



Incorporated July 1, 2000  
Website: [www.elkgrovecity.org](http://www.elkgrovecity.org)

Rick Soares, Mayor

Sophia Scherman, Mayor Pro Tem  
Daniel Briggs, Council Member

Jim Cooper, Council Member  
Michael Leary, Council Member

---

**REGULAR MEETING OF THE CITY COUNCIL**  
**Wednesday, December 13, 2006**  
**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

**1A. SPECIAL ACTION ITEM: Reorganization of the Elk Grove City Council; Certification of November 7, 2006 General Municipal Election Results [1-5]**

- a) Adopt a resolution certifying the election results of the November 7, 2006 General Municipal Election
- b) Direct the City Clerk to administer the Oath of Office to the City Council Members Elect and present of Certificates of Election
- c) Reorganize the Elk Grove City Council:
  - 1) By motion select the Mayor
  - 2) By motion select the Mayor Pro Tempore

**STAFF REPORT:** Peggy Jackson, City Clerk

**1B. RECEPTION**

**2. APPROVAL OF AGENDA**

**3. PRESENTATIONS/ANNOUNCEMENTS**

**4. PUBLIC COMMENT**

Members of the audience may comment on matters that are or 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 No. 24472 through 25423 dated October 7, 2006 through November 29, 2006 and Electronic Fund Transfer 2007033 and 2007035 through 2007051 [1-108]

5.2 Receive the September 2006 Treasurer's Report [1-7]

5.3 Set public hearing for January 10, 2007 to consider adoption of amended Short Range Transit Plan [1-18]

5.4 Adopt [Ordinance No. 46-2006](#) repealing Elk Grove Municipal Code Article 9, Chapter 16.20 relating to the Housing Stock Conservation Fee Requirement [1-2]

**Second Reading**

5.5 Adopt [resolution](#) authorizing the City Manager, or his designee, to negotiate and execute a contract with Keenan & Associates for brokerage consulting services for an amount not to exceed \$25,000 [1- 3]

- 5.6 Adopt [resolution](#) authorizing the City Manager, or his designee, to enter into a Memorandum of Understanding with the City of Sacramento regarding Reverse 911 Emergency Telephone Notification System [1-13]
- 5.7 Adopt [resolution](#) authorizing the City Manager, or his designee, to enter into a Memorandum of Understanding designating the City of the Sacramento as an alternate answering point for 911 calls during emergency situations [1-8]
- 5.8 Adopt [resolution](#) designating the Sacramento County Environmental Management Department as the local enforcement agency for City of Elk Grove solid waste activities [1-4]
- 5.9 Adopt [resolution](#) accepting the Council Chambers audiovisual upgrade project as complete and authorizing the filing of a Notice of Completion [1-3]
- 5.10 Adopt [resolution](#) authorizing the City Manager, or his designee, to exercise the sale of surplus City property in the form of 14 police patrol vehicles and 2 motorcycles and deposit proceeds into the Police Department's General Fund [1-4]
- 5.11 Adopt [resolution](#) approving Expense Reimbursement Policy for members of the City Council, Planning Commission, and other advisory bodies [1-9]
- 5.12 Adopt [resolution](#) authorizing the Mayor, or designee, to execute a Joint Exercise of Powers Agreement to establish a Joint Powers Authority for the Elk Grove - Rancho Cordova - El Dorado Connector [1-25]
- 5.13 Adopt [resolution](#) authorizing the City Engineer to call for bids for the Sign Replacement Project 2007 [1-3]
- 5.14 Adopt [resolution](#) approving the Summary Abandonment of a portion of a Drainage Easement over the Laguna Springs Corporate Center Phase 2 (EG-05-811-AB-00) [1-7]

- 5.15 Adopt [resolution](#) accepting subdivision improvements for Chezimme Estates (EG-01-177-SF) [1-3]
- 5.16 Adopt [resolution](#) authorizing the City Engineer, or his designee, to execute Intercity Rail Passenger Facility Contracts with the State of California Department of Transportation and amending the 2006-07 City Budget by \$150,000 for the Elk Grove Train Stop Project [1-24]
- 5.17 Adopt [resolution](#) approving The Grove at Laguna Ridge Village 2A Final Map (Subdivision No. 04-764.02A) and authorizing the Mayor to execute the Subdivision Improvement Agreement [1-28]
- 5.18 Adopt [resolution](#) approving The Grove at Laguna Ridge Village 2B Final Map (Subdivision No. 04-764.02B) and authorizing the Mayor to execute the Subdivision Improvement Agreement [1-26]
- 5.19 Adopt [resolution](#) approving The Grove at Laguna Ridge Village 5 Final Map (Subdivision No. 04-764.05) and authorizing the Mayor to execute the Subdivision Improvement Agreement [1-32]
- 5.20 Adopt [resolution](#) approving The Grove at Laguna Ridge Village 6 Final Map (Subdivision No. 04-764.06) and authorizing the Mayor to execute the Subdivision Improvement Agreement [1-27]
- 5.21 Adopt [resolution](#) approving The Grove at Laguna Ridge Village 7 Final Map (Subdivision No. 04-764.07) and authorizing the Mayor to execute the Subdivision Improvement Agreement [1-30]
- 5.22 Adopt [resolution](#) approving The Grove at Laguna Ridge Village 8 Final Map (Subdivision No. 04-764.08) and authorizing the Mayor to execute the Subdivision Improvement Agreement 1-28]

