

MINUTES OF THE CITY COUNCIL
REGULAR MEETING
Wednesday, October 10, 2007

CALL TO ORDER/ROLL CALL

Mayor Cooper called the regular City Council meeting of October 10, 2007 to order at 6:18 p.m.

Present: Mayor Cooper, Mayor Pro Tem Leary, Council Members Davis, Hume, and Scherman

Absent: None.

Mayor Cooper led the Pledge of Allegiance.

Mayor Cooper asked that a moment of silence be observed.

APPROVAL OF AGENDA

Motion: M/S Leary/Scherman to approve the agenda. (Note: Consent Calendar Item No. 6.7 was later pulled at staff's request.) The motion passed by the following vote: Ayes: 5; Noes: 0.

CLOSED SESSION

None.

PRESENTATIONS/ANNOUNCEMENTS

Agenda Item No. 4.1: David Morgan, Chair of the Disability Advisory Committee presented Above and Beyond Program Accessibility Awards to recipients Gary Lawson, Ph.D., and Elaine McCormack of Laguna Pizza.

PUBLIC COMMENT

Elizabeth Moseby reported that she sent written communication to the Sacramento Area Council of Governments (SACOG) in response to its Regional Housing Allocation Plan in which she outlined the Plan's false premises and incomplete statistics. She encouraged public and Council Member participation in important upcoming meetings of the SACOG and educational workshops. She recalled during the time of Elk Grove's incorporation, the people of the community did not want the County to make changes that would affect the area without having agreed to it. She

invited Council Members to attend an inaugural service of a new parish that will be held at Sheldon High School on October 21.

CONSENT CALENDAR ITEMS

Motion: ***M/S Leary/Scherman*** to approve the Consent Calendar, with the exception of Agenda Item No. 6.7, which was pulled at staff's request. ***The motion passed by the following vote: Ayes: 5; Noes: 0***

Agenda Item No. 6.1: **Ordinance No. 31-2007** adopted amending the City of Elk Grove Zoning Map for a 20.23 acre parcel from Agricultural Residential – 10 acre minimum (AR-10) to 8.05 acres of Industrial Office (MP), 8.03 acres of Light Industrial (M-1) and 4.15 acres of Open Space (O) for the Waterman 20 Project No. EG-05-898; APN: 134-0110-015 (**Second Reading**)

Agenda Item No. 6.2: **Resolution No. 2007-220** adopted authorizing the City Manager to execute a consultant services contract in the amount of \$260,000 with DKS Associates for engineering services associated with the Fixed Transit Alignment Study Project

Agenda Item No. 6.3: **Resolution No. 2007-221** adopted accepting the subdivision improvements for Sleepy Hollow Lane (PW-04-029)

Agenda Item No. 6.4: **Resolution No. 2007-222** adopted accepting the subdivision improvements for Sheldon Park (EG-00-042)

Agenda Item No. 6.5: **Resolution No. 2007-223** adopted accepting the Elk Grove Police Fleet Facility as complete and authorizing the filing of a Notice of Completion with the Sacramento County Recorder

Agenda Item No. 6.6: Received report on City Manager approved purchases and contracts authorized by City Purchasing Ordinance, filed through September 26, 2007

NOTE: Agenda Item No. 6.7 was pulled from the agenda. (*Adopt resolution authorizing the City Manager to execute real estate related contracts and documents with Lansford Development, a California Limited Partnership, and Décore-Ative Specialties, Inc. for the acquisition, exchange and disposition of properties (APNs 134-0600-035 and 036) relative to the Grant Line Road/State Route 99 Interchange Reconstruction Project*)

Agenda Item No. 6.8: Approved the City Council minutes of the September 26, 2007 Special and Regular Meetings as presented

Agenda Item No. 6.9: Resolution No. 2007-224 adopted approving new Improvement Standards, Construction Specifications, and Standard Drawings for Public Improvements and authorize the Public Works Director to revise such standards, specifications, and drawings as necessary

PUBLIC HEARINGS

Mayor Cooper declared the public hearings for Agenda Item Nos. 7.1 and 7.2 open at 6:30 p.m.

