



*Incorporated July 1, 2000*

*Website: [elkgrovecity.org](http://elkgrovecity.org)*

Sophia Scherman, Mayor

Rick Soares, Mayor Pro Tem  
James Cooper, Councilmember

Dan Briggs, Councilmember  
Michael P. Leary, Councilmember

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**REGULAR MEETING OF THE CITY COUNCIL**  
**Wednesday, November 5, 2003**  
**6:30 P.M.**

**Elk Grove City Hall**  
**8400 Laguna Palms Way, CA 95758**  
**City Council Chambers**

The Elk Grove City Council welcomes, appreciates, and encourages participation in the City Council Meeting. The City Council reserves the right to reasonably limit the total time for public comment on any particular noticed agenda item as it may deem necessary. If you wish to address the Council during the meeting, please complete a Speaker Card and give it to the City Clerk prior to the start of the meeting.

**AGENDA**

**1. CALL TO ORDER/ROLL CALL**

1.1 Roll Call

1.2 Pledge of Allegiance

**2. PUBLIC COMMENT**

Members of the audience may comment on matters that are not included on the agenda. Each person will be allowed three minutes, or less if a large number of requests are received on a particular item. No action may be taken on a matter raised under "Public Comments" until the matter has been specifically included on an agenda as an

action item. If a member of the public wants a response to a specific question, you are encouraged to contact any member of the Council or the City Manager at any time.

**3. APPROVAL OF AGENDA**

**4. PRESENTATIONS/ANNOUNCEMENTS**

**5. CONSENT CALENDAR ITEMS**

The Consent Calendar items are ones expected to be routine and non-controversial. They will be acted upon by the City Council after providing an opportunity for public comment.

**PUBLIC COMMENT**

**5.1** Approve Warrant Listing through October 22, 2003 (Warrants 007328 through 007440) and Warrant Listing through October 24, 2003 (Warrants 007441 through 007513) [p. 1-24]

**5.2** Approve Monthly Treasurer's Report for August 2003 [p. 1-4]

**5.3** Approve Minutes of the September 17, 2003 Regular City Council Meetings [p. 1-14]

**5.4** Authorize the City Manager to execute an agreement with Pacific Municipal Consultants, Inc. (PMC) for general planning and related services (Resolution) [p. 1-28]

**5.5** Authorize the City Manager to execute on behalf of the City of Elk Grove the engagement letter and retainer agreement with the law firm of Howrey Arnold Simon & White for the limited purposes of providing legal services to the City through the City Attorney regarding the upcoming redistricting [p. 1-8]

**5.6** Authorize the City Manager to execute on behalf of the City of Elk Grove the indemnification agreement with the Rock Church, Sacramento County Water Agency and the Elk Grove Community Services District for the limited purposes of allowing

the Rock Church project to construct a foundation only with an approved plan for funding water to the project [p. 1-8]

- 5.7 Approve the final map for Van Ruiten Ranch Unit 2, subdivision No. 00-025.3 and authorize the Mayor to execute a subdivision improvement agreement between the City of Elk Grove and Chesapeake-Ripon Lot Option, L.P., A California Limited Partnership (Resolution) [p. 1-32]
- 5.8 Approve the final map for Gilliam Meadows Unit 2, subdivision No. 02-356.02 and authorize the Mayor to execute a subdivision improvement agreement between the City of Elk Grove and Reynen & Bardis (Gilliam Meadows), L.P., a California Limited Partnership (Resolution) [p. 1-32]
- 5.9 Approve and authorize the Mayor to execute an agreement for Transfer of Drainage Easements and Rights-of-Way between the City of Elk Grove, the County of Sacramento, and the Sacramento County Water Agency (Resolution) [p. 1-30]
- 5.10 Authorize the City Manager to execute a program supplement to the Caltrans master agreement for its master plan grant (Resolution) [p. 1-6]
- 5.11 Approve the appropriations limitations and calculations for fiscal years 2002-03 and 2003-04 (Resolution) [p. 1-4]

## 6. **PUBLIC HEARINGS**

- 6.1 **SUBJECT:** Continued Public Hearing: Bond Road 17, Project No. EG-02-380: to consider a Rezone of 17.46 acres from AR-5 and AR-5(F) to RD-5, a Tentative Subdivision Map creating 62 single family lots and associated landscape lots, and Design Review for residential development [p. 1-2]  
*Located: South side of Bond Road, east of Elk Grove-Florin Road*

