

MINUTES OF THE CITY COUNCIL
REGULAR MEETING
Wednesday, January 12, 2011

CALL TO ORDER/ROLL CALL

Mayor Detrick called the regular City Council meeting of January 12, 2011 to order at 6:08 p.m.

Present: Mayor Detrick, Vice Mayor Cooper, Council Members Davis, Hume and Scherman.

Absent: None.

Leo Fassler led the Pledge of Allegiance.

Mayor Detrick asked that a moment of silence be observed.

APPROVAL OF AGENDA

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

CLOSED SESSION

None.

PRESENTATIONS/ANNOUNCEMENTS

4.1 Mayor Detrick presented a plaque to Council Member Sophia Scherman in recognition of her service as Mayor during the period of December 9, 2009 through December 8, 2010.

PUBLIC COMMENT

Lynn Wheat noted the South Sacramento Habitat Conservation Plan (SSHCP) meetings were not public meetings, but discovered local jurisdictions have representatives who attend and could report back to their communities. She anticipated a report or summary would be provided during Council Reports of the SSHCP meeting that was held December 2010.

GENERAL ADMINISTRATION INFORMATION

City Manager Laura Gill reviewed the January 12, 2011 Administrative Report (filed).

Ms. Gill noted in regards to redevelopment that the budget proposed by Governor Brown recommended the abolishment of redevelopment agencies, and the Legislative Analyst's Office concurred with Governor Brown's proposal. Consequently, staff would continue to monitor the situation, but at the current time redevelopment efforts for the City would be suspended until the response to the budget proposal was addressed by the state.

COUNCIL COMMENTS/FUTURE AGENDA ITEMS

Council Member Scherman attended the Senior Center Board meeting, the Elk Grove Chamber of Commerce leadership installation, the Sacramento Association of Realtors meeting, the Elk Grove Police Activities League reception to congratulate their youth football team, the Elk Grove Police Officers' Association Christmas reception, numerous Elk Grove Chamber of Commerce new business inductee ribbon cuttings, and Sacramento Fire Captain Terry Gee's funeral. Ms. Scherman represented the City, along with the City Manager and fellow Council Members, at the Central Valley Regional Water Quality Control Board hearing on December 9, 2010 opposing issuance of the National Pollution Discharge Elimination System (NPDES) permit.

Council Member Davis had nothing to report.

Council Member Hume attended the Sacramento Transportation Authority (STA) Board meeting, and at the Sacramento Regional Transit District (RT) Board meeting reviewed the agency's financial report. He noted in relation to RT that a trip finder program was close to completion which would provide online access to plan regional trips utilizing public transit. The Capital SouthEast Connector Joint Powers Authority Board meeting had been canceled, though Mr. Hume reported meeting with staff and members of the community working group to review the Limited Access Roadway options through the Sheldon area. He met with Stan Dean of the Sacramento Regional County Sanitation District regarding the issuance of the NPDES permit and what the next steps were, legislation being considered to allow local agencies to sell water they treated, and general water rights. Mr. Hume noted attending the South Sacramento County Habitat Conservation Plan (SSHCP) meeting and did not believe the process or project was coming together very well.

Vice Mayor Cooper attended the SSHCP meeting and believed that the variety of opinions of attending agencies would prolong the process of the project. He attended the Sacramento Regional County Sanitation District Board meeting which discussed that the NPDES permit would increase rates as much as \$60 per household, and noted the Board was in support of legislation related to agency ownership of water treated by its facilities.

Mayor Detrick attended the Elk Grove Police Activities League junior football divisional championships for 7- to 9- year-olds held at Monterey Trail High School, the Elk Grove Chamber of Commerce leadership installation, and the Sacramento Association of Realtors meeting. He noted the Audit Committee had received an audit report commending good practices of the City, and offered processes to further improve such processes which were being implemented by executive management. He reported that the ad hoc committee to locate state agencies was continuing to meet with the Department of General Services, state agencies, and local developers. Mayor Detrick noted the meeting tonight would be adjourned in memory of Sacramento Fire Captain Terry Gee, and would also honor all Elk Grove citizens that passed in 2010.

CONSENT CALENDAR ITEMS

Vice Mayor Cooper noted, in regards to the Request for Proposals under Item 8.5 for ammunition for the Police Department, that the high cost for ammunition has resulted in some agencies reducing their requirements to qualify their officers from four times a year down to two, but that the City has retained the practice to qualify officers four times a year.

Motion: M/S Cooper/Davis to approve the Consent Calendar as presented. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.

Agenda Item No. 8.1: Received Automatic Clearing House Nos. 2593 through 2795 dated December 1, 2010 through December 31, 2010, General Warrant Nos. 56505 through 57029, and Electronic Fund Transfer Nos. 2011086 through 2011106

Agenda Item No. 8.2: Received October 2010 Treasurer's Report

Agenda Item No. 8.3: Approved November 10, 2010 and December 8, 2010 Special City Council Meeting Minutes

Agenda Item No. 8.4: Received report on City Manager approved purchases and contracts authorized by Elk Grove Municipal Code Chapter 3.42 Contracts and Purchasing, filed through January 5, 2011

Agenda Item No. 8.5: Received report on Requests for Proposals, Qualifications, and Bids

Agenda Item No. 8.6: Ordinance No. 28-2010 adopted repealing and reenacting Chapter 17.04 of Title 17 of the Elk Grove Municipal Code relating to fire prevention and adopting by reference the 2009 Edition of the International Fire Code, as published by the International Code Council and the 2010 California Fire Code, based on the 2009 Edition of the International Fire Code (**Second Reading**)

Agenda Item No. 8.7: **Ordinance No. 29-2010** adopted amending the City of Elk Grove Zoning Map from RD-30 to RD-20 for the Laguna Ridge Apartments Project No. EG-10-053, Assessor Parcel Number 132-2110-001 (**Second Reading**)