Agenda Item No. 7.1: A public hearing to consider adoption of a resolution determining to levy street maintenance assessments for certain properties in the Laguna Ridge Area which represents annexation No. 2 into Street Maintenance District No. 1 – Zone 5

RECOMMENDATION:

Conduct a public hearing on the Engineer's Report and the question of levying assessments within Street Maintenance District No. 1 – Zone 5 (the "District") for certain properties in the Laguna Ridge Area pursuant to the Benefit Assessment Act of 1982. Following the close of the public hearing and tabulation of ballot results, staff recommends the adoption of a Resolution Determining to Levy Assessments in Street Maintenance District No. 1 – Zone 5.

Agenda Item No. 7.2: A public hearing to consider adoption of a resolution determining to levy street maintenance assessments for certain properties in the Eastern Area which represents annexation No. 11 into Street Maintenance District No. 1 – Zone 3

RECOMMENDATION:

Conduct a public hearing on Supplement No. 11 to the Engineer's Report and the question of levying assessments within Street Maintenance District No. 1 – Zone 3 (the "District") for certain properties in the Eastern Area pursuant to the Benefit Assessment Act of 1982. Following the close of the public hearing and tabulation of ballot results, staff recommends the adoption of a Resolution Determining to Levy Assessments in Street Maintenance District No. 1 – Zone 3 (Annexation 11).

Andrew Griffin, Finance Analyst, provided an overview of the staff reports and recommendations.

With no public requests to speak on either item, the public comment opportunity was closed.

Mayor Cooper declared the public hearings for Agenda Item Nos. 7.1 and 7.2 closed at 6:31 p.m.

The City Clerk announced, for Street Maintenance District No. 1, Zone 5, Annexation No. 2, there was no majority protest. Of four possible votes, four affirmative votes were returned approving the proposed assessment and the proposed inflation adjustment limit described for the parcels identified in each of the ballots. A resolution determining to levy an assessment in the district was presented for Council action.

(Agenda Item No. 7.1) Motion: M/S Leary/Scherman to adopt Resolution No. 2007-225 determining to levy assessments in Street Maintenance District No. 1 – Zone 5 **The motion passed by the following vote: Ayes: 5; Noes: 0.**

The City Clerk announced, for Street Maintenance District No. 1, Zone 3, Annexation No. 11, there was no majority protest. Of one possible vote, one affirmative vote was returned, approving the proposed assessment and the proposed inflation adjustment limit described in the ballot. A resolution determining to levy an assessment in the district was presented for Council action.

(Agenda Item No. 7.2) Motion: M/S Leary/Scherman to adopt Resolution No. 2007-226 determining to levy assessments in Street Maintenance District No. 1 – Zone 3 (Annexation 11). **The motion passed by the following vote: Ayes: 5; Noes: 0.**

Mayor Cooper declared the public hearings open for Agenda Item Nos. 7.3 and 7.4 at 6:33 p.m.

Agenda Item No. 7.3: A public hearing to consider adoption of resolutions calling an election and declaring results of the special election for annexation to Community Facilities District No. 2006-1 (Maintenance Services) and introduction of an ordinance levying and apportioning the special tax to the annexing area (Annexation No. 7)

RECOMMENDATION:

1. Adopt resolution calling an election to submit the question of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2006-1 (Maintenance Services) to the qualified electors;
2. (*Following tabulation and certification of ballot results by the City Clerk*) Adopt resolution declaring the results of the special election held on October 10, 2007 for the seventh annexation to Community Facilities District No. 2006-1 (Maintenance Services); and
3. Introduce and waive the full reading, by substitution of title only, an ordinance levying and apportioning the special tax in territory annexed to, Community Facilities District No. 2006-1 (Maintenance Services) Annexation No. 7.

Agenda Item No. 7.4: A public hearing to consider adoption of resolutions calling an election and declaring results of the special election for annexation to Community Facilities District No. 2003-2 (Police Services) and introduction of an ordinance levying and apportioning the special tax to the annexing area (Annexation No. 13)

RECOMMENDATION:

1. Adopt resolution calling an election to submit the question of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2003-2 (Police Services) to the qualified electors;
2. (*Following tabulation and certification of ballot results by the City Clerk*) Adopt resolution declaring the results of the special election held on October 10, 2007 for the thirteenth annexation to Community Facilities District No. 2003-2 (Police Services); and
3. Introduce and waive the full reading, by substitution of title only, an ordinance levying and apportioning the special tax in territory annexed to, Community Facilities District No. 2003-2 (Police Services) Annexation No. 13.

Andrew Griffin, Finance Analyst, provided an overview of the staff reports and recommendations.

