



Incorporated July 1, 2000
Website: www.elkgrovecity.org

Daniel Briggs, Mayor

Jim Cooper, Mayor Pro Tem
Sophia Scherman, Councilmember

Michael Leary, Councilmember
Rick Soares, Councilmember

REGULAR MEETING OF THE CITY COUNCIL
Wednesday, July 13, 2005
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. APPROVAL OF AGENDA**
- 3. PRESENTATIONS/ANNOUNCEMENTS**

3.1 Presentation of awards to winners of the Run 4 Independence 5k/10k by Steve Caruso and Tim Fleming

3.2 Announcement on First Free Collection Day for Computers, Televisions, Tires, by Cedar Kehoe, Solid Waste Manager

4. 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 subject. No action may be taken on a matter raised under "Public Comment" 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, they are encouraged to contact any member of the Council or the City Manager at any time.

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 General Warrant Nos. 013850 through 013973 listing through June 15, 2005 [p. 1-24]

5.2 Approve Monthly Treasurer's Report for May 2005 [p. 1-5]

5.3 Approve Minutes of the May 11, 2005 Regular City Council Meeting [p. 1-15]

5.4 Adopt [Ordinance No. 24-2005](#), an ordinance of the City Council of the City of Elk Grove amending the provisions of Ordinance No. 04-2001 to adjust the informal purchasing threshold and to adjust City Manager approval authority for professional and contractual services (**Second Reading**) [p. 1-4]

5.5 Support of Freeport Regional Water Authority Proposition 50 Grant ([Resolution](#)) [p. 1-5]

- 5.6** Approve the revision and update the scope of the City of Elk Grove Committee for the Arts ([Resolution](#)) [p. 1-4]
- 5.7** Accept subdivision improvements for Gilliam Meadows Unit 1B, Gilliam Meadows Unit 1C, Gilliam Meadows Unit 1D, Gilliam Meadows Unit 2C, Kapalua Estates and Southmeadows Unit 1 ([Resolution](#)) [p. 1-3]
- 5.8** Approve Parcel Map No.04-749.00 Maritime Office Plaza ([Resolution](#)) [p. 1-8]
- 5.9** Approve Parcel Map 04-632.00 Waterman Grove ([Resolution](#)) [p. 1-8]
- 5.10** Adopt an updated application fee for the costs of establishing new zones of benefit and annexing property to the City's Street Maintenance Assessment District No. 1 ([Resolution](#)) [p. 1-5]
- 5.11** Levy a special tax in the Community Facilities District No. 2003-1 (Poppy Ridge) for Fiscal Year 2005-06 ([Resolution](#)) [p. 1-8]
- 5.12** Levy a special tax in the Community Facilities District No. 2003-2 (Police Services) for Fiscal Year 2005-06 ([Resolution](#)) [p. 1-8]
- 5.13** Authorize the City Manager or his designee to enter into a contract with the County of Sacramento to provide Household Waste (HHW) disposal for the residents of Elk Grove through January 31, 2007 ([Resolution](#)) [p. 1-12]
- 5.14** Approve the scope of work and authorize staff to proceed with preparation of the Elk Grove Trails Master Plan ([Resolution](#)) [p. 1-13]
- 5.15** Approve reimbursement of additional costs incurred by Elk Grove Adult Community Training (EGACT) ([Resolution](#)) [p. 1-3]
- 5.16** Authorize the City Manager or his designee to execute a Memorandum of Understanding with the Sacramento Transportation Authority to implement continued participation in

the Sacramento Transportation and Air Quality Collaborative for fiscal year 2005-06 ([Resolution](#)) [p. 1-7]