Agenda Item No. 8.8: **Ordinance No. 30-2010** adopted amending Elk Grove Municipal Code Chapter 2.12 of Title 2 relating to the Youth Commission (**Second Reading**)

Agenda Item No. 8.9: **Resolution No. 2011-1** adopted accepting the Promenade Mall Detention Basin Flap Gate Installation Project as complete and authorizing the City Engineer to Prepare, and the City Clerk to file, the Notice of Completion with the Sacramento County Recorder

Agenda Item No. 8.10: **Resolution No. 2011-2** adopted authorizing the City Manager to sign a Stakeholder Letter of Support, Statement of Principles, and similar future support letters related to the Sacramento Water Recycling Program

Agenda Item No. 8.11: **Resolution No. 2011-3** adopted authorizing the City Manager to execute a three-year agreement with Sacramento Uniforms for the purchase of police uniforms and safety equipment in an amount not-to-exceed \$375,000

Agenda Item No. 8.12: **Resolution No. 2011-4** adopted authorizing the City Manager to accept grant funding from the Regents of the University of California, Berkeley, School of Public Health to implement a seatbelt compliance program and establish the Police Department's revenue and expense budget in the amount of \$3,410

Agenda Item No. 8.13: **Resolution No. 2011-5** adopted authorizing the City Manager to execute a consultant contract amendment with Mark Thomas and Company, Inc. for the Grant Line Road Widening Project (East Stockton Boulevard to Waterman Road) in the amount of \$366,474 [*for a total compensation amount not-to-exceed \$956,354*]

PUBLIC HEARINGS

Agenda Item No. 9.1: A public hearing to consider: **A)** 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. 17); **B)** 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. 17); and **C)** adoption of a

resolution determining to levy street maintenance assessments for certain properties in the Eastern Area which represents Annexation No. 13 into Street Maintenance District No. 1 – Zone 3B

RECOMMENDATION

- A-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;
- A-2) *(Following tabulation and certification of ballot results by the City Clerk)* Adopt resolution declaring the results of the special election held on January 12, 2011 for the seventeenth annexation to Community Facilities District No. 2006-1 (Maintenance Services); and
- A-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. 17; **AND**

- B-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;
- B-2) *(Following tabulation and certification of ballot results by the City Clerk)* Adopt resolution declaring the results of the special election held on January 12, 2011 for the seventeenth annexation to Community Facilities District No. 2003-2 (Police Services); and
- B-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. 17; **AND**

- C) Conduct a public hearing on Supplement No. 13 to the Engineer’s Report, the question of levying assessments within Street Maintenance District No. 1 – Zone 3B and creating a subset of Zone 1 to be titled Street Maintenance District No. 1, Zone 3B for certain property 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 3B (Annexation 13).

Jason Lindgren, City Clerk, provided an overview of the staff report and recommendation

Mayor Detrick declared the public hearing open for Community Facilities District No. 2006-1 (Maintenance Services) Annexation No. 17.

PUBLIC COMMENT:

None.

Mayor Detrick declared the public hearing closed for Community Facilities District No. 2006-1 (Maintenance Services) Annexation No. 17.

Motion A-1: *M/S Cooper/Davis* to adopt **Resolution No. 2011-6** 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.***

City Clerk Lindgren announced that, of two (2) possible votes, two (2) affirmative votes were cast authorizing the City of Elk Grove to levy a special tax at the rate apportioned and described. He confirmed that the measure passed with more than two-thirds of all votes cast in the election in favor of the measure.

Motion A-2: *M/S Cooper/Davis* to adopt **Resolution No. 2011-7** declaring the results of the special election held on January 12, 2011 for the seventeenth annexation to Community Facilities District No. 2006-1 (Maintenance Services). ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Motion A-3: *M/S Cooper/Davis* to introduce and waive the full reading, by substitution of title only, **Ordinance No. 1-2011** levying and apportioning the special tax in territory annexed to Community Facilities District No. 2006-1 (Maintenance Services) Annexation No. 17. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Mayor Detrick declared the public hearing open for Community Facilities District No. 2003-2 (Police Services) Annexation No. 17.

PUBLIC COMMENT:

None.

Mayor Detrick declared the public hearing closed for Community Facilities District No. 2003-2 (Police Services) Annexation No. 17.

Motion B-1: *M/S Cooper/Davis* to adopt **Resolution No. 2011-8** 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.***

City Clerk Lindgren announced that, of two (2) possible votes, two (2) affirmative votes were cast authorizing the City of Elk Grove to levy a special tax at the rate apportioned and described. He confirmed that the measure passed with more than two-thirds of all votes cast in the election in favor of the measure.

Motion B-2: *M/S Scherman/Davis* to adopt **Resolution No. 2011-9** declaring the results of the special election held on January 12, 2011 for the seventeenth annexation to Community Facilities District No. 2003-2 (Police Services). ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Motion B-3: *M/S Scherman/Davis* to introduce and waive the full reading, by substitution of title only, **Ordinance No. 2-2011** levying and apportioning the special tax in territory annexed to Community Facilities District No. 2003-2 (Police Services) Annexation No. 17. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Mayor Detrick declared the public hearing open for Street Maintenance District No. 1 – Zone 3B (Annexation 13).

PUBLIC COMMENT:

None.

Mayor Detrick declared the public hearing closed for Street Maintenance District No. 1 – Zone 3B (Annexation 13).

City Clerk Lindgren announced that there was no majority protest. He reported that of two (2) possible votes, two (2) affirmative votes were returned. The ballot approved the proposed assessment and the proposed inflation adjustment limit described for the parcels identified in the ballot.