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

(Agenda Item No. 7.3) Motion #1: M/S Hume/Leary to adopt **Resolution No. 2007-227** calling an election to submit the question of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2006-1 (Maintenance Services) to the qualified electors. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

The City Clerk announced for **Community Facilities District No. 2006-1, Annexation No. 7**, of 381 possible votes, 381 affirmative votes were cast authorizing the City of Elk Grove to levy a special tax at the rates described. The measure passed with more than two-thirds of all votes cast in favor of the election. A resolution declaring the results of the special election was presented for Council action.

(Agenda Item No. 7.3) Motion #2: M/S Scherman/Leary to adopt **Resolution No. 2007-228** declaring the results of the special election held on October 10, 2007 for the seventh annexation to Community Facilities District No. 2006-1 (Maintenance Services). ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

(Agenda Item No. 7.3) Motion #3: M/S Scherman/Leary to introduce and waive the full reading, by substitution of title only, **Ordinance No. 32-2007** levying and apportioning the special tax in territory annexed to, Community Facilities District No.

2006-1 (Maintenance Services) Annexation No. 7. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

(Agenda Item No. 7.4) Motion #1: M/S Leary/Scherman to adopt Resolution No. 2007-229 calling an election to submit the question of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2003-2 (Police Services) to the qualified electors. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

The City Clerk announced for ***Community Facilities District No. 2003-2 (Police Services), Annexation No. 13***, of 76 possible votes, 76 affirmative votes were cast authorizing the City of Elk Grove to levy a tax at the rates apportioned and described. The measure passes with more than two-thirds of all votes cast in the election in favor of the measure. A resolution declaring the election results was presented for Council action.

(Agenda Item No. 7.4) Motion #2: M/S Leary/Scherman to adopt Resolution No. 2007-230 declaring the results of the special election held on October 10, 2007 for the thirteenth annexation to Community Facilities District No. 2003-2 (Police Services). ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

(Agenda Item No. 7.4) Motion #3: M/S Leary/Scherman to introduce and waive the full reading, by substitution of title only, Ordinance No. 33-2007 levying and apportioning the special tax in territory annexed to, Community Facilities District No. 2003-2 (Police Services) Annexation No. 13. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Agenda Item No. 7.5: A public hearing to consider the Elk Grove Care Facility Project, including a Rezone, Conditional Use Permit, Design Review and Partial Abandonment of a Light and Air Easement

RECOMMENDATION:

The Planning Commission recommended (4-0) that the City Council:

1. Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Elk Grove Care Facility, Project No. EG-06-1127;
2. Introduce and waive the full reading, by substitution of title only, an Ordinance amending the City of Elk Grove Zoning Map from AR-2 to AR-1 for Elk Grove Care Facility, Project No. EG-06-1127; and
3. Adopt a Resolution approving a Conditional Use Permit, Design Review for a 79,375 square foot Residential Care Facility and Partial Abandonment of a Light and Air Easement from 200 feet to 100 feet, for the Elk Grove Care Facility Project No. EG-06-1127, subject to the Findings and Conditions of Approval.

With the aid of an overhead presentation (filed), **Christine Crawford**, Planning Manager, provided an overview of the staff report and recommendation. She noted that at community outreach meetings, residents to the north of the project, and the Sabrina Lane Estate subdivision desired a ten foot wall as a buffer and requested a subdivision sign. Subsequent to the Planning Commission meetings, the Police Department recommended 12 inches of clearance below the sign, which has been added as a condition of approval. In addition, there needs to be a condition added to the project memorializing the agreement between the applicant and the property owners to the north regarding the subdivision sign identification for Sabrina Lane Estates.

Council Member Scherman asked whether a design element could be added to the masonry wall, to which Ms. Crawford commented that the landscaping will soften its appearance.

Bridgett Flanagan representing Shamrock Holdings introduced Don Peterson, President of PremierCare Management Company. In response to Council inquiries, Ms. Flanagan reported that the average age of its Care Facilities residents is 85 years. At capacity, the facility will have 100 residents. A private bus is available for transportation. The Alzheimer's facility includes a secured interior courtyard.

Mayor Cooper declared the public hearing open at 6:41 p.m.

PUBLIC COMMENT:

Eve Boranian stated that she owns a home on the west side of the project and expressed concern about abandoning the Light and Air Easement. She pointed out that an eight foot wall will be constructed on the north end of the project; however, the west side will have a six foot wall. Ms. Boranian preferred to have an eight foot wall. She expressed concern about her home's resale value, her loss of privacy by having a two-story building adjacent to her home, and her quality of life during the interim construction period and afterwards.

