



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

James Cooper, Mayor

Michael P. Leary, Mayor Pro Tem  
Patrick Hume, Council Member

Gary Davis, Council Member  
Sophia Scherman, Council Member

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**REGULAR MEETING OF THE CITY COUNCIL**  
**Wednesday, February 14, 2007**  
**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. Because there is a great deal of business to conduct, the City Council requests that you limit your presentation to three (3) minutes per person so that all present will have time to participate. 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 consideration of the agenda item.

**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 by Holly Graziadei of Legion, Inc. regarding the East Stockton Boulevard Sound Wall

3.2 City of Elk Grove “Brand Development” presentation by Public Information Officer Christine Brainerd

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.

5.1 Adopt [resolution](#) accepting the R&J Irrigation Relocation Project as complete and authorizing the City Engineer to prepare a Notice of Completion and the City Clerk to file the Notice of Completion with the Sacramento County Recorder [p.1-3]

5.2 Adopt [resolution](#) approving a Cooperative Agreement and authorizing the Mayor, or his designee, to execute the Cooperative Agreement with the State of California for the development of the Elk Grove Boulevard/State Route 99 Interchange Modification Project [p.1-17]

5.3 Adopt [resolution](#) approving Final Map for Subdivision No. 04-784.02 Monterey Village 2 [p. 1-10]

5.4 Adopt [Ordinance No. 6-2007](#) repealing the provisions of purchasing ordinances 04-2001 and 24-2005 and adopt a new ordinance titled purchasing ordinance [p.1-13]  
**(Second Reading)**

5.5 Adopt [resolution](#) authorizing the City Manager, or his designee, to execute an amendment to Contract No. C-05-618 with Martin C. Hughes, Landscape Architect for an amount not to exceed \$40,000 for additional consultant landscape services and to extend the contact for a term not to exceed six months (August 16, 2007) [p.1-6]

- 5.6 Adopt **resolution** declaring intention to annex territory to Community Facilities District No. 2006-1 (Maintenance Services) and to levy a special tax to pay for maintenance services (Annexation No. 5) [p. 1-25]
- 5.7 Adopt **resolution** accepting subdivision improvements for Laguna Estates Units 1 & 2 [p. 1-3]
- 5.8 Receive report on City Manager approved purchases and contracts authorized by City Purchasing Ordinance, filed through February 5, 2007 [p. 1-3]
- 5.9 Approve the minutes of the January 10, 2007 Regular City Council Meeting [p. 1-24]
- 5.10 Adopt **resolution** authorizing the Federal Transit Administration to transfer 26 buses from South Coast Area Transit and 13 buses from Metro Regional Transit Authority and authorizing the City Manager, or his designee, to execute the \$99,500 bill of sale for the 13 Metro 1998 Orion V compressed natural gas buses [p. 1-4]

## **6. PUBLIC HEARINGS**

- 6.1 **SUBJECT:** A continued public hearing to consider the High Density Residential General Plan Amendment and Rezone Project, which includes text revisions to the Land Use Element, amendments to land use designations of 12 sites to High Density Residential and associated rezones of the 12 sites to RD-20 or RD-30 [p. 1-146]

### **STAFF REPORT:**

Jessica Shalamunec, Planner



### **PUBLIC COMMENT:**

**RECOMMENDATION:**

1. Adopt a [Resolution](#) of the City Council of the City of Elk Grove making Findings, Adopting a Statement of Overriding Considerations, and Adopting a Mitigation Monitoring and Reporting Program and approving an Amendment to the Elk Grove General Plan amending General Plan Land Use Element Policy LU-33 and adding Land Use Element Policy LU-40, as follows:

a. LU-33 – The following general criteria shall apply to the South Pointe Policy Area as shown in Figures LU-1 and LU-6:

At least 5.5 percent of the total land area shall be designated high density residential development.

b. LU-40 - Fifteen acres within APNs 116-0012-047, -050, -059 located on the south side of Sheldon Road, east of Bruceville Road, and north of Big Horn Boulevard shall be designated high density residential development. (Site F)

And amending the General Plan Land Use Map as follows:

c. From Low Density Residential to High Density Residential for APNs 115-0180-002, -020 (Site A); located at 8770 and 8786 Calvine Road.

d. From Commercial to High Density Residential for APN 125-0010-003 (Site J); located at the northeast corner of East Stockton Boulevard and State Route 99.

e. From Light Industrial to High Density Residential for a 15 acre portion of APN 134-0182-001 (Site M); located at the southwestern corner of Mosher and Grant Line Roads.

2. 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 East Elk Grove Specific Plan to modify Section 4.3.3(a) and add Section 4.3.3(d) to require 15 acres of High Density Residential uses in a portion of APN 134-0182-001 (Site M) and amending the City of Elk Grove Zoning Map as follows:

a. From AR-5 to RD-20 for APNs 115-0180-002, -020 (Site A); located at 8770 and 8786 Calvine Road.