Motion C: *M/S Cooper/Davis* to adopt **Resolution No. 2011-10** determining to Levy Assessments in Street Maintenance District No. 1 – Zone 3B (Annexation 13). ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Agenda Item No. 9.2: A Public Hearing to consider adoption of a Supplemental Park Fee for the Laguna Ridge Specific Plan Area

RECOMMENDATION

- 1) Introduce and waive the full reading by substitution of title only an Ordinance amending Chapter 16.82 of the Elk Grove Municipal Code establishing a Laguna Ridge Supplemental Park Fee; and
- 2) Adopt resolution approving the Laguna Ridge Supplemental Park Fee Program Nexus Study and establishing the amount of the fee.

Heather Ross, Economic Development Coordinator, provided an overview of the staff report and recommendation

Mayor Detrick declared the public hearing open.

PUBLIC COMMENT:

Matthew Dull, Chief Financial Officer of Axios Homes, supported approval of the proposed Laguna Ridge Supplemental Park Fee Program.

Kristin Schenone, attorney with Morgan Miller Blair representing Pulte and Reynen & Bardis, the two initial developers of the Laguna Ridge Specific Plan (LRSP) area, stated both clients support adoption of the fee program as presented. She noted that while the City could amend or modify park dedication requirements for future development in the LRSP, parkland dedications and improvements that had already been made to the City by first phase developers could not be excluded from the fee program. She noted her two clients had expended nearly \$200 million in parks and improvements in the LRSP, and had made compromises with stakeholders throughout the fee program process as follows: 1) agreed to exclude all paseos and parkways, other than the Grand Parkway, at a cost of approximately \$6 million, 2) agreed to exclude land for light rail corridors, an equivalent six acre dedication benefiting other properties, 3) agreed that all parkland previously dedicated at a higher value, that was for their project requirements, would be excluded from the fee amount, and 4) agreed to exclude the low flow channel and 25 foot landscape corridor from the Grand Parkway, noted in documents (filed) from her client's biologist. Ms. Schenone emphasized her clients would not support a program that would exclude the Grand Parkway, and disagreed with recent assertions that the U.S. Army Corps of Engineers ("the Corps") Clean Water Act Section 404 Permit (404 Permit) in any way precluded placing the Grand Parkway in the fee program.

In reply to Council Member Hume, Ms. Schenone stated her belief that the channel associated with the Grand Parkway could not have been used as mitigation for the 404 Permit. Though the original 404 Permit applied for had such a requirement, that original 404 Permit was appealed and modified and the final permit did not have a requirement that the channel be used as mitigation. She noted the exhibit attached to the final 404 Permit was the LRSP document itself, the requirements for development and use of Grand Parkway were City park requirements, and nothing in the 404 Permit precluded that. Ms. Schenone believed the only legal inquiry was whether the Grand Parkway could be used as required by the LRSP and LRSP Finance Plan for park purposes.

Greg Van Dam, Vice President of Land for the Pulte Group, voiced support for the fee program as presented. He noted that Pulte, along with Reynen & Bardis, had made a number of concessions in an effort to build consensus with staff and land builders. He emphasized that inclusion of the Grand Parkway was essential to his company's continued support of the program. He stated that by establishing the fee his company would be able to continue to pull building permits and construct homes. Over the last five years the company had spent approximately \$8.5 million dollars in construction costs to develop the parks and parkways included in the fee program, but the nexus study for the program indicated the company's fair share of

construction costs was approximately \$3 million. Due to the delays in getting the program fee established, the City continued to collect \$15,000 for park in-lieu fees per permit to assure funding of the fee program process. He requested finalization of the fee program to provide assurance to address credits for the more than \$5 million dollars he believed his company was due for their fair share of improvements built to date.

Les Hock spoke in support of the park fee program. He noted that several complicated issues were being addressed through the program, and stated that over a period of five years the total fee had reduced from \$27,000 per single family lot to under \$12,000, without compromising funding for the facilities identified in the LRSP. In reply to Council Member Hume, Mr. Hock stated the mitigation of 1,900 linear feet of stream functions called out under the 404 Permit was satisfied off-site through additional mitigation property, and that no mitigation credit for the 404 Permit was allowed for Reynen & Bardis for any portion of the Grand Parkway.

John Jarecki, speaking on behalf of the Pulte Group, spoke in support of the park fee program. He noted that having the park fee program in place would provide certainty to the development community in moving projects, such as Zraggen Ranch, forward.

Thad Johnson, representing Pappas Investments, objected to the inclusion of over 28-acres to the park fee program. He submitted a letter (filed) summarizing the stated objection which identified lands such as paseos, drainage lands, and wetland mitigation land, all of which added a comprised cost of over \$13.5 million dollars to the fee program. The majority of the acreage at issue was on the west side of Big Horn Boulevard and comprised of drainage and wetland mitigation lands that he believed were a required component of the approval of the Grove project. He stated the lands were not accessible to the public, nor did they serve as parkland for the community. He noted some of that land had not been dedicated to date, and was encumbered by mechanic's liens and other legal actions. He asserted no local agency would qualify the land as satisfaction of a park requirement, and would be inappropriate to include in a park fee program. In regards to lands on the east side of Big Horn Boulevard he noted that the paseos built with a 100 foot width were four times the width of the Big Horn Boulevard landscape corridor and nearly three times the landscape widths of the Laguna Boulevard, Elk Grove Boulevard, and Bruceville Road landscape corridors adjacent to the LRSP. He believed the lack of corresponding benefit and on-going maintenance costs of these lands was an inefficient use, and as a majority of such land had not yet been dedicated to the City, that it should not be included in the fee program and remain with the underlying landowner. He believed the setback requirement should consist of the standard 25 foot landscape setback, with perhaps an additional 10 or 15 foot setback consistent with the Whitelock Parkway landscape corridor.