Fritz Buchman, City Engineer, clarified that Ms. Boranian's wood fence would be replaced with a masonry wall on her property line.

Mayor Cooper declared the public hearing closed at 6:56 p.m.

Ms. Flanagan reported that the building setback relative to Ms. Boranian's fence is 35 feet from the property line, due to the fire lane between the facility the private property line. She warned that constructing a taller fence would require additional pruning/damage to the oak trees.

Ms. Crawford confirmed that the applicant submitted a photometric study that ensures no spillover light would occur on adjacent properties.

Motion #1: *M/S Leary/Scherman* to adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Elk Grove Care Facility, Project No. EG-06-1127. ***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. 34-2007** amending the City of Elk Grove Zoning Map from AR-2 to AR-1 for Elk Grove Care Facility, Project No. EG-06-1127. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Motion #3: *M/S Leary/Scherman* to adopt **Resolution No. 2007-231** approving a Conditional Use Permit, Design Review for a 79,375 square foot Residential Care Facility and Partial Abandonment of a Light and Air Easement from 200 feet to 100 feet, for the Elk Grove Care Facility Project No. EG-06-1127, subject to the Findings and amended Conditions of Approval [applicant required to install a Sabrina Lane Estates subdivision identification sign]. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Agenda Item No. 7.6: A public hearing to consider the Seasons at Laguna Ridge application for a Rezone, Boundary Line Adjustment / Lot Merger, and Design Review for a 222-unit senior residential apartment facility

RECOMMENDATION:

The Planning Commission recommends that the City Council:

1. Adopt a Negative Declaration for the Seasons at Laguna Ridge Project No. EG-05-1086 (4-0);
2. Introduce and waive the full reading, by substitution of title only, an Ordinance amending the City of Elk Grove Zoning Map from Agricultural-20 acre minimum (AG-20) to Medium Density Residential (RD-15) consistent with the Laguna Ridge Specific Plan for the Seasons at Laguna Ridge Project No. EG-06-1086 (4-0); and,
3. Adopt a Resolution approving a Boundary Line Adjustment/Lot Merger and Design Review for the Seasons at Laguna Ridge Project No. EG-06-1086, subject to the Findings and Conditions of Approval (4-0).

With the aid of an overhead presentation (filed) **Christine Crawford**, Planning Director, provided an overview of the staff report and recommendation. She noted that the City Council received a "green sheet" memorandum outlining replacement language for conditions 57 and 58, to which the applicant and Laguna Ridge Owners Group have agreed to (filed).

Mayor Cooper declared the public hearing open at 7:09 p.m.

Applicant Dane Hillyard reported that State financing and federal tax credits have been awarded and affordable housing bonds obtained for the project. He noted that the facility is designed for fixed income senior independent living. The average age of the residents is 75 years. The outdoor recreational area is secure and the facility includes a garden, pool, exercise facility, internet access, library, theater, community room, Americans with Disability Act units, and 24 hour security. Rent for fully equipped units are 50% to 60% of median (currently \$500 to \$800 a month).

Council Member Scherman requested that, for safety reasons, telephone outlets should be placed in the bathrooms and she recommended that microwaves not be installed over stovetops.

PUBLIC COMMENT:

None.

Mayor Cooper declared the public hearing closed at 7:16 p.m.

Motion #1: *M/S Scherman/Leary to adopt a Negative Declaration for the Seasons at Laguna Ridge Project No. EG-05-1086. **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. 35-2007** amending the City of Elk Grove Zoning Map from Agricultural-20 acre minimum (AG-20) to Medium Density Residential (RD-15) consistent with the Laguna Ridge Specific Plan for the Seasons at Laguna Ridge Project No. EG-06-1086. **The motion passed by the following vote: Ayes: 5; Noes: 0.***

Motion #3: *Scherman/Leary to adopt **Resolution No. 2007-232** approving a Boundary Line Adjustment/Lot Merger and Design Review for the Seasons at Laguna Ridge Project No. EG-06-1086, subject to the Findings and amended (as outlined in "green sheet" filed) Conditions of Approval. **The motion passed by the following vote: Ayes: 5; Noes: 0.***

Agenda Item No. 7.7: A public hearing to consider the General Plan Map Amendment for three projects: 1) Franklin Crossing (EG-04-727); 2) Waterman 20 (EG-05-898); and 3) Waterman Park 72 #2 (EG-06-1158)

RECOMMENDATION:

Adopt a Resolution approving a General Plan Amendment for Franklin Crossing (EG-04-727), Waterman 20 (EG-05-898), and Waterman Park 75 #2 (EG-06-1158).