- 5.17** Authorize the City Manager or his designee to extend the term and amend the agreements as necessary with LP2A, Willdan, Harris & Associates, Psomas, PMC, and Kleinfelder ([Resolution](#)) [p. 1-3]
- 5.18** Activate the Parking Authority of the City of Elk Grove, designating the City Council to be the Parking Authority; and approve the Conflict of Interest Code proposed for adoption by the Parking Authority Board of Directors ([Resolution](#)) [p. 1-5]
- 5.19** Authorize the Mayor to execute a Joint Exercise of Powers Agreement with the Parking Authority of the City of Elk Grove to create the Elk Grove Finance Authority ([Resolution](#)) [p. 1-13]
- 5.20** Authorize the City Manager or his designee to enter into a Purchase and Sale Agreement with Delta Breeze Partners, LLC, in the amount of \$6,785,500 for the acquisition of Real Property located at Franklin Boulevard and Lambert Road in the County of Sacramento identified as APN 146-0040-040 and the adjoining parcel of land from Premiere Partners in the amount of \$8,446,000, identified as APN 146-0040-039 for the conversion of vineyard agricultural land to Swainson's Hawk Habitat on the terms and conditions identified in the Purchase and Sale agreements; and authorize the City Manager or his designee to enter into an agricultural lease with Delta Breeze Partners, LLC, for a period not to exceed two years per the terms and conditions contained in the agricultural lease ([Resolution](#)) [p. 1-91]
- 5.21** Adopt a resolution of intention to order the formation of Street Lighting Maintenance District No. 1, to levy and collect assessments, approve the Engineer's report and schedule a public hearing for October 12, 2005 on the question of district formation and the levy and collection of assessments for Fiscal Year 2006-07; and approve a gas tax budget amendment increase of \$87,530 for fiscal year 2005-06 ([Resolution](#)) [p.1-24]

- 5.22** Establish the City of Elk Grove Police Department, creating the positions of Chief of Police, and Assistant Chief of Police and authorizing the City Manager to appoint individuals to those and other positions (Resolution) [p. 1-4]

6. PUBLIC HEARINGS

- 6.1 SUBJECT:** Continued Public Hearing: Call an election and declare the results of the special election for Annexation No. 6 to the Community Facilities District (CFD) No. 2003-2 (Police Services); and to levy and apportion the special tax to pay for certain police services. (Continued from the June 22, 2005 City Council Meeting) [p. 1-19]

STAFF REPORT: Joe Chinn, Finance Administrator
Andrew Griffin, Finance Analyst

PUBLIC COMMENT:

RECOMMENDATION: After the close of the public hearing, City staff recommends the following:

- 1) Adopt a **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;
If the proposition receives approval of more than two-thirds of the votes cast, staff recommends the Council:
- 2) Adopt a **resolution** declaring the election results, ordering the annexation of territory to CFD No. 2003-2 (Police Services) Annexation No. 6.; and
- 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 territory annexed to Community Facilities District No. 2003-2 (Police Services) Annexation No. 6

6.2 **SUBJECT:** Public Hearing: Determining to levy assessments in Street Maintenance District No. 1, Zone 4 [p. 1-5]

STAFF REPORT: Joe Chinn, Finance Director
Andrew Griffin, Finance Analyst

PUBLIC COMMENT:

RECOMMENDATION: After the close of the public hearing:

1) Direct the City Clerk to tabulate the ballots;

If the ballots submitted in opposition do not exceed the ballots submitted in favor of the assessment,

2) Adopt a [resolution](#) approving the engineer's report, and determine to levy the assessments in Street Maintenance District No. 1, Zone 4 pursuant to the Benefit Assessment Act of 1982

COUNCIL ACTION:

6.3 **SUBJECT:** A Public Hearing to consider the levy of Street Maintenance Assessments for certain properties in the Eastern Area which represents Annexation No. 5 into Street Maintenance District No. 1 – Zone 3 [p. 1-5]

STAFF REPORT:

PUBLIC COMMENT:

RECOMMENDATION: After taking public comment and closing the public hearing:

1) Direct the City Clerk to tabulate the ballots; and if the ballots submitted in opposition to the proposed assessment do not exceed the ballots submitted in favor of the assessment:

2) Adopt a [resolution](#) determining to levy street maintenance Assessments in Street Maintenance District No. 1, Zone 3, Annexation No. 5.

COUNCIL ACTION:

- 6.4 **SUBJECT:** A public hearing to consider an Amendment to the 2004-05 Community Development Block Grant (CDBG) Action Plan [p. 1-13]

STAFF REPORT: Pam Speciale, Grants Coordinator

PUBLIC COMMENT:

RECOMMENDATION: Approve an amendment to the 2004-05 Action Plan allowing Community Development Block Grant (CDBG) Funds to be reprogrammed from previously approved projects and used for the acquisition of real property located at 8978 Elk Grove Boulevard.