In reply to Council Member Davis, Mr. Johnson believed the Grand Parkway was a drainage corridor and wetland mitigation area and never called out to be reimbursable for parkland. He did not believe the area would ever provide for active or passive recreating as it was inaccessible with no trail connectivity or park amenities. He believed that statements made under earlier public comment about off-site mitigation was an additional mitigation requirement for another condition of the 404 Permit, and not a substitute for the mitigation requirement of the channel in the Grand Parkway.

Steve Zehnder supported the fee program as presented.

Chris Bardis believed his company should be appropriately reimbursed for the work and dedications they had completed to date. He noted the company's good faith efforts throughout the process to partner with the City to continue developing the LRSP.

Lynn Wheat inquired who would benefit the most if the fee program was passed, and when would park benefits be available to future homeowners and residents in the LRSP.

Ed Gillum, representing Jackson Properties, believed the Grand Parkway was always intended to be a drainage area, and that the only over-width that could be construed for passive recreation parkland was the 15 foot width adjacent to the 25 foot landscape setback at the sidewalk pathway. He believed the channel was dictated by technical matters required to convey drainage from the land north of the channel. He disagreed with pricing for the side slopes of the drainage channel called out in the fee program at \$400,000 per acre in land costs, and \$225,000 per acre to provide park equivalent improvements. He contended that the 404 Permit required the channel area be set aside for wetland mitigation. Mr. Gillum stated the 28 acres identified by Mr. Johnson, if included in the fee program, equated to a cost of \$1,500 per unit, which he believed was only to the benefit of those parties that currently own, or previously dedicated, those lands.

In reply to Council Member Hume, Mr. Gillum recollected that the drainage channel area north of Whitelock Parkway and west of Bruceville Road was a drainage ditch prior to creation of the East Franklin Plan, and believed the land was not reimbursed by the plan area for the owners Forecast Homes and Dunmore Properties. He believed the drainage channel was approximately 180 feet wide and was required to be dedicated as waters of the US.

In reply to Council Member Davis, Mr. Gillum believed the paseo lands removed from the fee program by Reynen & Bardis were removed at City Council direction, not a voluntary concession of the owner. He believed the paseos were internal benefits to those residing within those specific projects, and were not intended as reimbursable park lands that would benefit the whole community. He believed the

drainage channel of the Grand Parkway was required for mitigation, and slope areas were required to provide mitigation planting and maintenance for the drainage channel. He believed passive recreation benefits were not intended on the sloped banks, but rather along the 15 foot over-width adjacent to the 25 foot landscape corridor and sidewalk. Mr. Gillum believed the Grand Parkway drainage channel would never be anything else than a drainage channel, and assigning developable values to such lands was inappropriate.

Planning Director Taro Echiburú clarified that the low flow channel would constitute the "wetted" channel area, and the "non-wetted" channel area would cover all areas in the drainage channel above the low flow channel.

Bill Abbott, representing the developer of Allen Ranch, believed the Allen Ranch project should not be included in the fee program due to the nature of the conditions of approval of the subdivision map that did not contain the same language as other subdivision maps regarding the obligation to pay this future fee. He did not believe the proposed fee program was consistent with the City's General Plan and the LRSP documents, stating that paseos and linear parkways were differentiated in the LRSP with assigned values, and the effect of the fee program eliminated any such distinction and treated lower value land along Whitelock Parkway as active parkland. He believed land costs were overstated and did not take into account restrictions on particular lands (such as mitigation requirements and/or liens). Mr. Abbott observed that in relation to using the standard to appraise land value at the time of dedication, he noted lands in the nexus study identified as D2 and D3 were appraised at 2008 values, which to his knowledge these lands had never been dedicated to the City, yet they were included in the fee program at 2008 values.

Mayor Detrick declared the public hearing closed.

Ms. Ross noted funding of the drainage channel referenced in the East Franklin Plan was covered by the East Franklin Supplemental Drainage Fee that covered 58 acres of drainage and parkway land levied on all new development in that area. In East Franklin the Park Fee was separate as parks in that area were controlled by the Cosumnes Community Services District. She noted for the East Franklin area the Park Fee was approximately \$5,000 per unit, and the drainage fee \$2,500 per unit.

City Attorney Susan Cochran recollected that East Franklin park dedications were then valued by the County Assessor, as such dedications were handled under the state Quimby Act. Regarding the LRSP, this fee program went beyond the requirements of the Quimby Act as the City envisioned a series of green spaces that had different uses, which were conglomerated under the LRSP into a single park fee program to fund park, parkway, open space, and recreational facilities. Staff designed the Infrastructure Development Fee (IDF), the Public Land Program (PLP) and Park Improvement Fee (PIF) in October 2009 to provide differentiation to

address other LRSP components in addition to parks. Those additional fee programs were not implemented, leaving one fee program to address the varying elements under consideration in the LRSP. In reply to Council Member Davis referring to correspondence from the City dated July 27, 2005 (filed), Ms. Cochran believed the letter reinforced the City vision that the lands of the Grand Parkway were intended for a greater vision of public space and were not merely for flood control usage, and that the City supported the 404 Permit applicant in objecting to the land being used solely for mitigation land.

Council Member Hume believed the parkways and paseos were exactions taken as part of map approvals and did not provide Quimby Act, park fee, or park land credits. He felt the final 404 Permit had language for the drainage channel to mitigate for existing drainage, and though a vision of creating a passive / active recreation space had existed when the LRSP was formed, that vision had not fully happened as much of the area was fenced off with no access to the channel area. Mr. Hume believed reimbursement was due to early plan participants that were required to build improvements, but to exclude paseos, parkways, and areas encumbered by the 404 Permit, and he asked consideration be given for alternate valuation for land not used as active park land in the channel area. Mr. Hume questioned the per acre park improvement value assigned to the paseos on the east side of Big Horn Boulevard, and to reconsider shortening the current 100 foot width of such paseos.