Christine Crawford, Planning Director, stated that this item was a "bundling" of General Plan amendments that the Council had already heard and considered

separately. She explained that, State law allows General Plans to be amended only four times a year, and this item reflects Elk Grove's third General Plan amendment of 2007.

Mayor Cooper declared the public hearing open at 7:19 p.m.

PUBLIC COMMENT:

None.

Mayor Cooper declared the public hearing closed at 7:20 p.m.

Motion: ***M/S Leary/Scherman*** to adopt **Resolution No. 2007-233** approving a General Plan Amendment for Franklin Crossing (EG-04-727), Waterman 20 (EG-05-898), and Waterman Park 75 #2 (EG-06-1158). ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

Agenda Item No. 8.1: Elk Grove Historical Society Request for a Community Service Grant

RECOMMENDATION:

Consider whether to fund a community service grant for the Elk Grove Historical Society. Should the City Council decide to provide funding, adopt a resolution amending the Fiscal Year 2007-08 budget.

Michael McGrane, Budget Manager, explained that this item was in response to a request by Council Member Scherman to bring back the Community Service Grant request of \$7,000 from the Elk Grove Historical Society for the purpose of installing an access ramp at the Rhoads School.

In reply to Council Member Davis, Mr. McGrane confirmed that the access ramp project would be eligible for Community Development Block Grant funds; however, he noted that Federal funding is more restrictive and it would take longer to go through the process to obtain funding.

PUBLIC COMMENT:

Joe Fabel, representing the Elk Grove Historical Society, explained that students are invited to visit the historic Rhoads School during the months of October through May. He described a recent situation in which a handicapped student had to be carried into the building because there was no access ramp.

Council Member Hume asked that this item be continued to the next meeting to allow him time to explore whether the Rotary Club of Elk Grove might consider funding this project.

Motion: M/S *Hume/Scherman* to continue this item to the next regularly scheduled City Council meeting on October 24, 2007. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Agenda Item No. 8.2: Proposed financing package for the Elk Grove Family Life and Fitness Center

RECOMMENDATION:

Provide direction regarding the use of General Fund Reserves to fund a loan request from Strikes Family Entertainment (“Strikes”); a prospective tenant in the Elk Grove Family Life and Fitness Center.

Joe Aguilar, Interim Finance Director, provided an overview of the staff report and recommendation. He noted that Council received communication via a “green sheet” dated October 8 from developer Jay Smith in which he requested a minimum 30 month interest only loan in the amount of \$1 million (filed). Mr. Aguilar warned that there is no assurance the loan would be paid back. The only source of funding the City has is its General Fund and there is economic uncertainty at the present time. Staff does not recommend providing the loan, as an effort is being made to maintain the reserve fund target.

PUBLIC COMMENT:

None.

Jay Smith introduced himself as one of the owners of the former JVC property. The proposed project is a regional sports center in the 200,000 square foot building on the 21 acre property. The center would include bowling, indoor surfing, soccer, ice skating, golf, rock climbing, basketball, and an arcade. He reported that the total investment in the project is \$7.5 million. Mr. Smith stated that, in addition to the personal guarantees provided by the owners of the Strikes facility, the developers will guarantee the loan.

Council Member Davis asked whether the \$7.5 million included the City’s development impact fee deferral of \$1.1 million, to which Mr. Smith acknowledged that it did.

Council Member Scherman was adamantly opposed to the loan request, stating that the City is not a lending institution. Further, she expressed concern about the City’s budget and low amount of its reserve fund balance.

In response to Council inquiries, Mr. Aguilar reported that, not all the information requested by the City has been received. A five year pro forma of the operation and a balance sheet from those who are guaranteeing the loan is still needed. Based on the tax returns received, the only potential repayment source would be the operation itself. The development impact fee deferral would be for a period of five years. If Council directs staff to proceed with the loan, Mr. Aguilar stated that a banking consultant would be needed to provide assistance in determining the market rate of the loan.

Council Member Davis supported the recreational facility concept and the development impact fee deferral. Before a loan could be agreed to, however, documentation would need to be received that demonstrated the City was investing in a project that would be paid off. He pointed out that this is an existing building that has been vacant for years. From a policy standpoint, he felt that an exception should be made in favor of the request because it is a reuse of an existing building.