- 5.23 Adopt [resolution](#) approving The Grove at Laguna Ridge Village 9 Final Map (Subdivision No. 04-764.09) and authorizing the Mayor to execute the Subdivision Improvement Agreement [1-31]
- 5.24 Adopt [resolution](#) approving The Grove at Laguna Ridge Village 10 Final Map (Subdivision No. 04-764.10) and authorizing the Mayor to execute the Subdivision Improvement Agreement [1-30]
- 5.25 Adopt [resolution](#) approving the Laguna Oaks Shopping Center Parcel Map (Parcel Map No. 05-906.00) [1-6]
- 5.26 Adopt [resolution](#) approving the Elk Grove Racquet Club Parcel Map (Parcel Map No. 05-905.00) [1-6]
- 5.27 Adopt [resolution](#) authorizing the City Manager, or his designee, to execute a consultant services contract amendment to Contract Number C-05-277 with Quincy Engineering, Inc. to extend the termination date of consultant services to June 30, 2008 for the Elk Grove Boulevard at State Route 99 Interchange Modification Project [1-4]
- 5.28 Adopt [resolution](#) authorizing the City Manager, or his designee, to execute first amendments to agricultural leases with Delta Breeze Partners, LLC for the vineyard property identified as Sacramento County APN 146-0040-039 (412 Acres) and APN 146-0040-040 (331 Acres) [1-13]
- 5.29 Adopt [resolution](#) authorizing the City Manager, or his designee, to execute a Settlement Agreement and Mutual Release to acquire, exchange, and dispose of properties related to the Grant Line Road/State Route 99 Interchange Reconstruction Project [1-129]
- 5.30 Adopt [resolution](#) amending the City of Elk Grove Conflict of Interest Code [1-6]

- 5.31 Adopt [resolution](#) authorizing the City Manager, or his designee, to execute the Sacramento Transportation Authority's New Measure "A" Capital Allocation and Expenditure Contracts for the Grant Line Road/State Route 99 Interchange and the Sheldon Road/State Route 99 Interchange Projects and approving a 2006-07 budget amendment reflecting new Measure "A" funding for each interchange project [1-17]
- 5.32 Adopt resolutions authorizing the City Engineer, or his designee, to execute agreements for the Sacramento Area Council of Governments and CalTrans grants secured by the City of Elk Grove and amending the City's 2006-07 budget for the specified grants [1-5] ([Resolutions 2006-316](#) & [2006-317](#))
- 5.33 Adopt [resolution](#) authorizing the City Manager, or his designee, to execute a contract amendment in the amount of \$700,000 with Quincy Engineering, Inc. for design and construction support of the Sheldon Road/State Route 99 Interchange Reconstruction Project [1-10]
- 5.34 Consent to request for waiver by the City of Elk Grove to permit Kronick, Moskovitz, Tiedemann & Girard to continue to represent the City in the Eminent Domain matter pertaining to the Sheldon Road/Route 99 Interchange Project [1-6]

## 6. PUBLIC HEARINGS

- 6.1 **SUBJECT:** A public hearing to consider adoption of resolutions declaring the necessity and authorizing the commencement of eminent domain proceedings to secure real property interests necessary to construct the Sheldon Road/State Route 99 Interchange Reconstruction Project [p. 1-233]

**STAFF REPORT:**

Bob Lee, City Engineer

Julie Cline, Real Property Manager



**PUBLIC COMMENT:**

**RECOMMENDATION:**

Adopt 11 Resolutions of Necessity: **A)** Authorizing the acquisition by eminent domain of the property interests (listed below) for the Sheldon Road/State Route 99 Interchange Reconstruction Project