The Council agreed the Laguna Ridge Supplemental Park Fee program needed to be instantiated to continue development in the LRSP, but believed the nexus study and fee amount needed to be revised.

City Attorney Cochran summarized Council direction given on policy points and questions regarding assumptions made in the nexus study to return with a resolution to set future fee rates as follows: 1) the low-flow channel would remain excluded from the Grand Parkway, and the non-wetted areas of the channel would be reconsidered under an appraisal evaluation, 2) clarify for the Grand Parkway if the original land was wetland or was a created facility to serve as a drainage channel, 3) clarify access issues and fencing requirements along the Grand Parkway, 4) compare the proposed LRSPF with existing fee programs in East Franklin, and comparative fee programs within the City, to evaluate differences in fee costs for land acquisition and land improvement along channels, 5) compare relative slopes in channel areas between East Franklin and the Grand Parkway, 6) utilize a revised Swainson's hawk fee amount in the nexus study to utilize actual fees paid by those who dedicated land, and 7) identify use of pathways and reconsider the 100 foot width space of paseos on the eastern side of the Big Horn Boulevard.

Council Member Scherman believed that in addition to information provided by staff, that all stakeholders should clarify and confirm their researched figures to gain an accurate representation of dedications and costs paid to date.

In reply to Mayor Detrick, Ms. Cochran noted that though certain lands may not yet have been accepted by the City as dedications, there did exist Irrevocable Offers of Dedication in conjunction with certain lands, which effectively removed the ability for owners to develop them and which was why under the proposed fee program those dates were selected for valuation. She noted that such agreements were reached years ago by the original stakeholder group, and did not encourage renegotiating such early established terms.

Motion: ***M/S Hume/Scherman*** to introduce and waive the full reading, by substitution of title only, **Ordinance No. 3-2011** amending Chapter 16.82 of the Elk Grove Municipal Code establishing a Laguna Ridge Supplemental Park Fee (LRSPF). ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Council directed staff to return with a revised Laguna Ridge Supplemental Park Fee Program Nexus Study to establish the amount of the fee.

REGULAR AGENDA ACTION ITEMS / RECOMMENDATIONS

Agenda Item No. 10.1: Consider resolution approving identified streets for speed control measures and directing staff to proceed with design

RECOMMENDATION:

Adopt resolution approving identified streets for speed control measures and directing staff to proceed with design.

Richard Shepard, Public Works Director, provided an overview of the staff report and recommendation. The program allowed citizens to petition streets for vertical control devices, such as speed bumps, to control speeds in neighborhoods. The program was initiated October 27, 2010 which approved 13 streets, currently in process of plan development for implementation. The 12 remaining streets raised concern that vertical speed control measures would have an adverse impact on emergency response times and subsequently were submitted to the Traffic Safety Advisory Committee for review. After review by the committee, one of the streets was supported as balloted, four streets were partially supported as delineated in the staff report, and the remaining streets were not supported.

PUBLIC COMMENT:

Dan Snow stated his understanding that emergency response times were important, but believed conditions around Neosho Drive (the park, presence of children, and the current speed of traffic that used local streets as a cut-through to bypass the red

light camera intersection signal at Laguna Boulevard and Franklin Boulevard) warranted some measure of speed control. He believed a speed table was needed at the location, and/or a three-way stop intersection.

In reply to Council Member Hume, Mr. Shepard noted stop sign installation was dictated by traffic conditions meeting certain criteria, and there was potential liability for installing stop signs in areas where conditions were not warranted. He noted the program did consider speed control solutions other than vertical speed controls, such as striping.

Juan Fernandez noted that the neighborhood supported plan for Rancho Drive included three speed tables, but the recommendation was for a single speed cushion. He recognized the Cosumnes Community Services District's (CCSD) desire for the best response time, but believed there was a bigger, daily safety concern to neighborhood. Mr. Fernandez cited response time statistics from other cities, noting vertical control devices created an average increase in response times of 9.2 seconds. He believed if two additional speed tables resulted in a total response delay of less than 1 minute it would constitute an acceptable risk for the trade-off of a safer neighborhood with lower overall speeds. Mr. Fernandez believed costs could be saved for the program by reusing design plans from related, previous projects.

Robert Goss provided a presentation (filed) of the background and current conditions of Rancho Drive. He noted Rancho Drive was used as a cut-through street from high traffic on both Waterman Road and Elk Grove Boulevard. He cited conditions he believed contributed to excessive speed on the street: the street was wider at 40 feet from gutter line to gutter line (other neighborhood streets were 30 feet), there was little to no striping (no center line or bike lane), few vehicles were parked on the street, the street was relatively straight, the street did not have a continuous sidewalk, and visibility was low of signage and traffic at the intersection with Cupertino Drive. Mr. Goss reviewed emergency response delays cited by the CCSD and believed the increments of time differentiating surrounding response zones were nominal, and alternate routes besides Rancho Drive could be utilized to provide connectivity to response zones without creating a need to traverse all three control measures requested by the neighborhood. He believed the location of the one speed table supported by the committee was in the lowest speed section of the street. Mr. Goss requested other contemporary speed control measures be considered (he recommended use of sharrows, or shared-lane marking) and asked for increased traffic patrol on Rancho Drive.

Police Chief Robert Lehner noted lists of neighborhood complaints were maintained for enforcement requests, but traffic calming measures provided a permanent and more effective means for controlling speed. He noted that the speeding deterrent effect created by a police officer at a location diminished almost instantly once the officer left the area.

Jennifer Williams spoke in support of Lakemont Drive, Patina Way, Brown Road, and Four Seasons Drive which were not supported by the committee. She cited the area was a cut-through route from Elk Grove-Florin Road to Calvine Road. Ms. Williams asked if speed bumps with wheel cut-outs for fire trucks to pass were allowed, or if stop signs, crosswalks, and speed limit signs could be installed.