COUNCIL ACTION:

- 6.5 **SUBJECT:** A public hearing to consider vacation (abandonment) of a portion of Bond Road and Waterman Road and Waterman Road for the Bond Road Widening Project (resolution) [p. 1-22]

STAFF REPORT: Bob Lee, Development Services

PUBLIC COMMENT:

RECOMMENDATION: Adopt a [resolution](#) approving the abandonment of a portion of Bond Road and Waterman Road for the Bond Road Widening Project

COUNCIL ACTION:

- 6.6 **SUBJECT:** A public hearing to consider a rezone from Industrial Office Park (MP) to Limited Commercial (LC) and to approve design review for Pappas Gateway Commercial Center Project EG-04-774

STAFF REPORT: Steve Flint, Development Services
Brian Leveille, Project Planner

PUBLIC COMMENT:

RECOMMENDATION: Consider the Planning Commission's recommendation (5-0) to:

- 1) Adopt a mitigated negative declaration for Pappas Gateway Commercial Center Project No. EG-04-744;
- 2) Adopt a [resolution](#) approving a rezone and design review for the Pappas Gateway Commercial Center project (EG-04-744) subject to the findings and MMRP/Conditions of Approval.
- 3) Introduce and waive the full reading by substitution of title only, an ordinance of the City Council of the City of Elk Grove amending the Elk Grove Zoning Map from Industrial Office Park (MP) to Limited Commercial (LC) for Pappas Gateway Commercial Center Project EG-04-744.

COUNCIL ACTION:

- 6.7 **SUBJECT:** A public hearing to consider a Minor Specific Plan Amendment, Rezone, Tentative Subdivision Map, Special Development and Design Review for Monterey Village Project No. EG-04-784 [p. 1-65]
Location: N/E corner of Poppy Ridge Road and Franklin Boulevard; APN 132-0020-108-0000

STAFF REPORT: Steve Flint, Development Services
Jessica Shalamunec, Project Planner

PUBLIC COMMENT:

RECOMMENDATION: Consider the Planning Commission's recommendation (3-2) to the City Council to approve the project as follows:

- 1) Introduce and waive the full reading, by substitution of title only, an ordinance of the City Council of the City of Elk

- Grove amending the City of Elk Grove Zoning Map from SC to RD-20 for a portion of Monterey Village Project No. EG-04-784; and
- 2) Adopt a resolution approving a Specific Plan Amendment, Tentative Subdivision Map, Special Development Permit, and Design Review for the Monterey Village Project No. EG-04-784, subject to the Findings and Conditions of Approval.

COUNCIL ACTION:

- 6.8 **SUBJECT:** A public hearing to consider a Rezone and Tentative Subdivision Map approval for Moradi Project #EG-04-782 [p. 1-38]
Location: 8128 Gwerder Court

STAFF REPORT: Sarah Kirchgessner, Project Planner



PUBLIC COMMENT:

RECOMMENDATION: Hold the public hearing and consider the Planning Commission's recommendation to:

- 1) Introduce and waive the full reading, by substitution of title only, an ordinance of the City Council of the City of Elk Grove amending the City of Elk Grove Zoning Map from AR-10 to RD-10 for Moradi Project No. EG-04-782; and
- 2) Adopt a [resolution](#) approving a Tentative Subdivision Map for Moradi Project No. EG-04-782, subject to the findings and conditions of approval.

COUNCIL ACTION:

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

None.

8. **GENERAL ADMINISTRATION INFORMATION**

9. COUNCIL COMMENTS/FUTURE AGENDA ITEMS

10. CLOSED SESSION

PUBLIC COMMENT:

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

Pursuant to GC 54956.9(a)
Two (2) cases

Elk Grove Community Services District vs. City of Elk Grove,
Sacramento Superior Court Case No. 05AS00612

Kalwani V. City of Elk Grove, et al, vs. City of Elk Grove
Sacramento Superior Court Case No. 04CS00177

B) CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation

Pursuant to GC Section 54956.9 (b)
Two (2) Potential Cases

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.