m.

Motion (1): *M/S Leary/Briggs to adopt a Mitigated Negative Declaration for the Backer Ranch Commercial Project No. EG-01-228. **The motion passed by the following vote: Ayes: 5; Noes: 0***

Motion (2): *M/S Leary/Scherman to introduce and waive the full reading, by substitution of title only, **Ordinance No. 4-2003**, an ordinance of the City Council of the City of Elk Grove amending the East Franklin Specific Plan to increase a commercial parcel in size and amending the Zoning Map from AG-20 to SC, on Assessor Parcel Number 132-0020-112, Backer Ranch Commercial Project No. EG-01-228. (The ordinance title was read into the record) **The motion passed by the following vote: Ayes: 5; Noes: 0***

Motion (3): *M/S Leary/Scherman to adopt Resolution No. 2003-34 approving a Tentative Subdivision Map and Development Plan Review for Assessor Parcel No. 132-0020-112, for Backer Ranch Commercial Project No. EG-01-228, subject to the findings and MMRP/Conditions of Approval; and amending the conditions to revise lighting standards, locate additional bicycle parking racks, eliminate oleanders from the landscaping; provide for cost-recovery in the event that extraordinary law enforcement or security services are required to provide for public health and safety.*

The motion passed by the following vote: Ayes: 5; Noes: 0

Agenda Item No. 6.2: *Public Hearing: Elk Grove Meadows Phase 2 – Consider a Rezone from AG-80 to RD-7, RD-20, and O in the East Franklin Specific Plan and a Tentative Subdivision Map for 45 single-family residential lots, 1 multi-family residential lot, 1 open space lot, 1 well site lot, and 1 landscape corridor lot*

RECOMMENDATION: At the conclusion of the public hearing, consider the Planning Commission’s recommendation as follows:

1. Adopt a Mitigated Negative Declaration for Elk Grove Meadows Phase 2 (EG-02-330)
2. Introduce and waive the full reading, by substitution of title only, an ordinance of the City Council of the City of Elk Grove amending the City of Elk Grove Zoning Map from AG-80 to RD-7, RD-20, and O in the East Franklin Specific Plan on a portion of Assessor Parcel Numbers 132-0030-038 and 132-0030-046, Elk Grove Meadows Phase 2 (EG-02-330)
3. Approve a resolution of the City Council of the City of Elk Grove approving a Tentative Subdivision Map on a portion of Assessor Parcel Numbers 132-0030-038 and 132-0030-046, Elk Grove Meadows Phase 2 (EG-02-330), subject to the findings and MMRP/Conditions of Approval

Mayor Soares opened the public hearing at 8:10 p.m.

Bill Pable, Senior Planner, provided an overview of the applicant’s request.

Mr. Pable stated that staff’s recommendation includes the amendment of several conditions of approval requested by the applicant and recommended by the Planning Commission as follows:

Condition No. 48: “Install public street improvements on Franklin Boulevard (prior to the first occupancy for the multi-family site) and Poppy Ridge Road (prior to the first occupancy for the single family site) in accordance with . . .”

Condition No. 49: “Dedicate and improve landscape corridors consistent with the Laguna Reserve Landscape Design Guidelines as follows . . .”

Condition No. 49: At the end of the condition, strike “All fences shall be masonry or

tubular steel” and replace with “All fences shall be consistent with the Laguna Reserve Landscape Design Guidelines.”

Mr. Pable noted that the project was approved unanimously by the Planning Commission.

Mr. Pable noted that while this project falls under current guidelines, staff is moving toward imposing a requirement on future projects that all off-site roadway improvements are made prior to the issuance of building permits.

Mike Winn, Reynen and Bardis, made a brief statement and requested the Council’s support of the project.

The public hearing was closed at 8:14 p.m. with no public requests to speak.

Motion (1): *M/S Scherman/Leary to adopt a Mitigated Negative Declaration for Elk Grove Meadows Phase 2 (EG-02-330). **The motion passed by the following vote: Ayes: 5; Noes: 0***

Motion (2): *M/S Scherman/Leary to introduce and waive the full reading, by substitution of title only, **Ordinance No. 5-2003**, an ordinance of the City Council of the City of Elk Grove amending the City of Elk Grove Zoning Map from AG-80 to RD-7, RD-20, and O in the East Franklin Specific Plan on a portion of Assessor Parcel Numbers 132-0030-038 and 132-0030-046, Elk Grove Meadows Phase 2 (EG-02-330). (The ordinance title was read into the record). **The motion passed by the following vote: Ayes: 5; Noes: 0***