Council Member Hume expressed support for the project concept and development impact fee deferral; however, he felt the City making a loan could set a dangerous precedent. He suggested that Council may want to begin exploring the issues of a redevelopment agency, business improvement district, or other such tools.

Mayor Pro Tempore Leary felt that this would be an investment in the community and its youth. He was in favor of helping the business community and supported the development impact fee deferral. He suggested that the matter be returned to Council after staff has received and analyzed the data it has requested.

Interim City Manager Estep pointed out that there is a significant policy question as to whether Council would support such a loan from the general fund reserve, as there could be others in the future that will make similar requests. If Council supports this request, staff will analyze the information and return to Council for a final determination.

Motion: M/S Hume/Leary to authorize staff to grant the \$1.1 million fee deferral as outlined in the staff report and continue indefinitely consideration of the loan to Strikes Family Entertainment pending the receipt of the requested financial information from the applicant. ***The motion passed by the following vote: Ayes: 4; Noes: 1 (Scherman).***

Agenda Item No. 8.3: Report back on design alternatives related to the Elk Grove Boulevard frontage improvements project

RECOMMENDATION:

Receive report and provide direction.

With the aid of an overhead presentation (filed), **Fritz Buchman**, City Engineer, recalled that, at the September 24 Council meeting, staff brought forward an item related to right-of-way acquisition for the Elk Grove Boulevard frontage improvement project. The scope of the project included adding a third travel lane to Elk Grove Boulevard along the north frontage between Laguna Lake Way and immediately west of Fire Poppy. It also included landscaping the existing median between Laguna Lake Way and Foulks Ranch Drive and the north frontage, and adding a new landscape median between Foulks Ranch Drive and the easterly boundary of the racket club. In addition, it extends the existing median just west of Laguna Lake Way in a manner that would allow left turns from Elk Grove Boulevard into Laguna Lake Way, but restrict left turns from Laguna Lake Way onto Elk Grove Boulevard. At the September 12 Council meeting several residents of the adjacent Laguna Lake subdivision expressed concern that they would be losing their ability to make a left hand turn onto Elk Grove Boulevard. Council directed staff to report back on the issue. Responding to this request, staff sought the expertise of Fehr & Peers transportation consultants who were present to discuss technical factors that led staff to develop the currently proposed design.

Matthew Manjarrez representing Fehr & Peers provided an overhead presentation which demonstrated the eight conflicts that currently exist to drivers in the subject area. He described three scenarios as follows:

- Scenario #1: If only left turns were allowed into Laguna Lake Way and the left turn out were eliminated, conflicts to motorists would be decreased to four: 1) pedestrians and bicyclists; 2) west bound through traffic, 3) left turn into, and 4) east bound vehicles.
- Scenario #2: Allow a left turn in and out of the Laguna Lake Way intersection, but provide, in addition to the left turn pocket into Laguna Lake Way, an acceleration/refuge area for vehicles to turn left and wait for a break in eastbound vehicle traffic on Elk Grove Boulevard. In this scenario eight conflicts still exist, but it provides a refuge area in the middle of the intersection.
- Scenario #3: Would have a median barrier all the way through and only right turns in or out of Laguna Lake Way would be allowed. In this scenario there would only be conflicts between right turn out, pedestrians and bicyclists, and between the right turn out and the west bound through movement.

Mr. Manjarrez summarized by stating that the least risk would be allowing only right turns out and the most risk is allowing all movements with no refuge area.

Council Member Davis commented that the analysis did not include the impacts that would be caused in surrounding areas by limiting movements at this intersection.

David Robinson, also representing Fehr & Peers transportation consultants, reported that the City conducted a survey of ten jurisdictions regarding uncontrolled left turn access across a six lane roadway and whether they had written policies either prohibiting or limiting those types of access conditions. All the jurisdictions generally restrict, discourage, or prohibit the access condition, and some evaluate the condition on a case by case basis. Mr. Robinson noted that some considerations in evaluating this matter include sight distance from the perspective of the driver exiting, as well as sight distance relative to drivers already on Elk Grove Boulevard driving eastbound and westbound, i.e. as to whether it is safe to proceed through the intersection if someone is exiting Laguna Lake Way. The posted speed limit on Elk Grove Boulevard through this particular area is 50 mph. Higher speeds result in potentially fewer gaps or opportunities for drivers to exit onto Elk Grove Boulevard. Traffic volume today is 30,000 a day with a forecast to double in the next 15 to 20 years as development occurs east of Laguna Lake Way. Roadway geometry is another consideration and there is a slight curve of Elk Grove Boulevard as one travels east of the intersection.