**STAFF REPORT:** Christine Crawford, Development Services  
Steve Flint, Project Planner

**PUBLIC COMMENT:**

**RECOMMENDATION:** Staff recommends that Bond Road 17, Project No. EG-02-380 be continued to November 19, 2003

**COUNCIL ACTION:**

- 6.2 **SUBJECT:** Public Hearing: Chevron Conditional Use Permit (CUP) Amendment, Project No. EG-03-455: to consider modifying the hours of operation for a gasoline station and convenience store from an existing time of 6:00 a.m. to 10:00 p.m. to the time of 5:00 a.m. to 11:00 p.m. [p. 1-20]  
*Location: Northwest corner of Big Horn and Elk Grove Boulevards*

**STAFF REPORT:** Christine Crawford, Development Services  
Stuart Wagner, Project Planner

**PUBLIC COMMENT:**

**RECOMMENDATION:** At the conclusion of the public hearing, consider the Planning Commission's recommendation to adopt by resolution approving the Conditional Use Permit Amendment for the Chevron Station, Project No. EG-03-455, subject to the Findings and Conditions of Approval

**COUNCIL ACTION:**

- 6.3 **SUBJECT:** Public Hearing: Swainson's Hawk permanent fee, interim Swainson's Hawk fee, and repeal previous Swainson's Hawk fee [p. 1-10]

**STAFF REPORT:** Christine Crawford, Development Services  
Conrad Montgomery, Project Planner

**PUBLIC COMMENT:**

**RECOMMENDATION:** Adopt by resolution approving the Swainson's Hawk interim fees, repealing Resolution No. 2003-169, and adopting the permanent Swainson's Hawk fees

**COUNCIL ACTION:**

- 6.4 **SUBJECT:** Public Hearing: Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE) [p. 1-238]

**STAFF REPORT:** Frank Oviedo, Assistant to the City Manager



**PUBLIC COMMENT:**

**RECOMMENDATION:** Accept public testimony on the Source Reduction and Recycling Element and the Household Hazardous Waste Element; and direct staff to return the final drafts for adoption by resolution on December 17, 2003

**COUNCIL ACTION:**

- 6.5 **SUBJECT:** Public Hearing: Community Facilities District No. 2003-2 (Police Services): to consider establishing Community Facilities District No. 2003-2 (Police Services) and calling an election, declaring special election results; levying and apportioning special tax (Resolutions / Ordinance) [p. 1-44]

**STAFF REPORT:** Joe Chinn, Finance Administrator



**PUBLIC COMMENT:**

**RECOMMENDATION:**

1. Adopt a resolution establishing Community Facilities District No. 2003-02 (Police Services); calling an election for the purpose of submitting the levy of the special tax and the establishment of an appropriations limit to the qualified electors of the district

2. Adopt a resolution declaring the results of the special election held on November 5, 2003 in Community Facilities District No. 2003-2 (Police Services)
3. Introduce and waive the full reading by substitution of title only, an ordinance of the City Council of the City of Elk Grove Levying and apportioning the special tax in Community Facilities District No. 2003-2 (Police Services)

**COUNCIL ACTION:**

**7. REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS**

None.

**8. GENERAL ADMINISTRATION INFORMATION**

**9. COUNCIL COMMENTS/FUTURE AGENDA ITEMS**

**10. CLOSED SESSION**

The City Council will hear and consider public comment on any and all items scheduled for closed session prior to adjourning to closed session. Please be mindful of the City's three (3) minute rule. Once the closed session has ended, the regular City Council meeting will be reconvened in open session. The Mayor or presiding officer will then make any announcements required by the Brown Act relative to reportable actions taken during the closed session.

**A) CONFERENCE WITH LEGAL COUNSEL – Existing Litigation**

2 Cases

Pursuant to Subdivision (a) of Section 54956.9

1. State of California and South County Citizens for Responsible Growth v. M&H Development, City of Elk Grove. California District Appellate Report (3rd) Case No.

C 042302 (Appeal from Sacramento Superior Court, J. Connelly)

2. State of California et al. v. Unocal Corporation et al.  
Sacramento Superior Court Case No. 03AS05452

## 11. ADJOURNMENT

### NOTICE REGARDING CHALLENGES TO DECISIONS

Pursuant to all applicable laws and regulations, including without limitation, California Government Code Section 65009 and or California Public Resources Code Section 21177, if you wish to challenge in court any of the above decisions (regarding planning, zoning and/or environmental decisions), you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice/agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

### ADA COMPLIANCE STATEMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact City Clerk Peggy Jackson at (916) 683-7111. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

I, Micki De La Fuente, declare under the penalty of perjury that the foregoing agenda for the November 5, 2003 Regular meeting of the Elk Grove City Council was posted on \_\_\_\_\_, 2003, at the office of the City of Elk Grove City Hall at 8400 Laguna Palms Way, Elk Grove, CA 95758 and was available for public review at that location.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 2003 at Elk Grove, California

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Micki De La Fuente, Administrative Assistant  
to the Office of the City Clerk  
City of Elk Grove