Motion (3): *M/S Cooper/Leary to adopt **Resolution No. 2003-35** approving a Tentative Subdivision Map on a portion of Assessor Parcel Numbers 132-0030-038 and 132-0030-046, Elk Grove Meadows Phase 2 (EG-02-330), subject to the findings and MMRP/Conditions of Approval; and amend Condition Numbers 48 and 49 as recommended by staff and the Planning Commission. **The motion passed by the following vote: Ayes: 5; Noes: 0***

Agenda Item No. 6.3: *Continued Public Hearing: Notice of Appeal – Jackson/El Dorado Business Center Tentative Parcel Map EG-02-307: Consider a request for a Tentative Parcel Map to divide a 5.06 acre site into 3 parcels for industrial use and consider an appeal filed by the applicant requesting modifications to Conditions of Approval Nos. 5 and 6*

RECOMMENDATION: Uphold the Appeal and adopt a resolution of the City Council of the City of Elk Grove approving the Tentative Parcel Map for Assessor Parcel Number 134-0510-025 Jackson/El Dorado Project EG-02-307, subject to the Findings and amended Conditions of Approval

Mayor Soares opened the public hearing at 8:17 p.m.

Kathleen Franklin, Planner, presented the appellant's request for Council consideration of the subject project approval. Ms. Franklin reported that while the Planning Commission heard and approved the applicant's request for project approval on November 14, 2002, the applicant requested further clarification of COA Nos. 5 and 6 relative to right of way dedication for the future Grant Line Road Interchange project.

Ms. Franklin reported that the applicant and city staff met to consider the two conditions. Ms. Franklin stated that the applicant's concern was that the conditions did not clarify the extent of the right-of-way and left open the possibility of additional right-of-way dedication.

Ms. Franklin noted that Condition No. 5 has been modified as follows:

Grant the City of Elk Grove right-of-way on Stockton Boulevard and Grant Line Road based on the "Green Alternative Configuration" or the preferred alternative at the time of Final Map recordation for the proposed Grant Line Road / Highway 99 interchange, as shown in Figure 1 and the legal description as shown in Exhibit 1 (attached), in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of the Department of Public Works.

Ms. Franklin stated that a legal description has been prepared and is attached to the conditions of approval.

Ms. Franklin presented staff's recommendation that the Council find that the project is categorically exempt under CEQA; uphold the appeal; and adopt a resolution approving the project subject to the findings and amended conditions of approval.

In response to Mayor Soares' question relative to whether any of the proposed alignments for the Grant Line alignment conflict with the proposed right-of-way, Gwen Owens of the Public Works Department stated that the "Green" alternative is preferred, and at this time, the project is not currently designed. She noted that there is the possibility that additional right-of-way will be necessary, and at the proposed right of way is based on the best information available to date.

Ms. Owens explained that if through the design process the need for additional right of way is determined, one of two options may be considered: 1) work with the constraints of the proposed right-of-way; or 2) purchase additional property for right-of-way.

Project legal representative **Andee Leisy** of Thomas, Moose & Remy, thanked staff for their participation in coming to agreement on the right-of-way issue, and urged the Council to approve the project.

The public hearing was closed at 8:23 p.m.

Motion: *M/S Leary/Scherman to adopt Resolution No. 2003-36 upholding the Appeal and adopt a resolution of the City Council of the City of Elk Grove approving the Tentative Parcel Map for Assessor Parcel Number 134-0510-025 Jackson/El Dorado Project EG-02-307, subject to the Findings and amended Conditions of Approval. The motion passed by the following vote: Ayes: 5; Noes: 0*

Agenda Item No. 6.4: *Public Hearing: Laguna Gateway, Phase 2 No. EG-02-298: Consider a General Plan amendment from Office/Multi-Family to Commercial and a Special Planning Area (SPA) amendment from Office (SPA-MP) to Commercial (SPA-SC) and SPA Ordinance text, a Tentative Subdivision Map creating 11 commercial parcels, and Development Plan Review*

RECOMMENDATION: At the conclusion of the public hearing, consider the Planning Commission's recommendation as follows:

1. Certify the proposed Supplemental Environmental Impact Report and MMRP prepared for this project, subject to the findings and Statement of Overriding Considerations (Resolution)
2. Approve a Resolution of the City Council of the City of Elk Grove approving a General Plan Amendment for Laguna Gateway, Phase 2, subject to findings
3. Introduce and waive the full reading, by substitution of title only, an ordinance of the City of Elk Grove amending the SPA land use designation in the Laguna Gateway Special Planning Area for Laguna Gateway, Phase 2 Project
4. Continue the Tentative Subdivision Map and Development Plan Review to the March 5, 2003 agenda

Mayor Soares opened the public hearing at 8:24 p.m.