Jason Hurtienne addressed the partial approval of a speed table placed on McLean Drive, believing all proposed speed tables should be installed. The stated reason by the CCSD to remove the speed table east of Atkins Drive was to improve response times to the schools, but Mr. Hurtienne believed use of residential streets by emergency vehicles was counterproductive to what he believed would be a faster response time in utilizing Whitelock Parkway.

James Parrish spoke in support of the approval of the Mainline Drive request, and asked that the speed bumps be installed before the new park opens.

Phyllis Nahabe requested reconsideration of speed control measures on Neosho Drive, and recounted her experiences in confronting speeders on the street.

Martha Denny requested speed control be considered for Neosho Drive. She noted the stop sign on Neosho Drive was rarely obeyed by drivers, and that one existing speed bump in the area was so low that it was an ineffective speed deterrent.

Edie Baranowski spoke in support of speed control on Neosho Drive, Shenango Way, and Malheur Way and shared her experiences of having her house and her neighbor's house being run into by speeding vehicles. She cautioned of the ill effects if loss of life were to occur because of the resulting high speed traffic in the area.

Victoria Torfa spoke in support of speed control on Neosho Drive, Shenango Way, and Malheur Way and noted her home had been hit by a speeding vehicle, as well as her neighbor's home. She noted speeds in the residential area were high enough that on a regular basis she had to accelerate rapidly just to leave from her own driveway.

E.J. Koford agreed with the goal of slowing traffic, but did not immediately want a speed bump installed on Rancho Drive, as currently partially supported, as that speed bump would be located in front of his house. He requested other "soft" engineering solutions be considered first, such as a tiering system that starts with education, then utilizes striping or signage (including static mounted speed boards), and then considers vertical controls. He inquired if costs for the program were levied directly only to program petitioners, or if City general funds were utilized.

Frank Fong spoke in support of speed control on Neosho Drive, Shenango Way, and Malheur Way. He noted striping may not be effective in the dark. He shared the observation that in his 17 years living in the area he believed he had only noticed 3 to 4 fire trucks responding to medical emergencies, and though he appreciated response time concerns of the CCSD, he believed improved speed control improved daily safety to the residents of the area.

Council Member Davis supported implementation of programs addressed by citizens during public comment, believing they had weighed the costs and benefits of emergency response time reductions and daily safety, and he advocated that if vertical speed control devices were not approved for those locations to have some form of speed control done at those sites using other "soft" engineering solutions as brought up during discussion.

In reply to Council Member Scherman, CCSD Fire Marshall George Apple noted considerations by the CCSD regarding vertical speed controls were overall delay in response times and the effect of vertical speed controls on occupants and apparatus. The CCSD utilized a three-year study to gauge response times, and noted that for areas that had existing speed bumps, attempts were made to examine the years prior to installation of those speed bumps to validate actual time delays for the CCSD. In relation to personnel issues, he noted that frequency of either trips taken, or the number of devices traversed, had an adverse effect on patients on backboards and could create safety issues resulting from jostling of passengers when going over vertical control devices. Fire Marshall Apple noted that vertical control devices can be damaging to apparatus and engines, and the use of pads with spaces in between for emergency response vehicles were not as effective because the wheel base was the same width as current day sport utility vehicles and pickup trucks, which could then bypass such speed control devices.

Vice Mayor Cooper noted many CCSD calls were for medical emergencies where seconds made a difference, and believed other speed control measures, including use of stop signs, should be explored for locations not supported to minimize compromising CCSD routes and response times with vertical speed control devices.

Public Works Director Shepard stated that vertical control devices were primarily considered as they yielded the most effective, long term control at an efficient cost. The program had an on-going solicitation component examined on a fiscal year basis. The program guidelines noted that decisions of denial for a street would be in effect for three years, after which time reconsideration could be given. If a location was partially supported, the area would be evaluated on a yearly basis to see the effect of the partial implementation. Currently 12 projects were underway, and as the program budget was \$250,000 for the current fiscal year, implementation of additional locations may not occur until the next fiscal year cycle.

Fire Marshall Apple requested the Council consider program alternatives other than vertical speed control devices, suggesting other "soft" engineering approaches be utilized as initial phasing for speed control.

Motion: ***M/S Hume/Scherman*** to adopt **Resolution No. 2011-11** approving identified streets for speed control measures and directing staff to proceed with design, *and to update the program guidelines to provide for annual review of streets not supported or partially supported, and to provide a program evaluation and update report back to the Council in six months.* **The motion passed by the following vote: Ayes: 5; Noes: 0.**

Agenda Item No. 10.2: Discuss holiday v. Christmas tree

RECOMMENDATION:

Discuss issues regarding reference to "holiday" versus "Christmas" tree in City materials and direct staff accordingly.

Susan Cochran, City Attorney, provided an overview of the staff report and recommendation.

PUBLIC COMMENT:

Liz Stefanik supported use of the term "Christmas tree" listing reasons the term was an accurate representation and was appropriate for use by a government agency.

Pam Bradley supported use of the term "Christmas tree."

Rose Cassidy supported use of the term "Christmas tree" and believed there was no violation of the establishment clause provision of the First Amendment.

Bob Elder supported use of the term "Christmas tree" and believed use of the term "Christmas tree" recognized the tradition.

Vice Mayor Cooper noted use of "holiday tree" in City publications was likely taken from language on a pre-existing template, and not an issue explicitly decided upon to remove the use of "Christmas tree."

City Attorney Cochran noted that the City had never used the term "Christmas tree," and that publications to date had always referred to "holiday tree." This matter was only brought to attention this year.

By consensus the City Council directed that the term "Christmas tree" be used in City publications and materials.

Note: Council Members Davis and Scherman left at 9:58 p.m.