1. Kochoo / APN: 115-0162-012 [Resolution](#)
2. Wood/Demandante-Janiga / APN: 115-0162-010 [Resolution](#)
3. Tsakopoulos, et al / APN: 115-0162-013, 014, 015 & 016; 115-0150-057; 115-1850-076 [Resolution](#)
4. Pino, et al / APN: 115-0150-010 [Resolution](#)
5. C. David & Kathleen D. Routt Revocable Trust / APN: 116-0030-005 [Resolution](#)
6. Elk Grove Church of Christ, Inc. / APN: 116-0030-003 [Resolution](#)
7. Family Real Property, Limited Partnership / APN: 116-0030-052 & 053 [Resolution](#)
8. JBM Investments, General Partnership / APN: 116-0030-020 & 021 [Resolution](#)
9. Elk Grove Community Services District / APN: 115-0185-075, 115-0150-056, 116-1310-017, 116-0030-054, 116-1440-049 [Resolution](#)
10. AKT Development/Kramer Ranch Partnership / APN: 116-1440-051 [Resolution](#)
11. Sheldon Terrace, LLC / APN: 116-0021-036 [Resolution](#)

**B)** Making the following findings:

1. The public interest and necessity require the project;
2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
3. The property interests are necessary for the proposed project; and
4. The offer required by Government Code section 7267.2 has been made to the owner(s) of record of the property interests to be acquired.

**C)** Authorizing the City Attorney to file suit in eminent domain to acquire such property interests, to apply for orders for possession before judgment, and to prosecute the actions to final judgment, and **D)** Authorizing the deposit of funds in court from the funds lawfully available.

- 6.2 SUBJECT:** 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 first reading of an Ordinance levying and apportioning the Special Tax to the annexing area (Annexation No. 4) [1-28]

**STAFF REPORT:**

Andrew Griffin, Finance Analyst



**PUBLIC COMMENT:**

**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 December 13, 2006 for the fourth 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. 4.

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

- 7.1 SUBJECT:** An ordinance suspending residential photovoltaic solar system permit fees for calendar years 2007-09 [1-4]

**STAFF REPORT:**

Richard Renfro, Chief Building Official



**PUBLIC COMMENT:**

**RECOMMENDATION:** Introduce and waive the full reading, by substitution of title only, an ordinance suspending residential photovoltaic solar system permit fees as found in Section 16.90.030 of Chapter 16.90 of the Elk Grove Municipal Code for calendar years 2007-09.

**7.2** **SUBJECT:** Appointment of representation to the City Council Boards, Commissions, and Committees [1-21]

**STAFF REPORT:**

Peggy Jackson, City Clerk



**PUBLIC COMMENT:**

**RECOMMENDATION:** Review the current roster of Council-appointed committees and appoint or reappoint members to the Planning Commission, Trails Committee, Committee for the Arts, and Disability Advisory Committee or direct the City Clerk to solicit applications.

**7.3** **SUBJECT:** Review Council appointments to regional boards, commissions, and committees [1-31]

**STAFF REPORT:**

Peggy Jackson, City Clerk



**PUBLIC COMMENT:**

**RECOMMENDATION:**

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

**7.4** **SUBJECT:** Cure and/or correct (Gov't. Code §54960.1) and reconsideration of action taken on November 8, 2006 regarding public employee evaluation and compensation; reestablish the City Council's ad-hoc compensation committee to review and make recommendations about compensation and benefits for the City Manager and City Attorney. [1-4]

**STAFF REPORT:**

John H. Danielson, City Manager



**PUBLIC COMMENT:**

**RECOMMENDATION:** The recommended action is for the Council to take the “cure or correct” action in open session. Then go to the closed session portion of the reconsideration item. 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. Then Council would go to the Open Session portion of the reconsideration item.

**A) CURE OR CORRECT:  
OPEN SESSION:**

**Withdraw, reverse, void or reaffirm City Council action of November 8, 2006 regarding approval of changes to the City Manager’s and City Attorney’s contracts.**

**B) RECONSIDERATION:**

**1. CLOSED SESSION:**

**a. PUBLIC EMPLOYEE PERFORMANCE  
EVALUATION. (Gov’t Code §54957.)**

Title: City Manager

**b. PUBLIC EMPLOYEE PERFORMANCE  
EVALUATION. (Gov’t Code §54957.)**

Title: City Attorney

**2. OPEN SESSION:**

Discussion and possible action regarding Council Appointees compensation and benefits – City Manager and City Attorney; Reestablish the City Council’s *Ad Hoc* Compensation Committee to review and make recommendations about compensation and benefits for the City Manager and City Attorney.

**8. GENERAL ADMINISTRATION INFORMATION**

1. Police activities report – Chief Simmons

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

1. Reports on Regional Boards, Commissions, Committees
2. Report on 2 x 2 Meeting between City of Elk Grove and Cosumnes Community Services District
3. Travel/Training Expenditures Disclosure

**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) EXISTING LITIGATION**

Pursuant to GC 54596.9(a)  
One (1) case

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

**B) CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation**

Pursuant to GC Section 54956.9(b)  
One (1) Case

**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.