Bill Pable, Associate Planner, provided an overview of the applicant's request. Mr. Pable noted that the project is located at the northeast corner of Laguna and Big Horn Boulevards. He noted that the Planning Commission recommended approval of the general plan amendment, rezone and the special planning area amendment, and recommended a continuance of the tentative subdivision map and development plan review approvals to the February 27 meeting.

Issues of concern discussed at the Planning Commission public hearing were relative to the jobs / housing goals; additional traffic impacts; and encouraged the City Council to consider policy on future rezoning requests of office to retail uses. There were also a number of site plan issues.

Relative to the jobs / housing goals, the Planning Commission ultimately concluded that there was not a shortage of property designated for office site.

Regarding the traffic impacts, a supplemental environmental report has been prepared as well as a statement of overriding consideration.

Mr. Pable stated that the continuation of the tentative subdivision map and development

plan review was relative to four issues: improved pedestrian access; provision of a westbound deceleration lane; removal of the gas station; and addition of a pedestrian promenade adjacent to Laguna Creek.

He noted staff's recommendation that condition No. 1 be deleted from the MMRP (Exhibit B to resolution). He noted that inclusion of the condition is premature as it references the site plan, yet to be approved.

John Taylor, representing Pappas Developers, reviewed the project application and requested the Council's approval. He emphasized the removal of the gas station and fast-food proposals from the project.

Paul Miller, representing the applicant, stated that if nothing were developed on the site, there would still be traffic problems on Laguna Boulevard.

Mayor Soares opened the public comment opportunity.

Lori Alaniz, President of the Chamber of Commerce, read a statement in support of the project.

Lisa Dixon opposed approval of the project and encouraged consideration of a mixed-use application.

Steve Barnett opposed approval of the project and cited from the staff report policy issues such as providing a balanced mix of employers, sustainable wages, creation of jobs that match the educational skills of residents. He noted that many of the amenities proposed in the project are offered within walking distance of the site; and that within a one-mile corridor of the project, there are twenty establishments available to buy lunch. Mr. Barnett spoke in support of retaining the office space designation.

Bob Dayton expressed his concern of the rezoning to MP and the loss of 200-plus acres of business / office park designated area. Mr. Dayton opposed the rezoning and questioned the impact to the small businesses when the Lent Ranch Mall project is built.

John Taylor submitted a transcript of the Planning Commission public hearing relative to the project (filed).

In response to **Mayor Soares'** suggestion to the applicant that a cost-recovery mechanism be placed on the project for security and law enforcement services, Mr. Taylor voiced his agreement to the condition.

In response to **Mayor Pro Tem Scherman**, Mr. Taylor asked that at the time the development review plan returns to the City Council that more information would be available on possible project tenants.

Councilmember Briggs spoke in support of the project.

The public hearing was closed at 8:40 p.m.

Motion (1): *M/S Scherman/Briggs to adopt Resolution No. 2003-37 Certifying the proposed Supplemental Environmental Impact Report and MMRP prepared for this project, subject to the findings and Statement of Overriding Considerations; and delete Condition Number 1 from the MMRP/Conditions of Approval. **The motion passed by the following vote: Ayes: 5; Noes: 0***

Motion (2): *M/S Scherman/Leary to adopt Resolution No. 2003-38 approving a General Plan Amendment for Laguna Gateway, Phase 2, subject to findings. **The motion passed by the following vote: Ayes: 5; Noes: 0***

Motion (3): *M/S Scherman/Briggs to introduce and waive the full reading, by substitution of title only, Ordinance No. 6-2003, an ordinance of the City of Elk Grove amending the SPA land use designation in the Laguna Gateway Special Planning Area for Laguna Gateway, Phase 2 Project. (The ordinance title was read into the record). **The motion passed by the following vote: Ayes: 5; Noes: 0***

Motion (4): *M/S Scherman/Leary to continue the Tentative Subdivision Map and Development Plan Review to the March 5, 2003 agenda. **The motion passed by the following vote: Ayes: 5; Noes: 0***

REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

Agenda Item No. 7.1: *Enter into an agreement with the Senior Center for the purchase of a bus*

RECOMMENDATION: Authorize the City Manager to enter into an agreement with the Senior Center to purchase a vehicle for their "Dial-A-Ride Program through the State of California purchasing contract

Frank Oviedo, Assistant to the City Manager, provided a brief staff report and was available to provide information relative to staff's recommendation.

Mayor Soares opened and closed the public comment opportunity, with no public requests to speak.