Motion: **M/S Cooper/Hume** to waive rule of procedure not to consider new business after 10:00 p.m. and to proceed with the remainder of the agenda. ***The motion passed by the following vote: Ayes: 3; Noes: 0; Absent: 2 (Davis, Scherman).***

Agenda Item No. 10.3: Adopt resolution to approve Federal Fiscal Year 2012 Congressionally-directed project funding requests

RECOMMENDATION:

Adopt resolution approving Federal Fiscal Year 2012 Congressionally-directed project funding requests.

Kara Reddig, Assistant to the City Manager, provided an overview of the staff report and recommendation.

PUBLIC COMMENT:

None.

Motion: **M/S Cooper/Hume** to adopt **Resolution No. 2011-12** approving Federal Fiscal Year 2012 Congressionally-directed project funding requests. ***The motion passed by the following vote: Ayes: 3; Noes: 0; Absent: 2 (Davis, Scherman).***

Agenda Item No. 10.4: Approve 2011-12 Legislative Principles and Procedures

RECOMMENDATION:

Adopt resolution approving the 2011-12 Legislative Principles and Procedures.

Kara Reddig, Assistant to the City Manager, provided an overview of the staff report and recommendation.

PUBLIC COMMENT:

None.

Note: Council Member Scherman returned at 9:59 p.m.

Motion: **M/S Cooper/Hume** to adopt **Resolution No. 2011-13** approving the 2011-12 Legislative Principles and Procedures. ***The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Davis).***

Note: Council Member Davis returned at 10:01 p.m.

Agenda Item No. 10.5: Planning Services Request for Proposals

RECOMMENDATION:

Consider and provide direction as appropriate on the proposed Planning Services Request for Proposals.

Taro Echiburú, Planning Director, provided an overview of the staff report and recommendation. Mr. Echiburú noted the Request for Proposals (RFP) for Planning Services recommended a transition to create two additional City positions for a Housing Finance Project Manager and an Administrative Assistant.

PUBLIC COMMENT:

None.

Council Member Hume requested that for the proposed review team that the individual selected as the Regional Planning Director did not work in a jurisdiction utilizing a current contracted planning provider, and that the Development Industry Representative was from an agency that did business in Elk Grove or in jurisdictions that utilized services of planning firms responding to the RFP.

By consensus the City Council directed staff to proceed with the Request for Proposals for Planning Services as presented.

Agenda Item No. 10.6: Consider resolution amending the Fiscal Year 2010-11 Budget, allocating funds and authorizing the City Manager to execute options for six (6) 40' Compressed Natural Gas (CNG) transit buses with New Flyer of America in an amount not-to-exceed \$3.27 Million; and/or authorizing the City Manager to request a transfer of twelve (12) 40' CNG 2002 Orion buses from Georgia Regional Transportation Authority and allocate \$143,000 for maintenance and transportation; or provide direction authorizing staff to notice potential service reductions

RECOMMENDATION:

Staff recommends the consideration of the following options:

- 1) Adopt resolution amending the Fiscal Year 2010-11 Budget, allocating funds and authorizing the City Manager to execute options for six (6) 40' compressed natural gas (CNG) transit buses with New Flyer of America in an amount not-to-exceed \$3.27 million; and/or
- 2) Authorize the City Manager to request a transfer of twelve (12) 40' CNG 2002 Orion buses from Georgia Regional Transportation Authority and allocate \$143,000 for maintenance and transportation; **OR**
- 3) Provide direction authorizing staff to notice potential service reductions.

With the aid of an overhead presentation (filed), Tiffani Fink, Transit Manager, provided an overview of the staff report and recommendation. Ms. Fink provided an

overview of current transit service needs to provide commuter, local fixed route, and supplemental services which required 51 vehicles in service, comprised of accommodating 42 vehicles on the road during peak activity times, and having nine vehicles as back-up. The current existing City fleet was 45 vehicles, augmented by 15 buses on lease from the Sacramento Regional Transit District (RT). Four current fleet buses had Compressed Natural Gas (CNG) tanks which would expire in 2012, and six buses were diesel and non-compliant with California Air Resources Board (CARB) requirements. The staff proposal to acquire additional fleet vehicles was to establish a sustainable fleet management plan. The proposed acquisition would be 18 buses, to be acquired prior to expiration of the RT lease. It would comprise the purchase of six buses from New Flyer and the transfer of 12 used CNG buses from the Georgia Regional Transportation Authority (GRTA). Since GRTA had used federal funds to acquire the buses, and had been reducing its service levels, the 12 buses were currently inactive and were required by the Federal Transportation Agency (FTA) to be transferred to active service. The transfer of the buses from GRTA was proposed to be free of charge, requiring only costs to inspect, service, and transport the fleet from Georgia. An alternative to acquisition was a reduction in peak service levels to match a lower fleet size, and Ms. Fink summarized the timeline to conduct outreach to discuss such potential service reductions.

In reply to Vice Mayor Cooper, Ms. Fink stated that transit agencies were required to follow a fuel path, since e-tran had the "alternative" fuel path it could not pursue creation of a diesel fleet. Ms. Fink noted that some agencies were working towards biodiesel becoming accepted as an "alternative" fuel, but a cost incurred by any diesel fleet was ensuring all vehicle exhaust was filtered, which often was a labor intensive and costly process.

Council Member Hume inquired if a transfer of buses was possible under the lease arrangement with RT, or if there was any indication that the lease would be continued. Ms. Fink stated that RT was evaluating its current service levels, and at this time they were not currently interested in a transfer proposal, and had not provided an indication of extending the lease agreement. Mr. Hume believed the transfer through GRTA was an opportunity for the City, but held reservations in expending funds for new buses now when the transit fund still maintained a \$5 million deficit, especially if the potential to receive a subsequent transfer of local agency buses became available.