Council Member Davis asked whether other jurisdictions, when making an exception to a policy, would take into account the limited number of homes and low volume of traffic coming out of the subdivision, to which Mr. Robinson replied in the affirmative, and noted that, in this case, it would include both the traffic on Elk Grove Boulevard and the volume of traffic being served by the access point.

Police Chief Simmons reported that three accidents have occurred over a five year period at this intersection. Two other intersections exist in the City with six lanes of traffic that allow left hand turns across the traffic. These intersections on Bruceville Road have much lighter traffic and have each sustained four accidents during the past five years.

David Yatabe, Traffic Engineer, stated that, if the Laguna Lake Way left turn out access were removed, it would result in an increased vehicle trip of 3,000 feet. The second scenario would increase a vehicle trip by 2,000 feet. A traffic count was conducted at the intersection of Laguna Lake Way and Elk Grove Boulevard. During a seven day period, an average of 150 vehicles a day make left turns out. Peak hour movement showed 25 vehicles turning left out and peak 15 minute movement had 13 vehicles. Mr. Yatabe stated that, based upon the review of this information, along with the conflict/decision scenarios that Fehr & Peers analyzed, staff recommends the removal of the left turn egress as part of the frontage improvement project.

In response to Council inquiries, Mr. Yatabe reported that an average of 190 to 200 vehicles a day turn right out of the subdivision. The Laguna Lake Way subdivision is fully developed, so the number of vehicles exiting the area is not expected to increase.

PUBLIC COMMENT:

Terri Briggs asked Council to retain the left turn out because there is no risk currently and traffic is not expected to increase significantly for more than a decade.

Heidi Kroll requested that the merge/refuge area be returned so residents can safely turn left out of the community. She encouraged Council to postpone the elimination of the left turn out until traffic increases. She expressed concern regarding impacts on Fire Poppy, explaining that, when cars back up into the next lane and traffic is heading through at 50 mph, it creates a hazard.

Sherie Matheny pointed out that u-turns are presently allowed, which may have been the cause of the accidents that have occurred. She felt that u-turns should be eliminated, as it causes a dangerous situation. She believed that the left turn out maneuver from Laguna Lake Way is no more difficult than many decisions that must be made routinely by drivers.

Sharon Lewis asked Council to keep the left turn out capability because her elderly mother requires service personnel to come quickly and elimination of the left turn lane would put her at risk.

Mayor Cooper declared the public hearing closed.

Fritz Buchman, City Engineer, reported that staff is aware of the left turn stacking issue at the Fire Poppy signal and regardless of the direction that Council takes on this matter, staff will work on a timing plan to reduce the problem and increase the green time for the east bound left, which will reduce the stacking problem.

Mayor Cooper emphasized that this is a public safety issue. Traffic has increased in the area and will continue to do so. Vehicles travel at a high rate of speed on Elk Grove Boulevard, causing a dangerous condition for Laguna Lake Way residents attempting to cross multiple lanes of traffic going in both directions, as well as travelers on Elk Grove Boulevard who may not see a vehicle coming out of the subdivision. He adamantly felt that Council should take the recommendation of its traffic engineer and advice of the Fehr & Peers consultants.

Council Member Davis believed that eliminating the left turn out would negatively impact surrounding areas creating traffic safety issues at other locations. He felt the Fehr & Peers analysis was flawed because it did not take into account increased traffic flow in other locations. He favored adding a refuge lane, so drivers could safely merge into eastbound traffic.

Council Member Scherman stated that this is a matter of public safety and Council should approve the recommendation of staff and accept the advice of the transportation consultants. In addition to eliminating the left turn out, she supported the removal of the u-turn capability at the intersection.

Council Member Hume commented that increased traffic would eventually worsen the situation and Council should be looking for a long term solution.

Council Member Leary suggested that the left turn out be allowed and that this matter be revisited when there is an increase in traffic.

Motion: M/S Cooper/Scherman to allow left in, and no left out traffic.

Substitute motion: M/S Davis/Leary to allow left hand turns in, left hand turns out into the refuge lane.