Motion: *M/S Cooper/Scherman to authorize the City Manager to enter into an agreement with the Senior Center to purchase a vehicle for their "Dial-A-Ride Program through the State of California purchasing contract. **The motion passed by the following vote: Ayes: 5; Noes: 0***

Agenda Item No. 7.2: *Accept Cable Commission Ordinance amendments as requested by the Sacramento Metropolitan Cable Television Commission*

RECOMMENDATION: Introduce and waive the full reading, by substitution of title only, an ordinance of the City Council of the City of Elk Grove amending Sections 5.75.102, 5.75.104, 5.75.504, 5.75.700, of Chapter 5.75 and adding Sections 5.75.10 and 5.75.206 to Chapter 5.75, Title 5 of the Elk Grove Municipal Code relating to the licensing of cable television franchises

Kara Myers, Management Analyst for Community Services was available to provide information relative to the recommended amendment.

Mayor Soares opened and closed the public comment opportunity, with no public requests to speak.

Motion: *M/S Scherman/Briggs to introduce and waive the full reading, by substitution of title only, **Ordinance No. 7-2003**, an ordinance of the City Council of the City of Elk Grove amending Sections 5.75.102, 5.75.104, 5.75.504, 5.75.700, of Chapter 5.75 and adding Sections 5.75.10 and 5.75.206 to Chapter 5.75, Title 5 of the Elk Grove Municipal Code relating to the licensing of cable television franchises. (The ordinance title was read into the record). **The motion passed by the following vote: Ayes: 5; Noes: 0***

Agenda Item No. 7.3: *A ward the bid to Harbison-Mahony-Higgins (HMH) Builders Inc. for the Police Service Center tenant improvements at 8380 Laguna Palms Way*

RECOMMENDATION: Staff recommends that the City Council approve the Award of Bid for construction to Harbison-Mahony-Higgins (HMH) Builders, Inc. for the Police Service Center tenant improvements and authorize the City Manager to execute the contract

Gail Pugh, Development Services Coordinator, introduced the staff report and was available to provide information relative to the project and bid award.

Mayor Soares opened and closed the public comment opportunity with no public requests to speak.

Motion: *M/S Leary/Scherman to adopt **Resolution No. 2003-39** approving the Award of Bid for construction to Harbison-Mahony-Higgins (HMH) Builders, Inc. for the Police Service Center tenant improvements and authorizing the City Manager to execute the contract. **The motion passed by the following vote: Ayes: 5; Noes: 0***

GENERAL ADMINISTRATION INFORMATION

None.

COUNCIL COMMENTS/FUTURE AGENDA ITEMS

Councilmember Cooper

- Relative to the SACOG meeting of February 20, **Councilmember Cooper**, reported that a program committee will be studying the Grant Line Corridor to connect Rancho Cordova and Elk Grove.

Councilmember Briggs

- Reported that the Sacramento Transportation Authority (STA) has decided to use the services of a mediator to address board representation.

Mayor Pro Tem Scherman

- Requested a status report on the waste management contract.
- Asked that a comprehensive inventory of Elk Grove's historical resources be completed in conjunction with the general plan. She noted that the Historical Society appointed Elizabeth Pinkerton and Tom Russell to act as the Society's representatives to the City.
- Consider allowing limited on-street evening and weekend parking on Elk Grove-Florin Road between Valley Oak and the Youth Center entrance.
- Work with the Elk Grove Community Services District to address park vandalism.

Mayor Soares

- Announced that the City will host a Blood Drive on February 24, 2003 from 9:00 a.m. to 1:30 p.m. in the City Council Chambers.
- Announced the grand opening of the interim traffic light at Bond and Waterman Roads on February 25, 2003 at 2:30 p.m.
- Announced that Chocolate with the Council will be held on March 6, 2003 from 4:30 to 6:30 p.m. in the City Hall Council Chambers.
- Requested that the governance and voting issue be brought to a future Council meeting.
- Requested that the rezoning of Laguna as it relates to the Sphere of Influence be brought to a future Council meeting for discussion and direction.

CLOSED SESSION

After providing the opportunity for public comment, and no requests to speak, the City Council adjourned to closed session at 9:08 p.m. to consider the following:

A) CONFERENCE WITH LEGAL COUNSEL – Existing Litigation

(Subdivision (a) of Section 54956.9) – 1 Case:

The City of Elk Grove v. California Department of Social Services, Mathiot Group Homes, Inc., Lyle D. Schmitt, and Randall Beaida, Sacramento County Case No. 02CS01687

Mayor Soares reconvened the regular session at 9:14 p.m. and announced that no reportable action was taken on the closed session item.

ADJOURNMENT

With no other business to conduct the Regular City Council meeting of February 19, 2003 adjourned at 9:14 p.m.

PEGGY E. JACKSON, CITY CLERK

Attest:

**RICK SOARES, MAYOR of the
CITY OF ELK GROVE**