PUBLIC COMMENT:

None.

Motion: M/S Cooper/Davis to adopt **Resolution No. 2011-14** amending the Fiscal Year 2010-11 Budget, allocating funds and authorizing the City Manager to execute options for six (6) 40' compressed natural gas (CNG) transit buses with New Flyer of America in an amount not-to-exceed \$3.27 million **and** authorizing the City Manager to request a transfer of twelve (12) 40' CNG 2002 Orion buses from

Georgia Regional Transportation Authority and allocate \$143,000 for maintenance and transportation. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Agenda Item No. 10.7: Consider resolution establishing a citizen advisory Redistricting Committee

RECOMMENDATION:

Consider adoption of a resolution establishing the structure of a citizen advisory Redistricting Committee, authorize recruitment for the Committee, and provide direction on expenditures for services related to redistricting including demographics services, legal services, and GIS services.

Jason Lindgren, City Clerk, provided an overview of the staff report and recommendation. Under consideration was creation of a citizen advisory Redistricting Committee and/or distributing a Request for Proposals for redistricting services. The Office of the City Clerk budgeted \$50,000 for redistricting demographic and legal services. He stated that previous discussion regarding redistricting focused on ensuring citizen involvement and input was achieved, and consideration of a citizen advisory committee was referenced. Mr. Lindgren noted that selection of a committee or hiring a private firm were not exclusive decisions, and an approach using both could be implemented.

PUBLIC COMMENT:

Tom Waltman spoke in support of using a professional services firm from outside of the City for the redistricting process. He believed a citizen advisory committee would be divisive to the community and could become subject to control by individuals with vested, personal political interests.

Council Member Scherman agreed with Mr. Waltman and believed a professional firm, outside of Elk Grove, would provide an impartial perspective.

Council Member Davis requested the process focus on eliciting community input on geographic and demographic diversity, and provide citizens access to technology to assist in evaluating demographic data.

Council Member Hume agreed resident input to establish "communities of concern" was vital to the process, and believed the process of drawing final boundary lines would be appropriately served in the hands of an impartial professional.

By consensus the City Council provided direction to proceed with release of a Request for Proposals for demographic professional services, and to not form a citizen advisory Redistricting Committee.

Agenda Item No. 10.8: Appointment of representation to City Council Boards, Commissions and Committees, including discussion of “from” district representation

RECOMMENDATION:

Review Local Appointments List and consider appointments or reappointments on local boards, commissions, and committees where terms have or will soon expire or direct the City Clerk to solicit applications for recruitment. Provide further direction regarding “from” district appointments and committee composition.

Jason Lindgren, City Clerk, provided an overview of the staff report and recommendation. Mr. Lindgren noted the item was an annual review to confirm Council appointments to local boards, commissions, and committees. He noted a letter of resignation was received from Glenn Lomax on the Disability Advisory Committee. Regarding the Historic Preservation Committee (HPC), staff was requesting aligning appointment terms to have half of the appointees reviewed for re-appointment staggered between odd and even years. Since there were no term limits on the HPC such an adjustment would have negligible effect on service terms of current members.

In addressing creation of a requirement to have “from” district appointments, Mr. Lindgren noted a California Attorney General opinion which summarized that a Council enacted ordinance did not constitute a statute that would overturn the power of a directly elected mayor to make appointments to local boards, commissions, and committees for a general law city. Consequently, if such an ordinance were enacted now to require “from” district representation, after November 2012 the directly elected mayor would not be required to adhere to such an ordinance.

PUBLIC COMMENT:

None.

Council Member Scherman stated one of her appointees to the Youth Commission had not been attending meetings. Mr. Lindgren stated a notice would be sent to the appointee that a recruitment would commence due to absenteeism.

Council Member Davis believed “from” district representation would serve well as a guiding principle. He did not believe enacting a policy requirement would be feasible, as it would displace current standing appointees, forcing them to resign.

Council Member Hume authorized the recruitment for the vacancy on the Disability Advisory Committee, and Mr. Lindgren replied the opportunity for an appointment would return at the regular meeting of February 23.

By consensus the City Council approved alignment of Historic Preservation Committee expiration terms to provide a staggered annual review, and confirmed all remaining appointments.

Agenda Item No. 10.9: Review Council appointments to regional boards, commissions, and committees

RECOMMENDATION:

Review Council appointments to regional boards, commissions, and committees and provide direction.

Jason Lindgren, City Clerk, provided an overview of the staff report and recommendation. Mr. Lindgren noted the item was an annual review to confirm Council representation on regional boards, and that four of the boards did not currently have alternate member assignments: the Sacramento Metropolitan Cable Television Commission, the Sacramento Metropolitan Air Quality Management District, the Sacramento Tree Foundation Greenprint Regional Steering Committee, and the Senior Center of Elk Grove.

PUBLIC COMMENT:

None.

Council Member Scherman requested to serve as representative to the Sacramento Metropolitan Air Quality Management District, to which Council Member Davis agreed to serve as the alternate.

Council Member Hume was appointed as alternate to the Senior Center of Elk Grove.

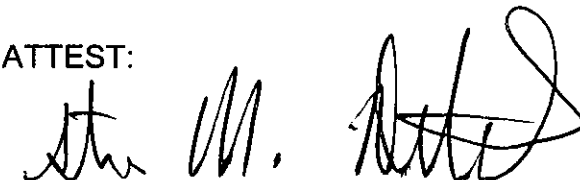
By consensus the City Council confirmed all remaining appointments.

ADJOURNMENT

With no additional business to conduct, the January 12, 2011 regular City Council meeting was adjourned in memory of Terry Gee, and in honor of all Elk Grove citizens that passed in the year 2010, at 10:43 p.m.


JASON LINDGREN, CITY CLERK

ATTEST:


STEVEN M. DETRICK, MAYOR