In response to Mayor Cooper, Mr. Buchman reported that the cost for the traffic consultant report was \$5,000. If design alternatives were delayed for two or three years, he estimated the cost to remove the refuge lane, replace landscaping in the median, etc. range between \$60,000 to \$80,000 (in today's dollars). He noted that adding a refuge lane would require cutting into the existing median.

Substitute motion amended: To allow left-hand turns in [to Laguna Lake subdivision from Elk Grove Boulevard], left-hand turns out into the refuge lane [on Elk Grove Boulevard], and eliminating the left-hand turn out motion at some point in the future, to be considered based on a specific traffic volume increase [to be determined by Public Works staff]. **The motion passed by the following vote: Ayes: 3; Noes: 2 (Cooper, Scherman)**

GENERAL ADMINISTRATION INFORMATION

None.

COUNCIL COMMENTS/FUTURE AGENDA ITEMS

Reports on Regional Boards, Commissions, Committees; Travel/Training Expenditures Disclosure (in accordance with Resolution 2006-295 and Government Code § 53232.3(d)):

Mayor Pro Tempore Leary thanked Public Works for the improvements made on Bruceville Road south of Elk Grove Boulevard to Whitelock Parkway. He mentioned that the Sacramento Metropolitan Cable Television Commission Board of Directors is dealing with a lawsuit filed by Comcast.

Council Member Scherman reported that the Sacramento Public Library Authority Board of Directors is also considering a litigation matter. She attended an Elk Grove Senior Center Board of Directors retreat at which it set goals and is considering changing the Center logo. The Sacramento Regional County Sanitation District Board of Directors recently settled lawsuits. She asked for Council's concurrence in scheduling a future agenda item to consider a policy regarding donations, sponsorships, etc., to which Members responded in the affirmative. She congratulated Interim City Manager Jim Estep on his appointment and looked forward to a long working relationship.

Council Member Davis reported that the mandatory no-burn rule was discussed at the recent Sacramento Metropolitan Air Quality Management District Board of Directors meeting, at which consensus to exclude pellet stoves from the requirements was arrived at; a decision will be made at its next meeting. The Elk Grove Economic Development Corporation is nearing completion of its recruitment for an Executive Director. He asked for a report back on the status of the town center portion of Laguna Ridge adjacent to Elk Grove Boulevard and options in terms of master planning the area.

Council Member Hume recommended that Council consider a policy amendment to require multifamily projects to build masonry walls when the project abuts residential areas. He recalled at the July 25, 2007 meeting having requested that Council consider annexing the area between Bruceville Road and Franklin Boulevard, off Big Horn Boulevard, and formally asked for consensus to schedule the matter on a future agenda for consideration, to which Members expressed agreement. He congratulated e-tran for receiving top honor from the American Public Transportation Association and encouraged the public to attend Try Transit Day on October 16. He mentioned that the Sacramento Regional Transit District Board of Directors has retained an executive search firm to conduct a recruitment for the position of general manager. Mr. Hume reported that the public workshop regarding the Rite Aid project, that he and Council Member Scherman facilitated, was successful. He met with residents of the Sheldon area along with City and County staff and Supervisor Nottoli regarding potential phasing for rural roads and the connector that will run through the Sheldon area. He reinforced that, with respect to the Connector Joint Power Authority, the City of Elk Grove determines timelines, etc. related to Kammerer Road widening improvements, and is not ceding control to the Sacramento Area Council of Governments or the Transit Authority.

Mayor Cooper reported that he will be attending the Sacramento Area Council of Governments meeting at the end of this month.

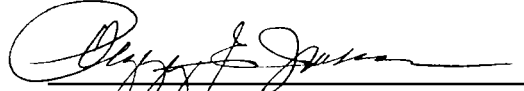
ADJOURNMENT

With no additional business to conduct, the October 10, 2007 City Council meeting was adjourned at 9:16 p.m.

Minutes prepared by:

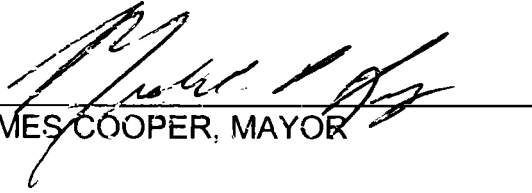


Susan J. Blackston
Chief Deputy City Clerk



PEGGY E. JACKSON
CITY CLERK

ATTEST:


for JAMES COOPER, MAYOR