- b. From LC to RD-30 for APN 125-0010-003 (Site J); located at the northeast corner of East Stockton Boulevard and State Route 99.
  - c. From MP to RD-20 for a 15 acre portion of APN 134-0182-001 (Site M); located at the southwestern corner of Mosher and Grant Line Roads.
3. Adopt a **Resolution** of the City Council of the City of Elk Grove approving an amendment to the Elk Grove General Plan Amending the General Plan Land Use Map for APN 125-0050-010 (Site K) from commercial to commercial/office/multi-family.
  4. 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 LC to LC(MF) for APN 125-0050-010 (Site K).

**6.2 SUBJECT:** A public hearing to consider establishing a citywide Fire Development Impact Fee Program [p. 1-88]

**STAFF REPORT:**

Kate Rosenlieb, Senior Management Analyst



**PUBLIC COMMENT:**

**RECOMMENDATION:**

- Introduce and waive the full reading, by substitution of title only, an Ordinance adding Chapter 16.85 to the Elk Grove Municipal Code establishing the Elk Grove Fire Fee Program; and
- Adopt a **Resolution** levying fees for the Elk Grove Fire Fee Program to be effective in 60 days Monday, April 16, 2007; and
- Introduce and waive the full reading, by substitution of title only, an Ordinance repealing Chapter 16.83 of the Elk Grove Municipal Code which established the Laguna South Fire fee program; and

- Introduce and waive the full reading, by substitution of title only, an Ordinance amending Chapter 16.91 of the Elk Grove Municipal Code removing references to separate fire fees in the Eastern Elk Grove fee program.
- Adopt a **Resolution** removing the fire fee component from development impact fees levied in the Eastern Elk Grove fee program.

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

- 7.1 SUBJECT:** Adopt **resolution** authorizing the Mayor, or his designee, to execute a Joint Exercise of Powers Agreement for Human Rights / Fair Housing Commission and designate appropriate members [p. 1-14]

**STAFF REPORT:**

Kara Myers, Management Analyst



**PUBLIC COMMENT:**

**RECOMMENDATION:**

1. Consider the request by Human Rights/Fair Housing to adopt a Resolution authorizing the Mayor, or designee, to execute a Joint Exercise of Powers Agreement for Human Rights/Fair Housing Commission; and
2. Appoint a Governing Board member Director and Governing Board Member alternate Director and appoint an Advisory Board member to the Commission; or
3. Take no action on this request at this time.

- 7.2 SUBJECT:** Human Rights / Fair Housing Commission request for office space [p. 1-5]

**STAFF REPORT:**

Kara Myers, Management Analyst



**PUBLIC COMMENT:**

**RECOMMENDATION:**

1. Consider the request by Human Rights/Fair Housing for office space;
2. If so desired, authorize the City Manager to prepare and execute a license agreement related to the office space with Human Rights/Fair Housing; or
3. Take no action on this request at this time.

**7.3** **SUBJECT:** Sacramento Public Library Authority Facility Master Plan 2007-25 [p. 1-11]

**STAFF REPORT:**

Kara Myers, Management Analyst



**PUBLIC COMMENT:**

**RECOMMENDATION:**

Receive a presentation by Sacramento Public Library Authority staff regarding their Facility Master Plan 2007-2025 and

1. Adopt the [resolution](#) of endorsement; or
2. Provide staff further direction; or
3. Take no action at this time.

**7.4** **SUBJECT:** Introduce Ordinances: 1) Defining the duties of the Office of the City Clerk, and 2) Amending Ordinance 2000-9; Adopt a [Resolution](#) appointing the City Clerk; and create a Council Ad-Hoc Committee [p. 1-8]

**STAFF REPORT:**

Frank Oviedo, Deputy City Manager



**PUBLIC COMMENT:**

**RECOMMENDATION:**

1. Introduce and waive the full reading, by substitution of title only, an ordinance defining the duties of the Office of the City Clerk; and

2. Introduce and waive the full reading, by substitution of title only, an ordinance amending Ordinance 2000-9 to reflect the City Clerk as an appointed Office; and
3. Adopt a resolution appointing a City Clerk; and
4. Create a Council ad-hoc committee to negotiate an employment agreement with the City Clerk.

**7.5** **SUBJECT:** Discussion/direction to establish a Council Ad-Hoc Committee to define the scope of a City Charter Committee [p. 1-2]

**STAFF REPORT:**

Peggy Jackson, City Clerk



**PUBLIC COMMENT:**

**RECOMMENDATION:**

Appoint a Council Ad-Hoc Committee to work with legal staff to define the scope of a Council-appointed citizen's committee assembled to study the Charter City concept.

**7.6** **SUBJECT:** Consider amending the City Council rules of procedure for the conduct of Council meetings, fixing the time of the meeting [p. 1-11]

**STAFF REPORT:**

Peggy Jackson, City Clerk



**PUBLIC COMMENT:**

**RECOMMENDATION:**

Consider adopting resolutions: 1) Amend the City Council Rules of Procedure for the conduct of City Council meetings by placing a time limitation after which no new business may be considered, and other cleanup language as directed by Council, repealing Council [Resolution](#) No. 2002-161; and/or 2) amending the time fixed for regular meetings of the City Council, rescinding [Resolution](#) No. 2005-30.

- 7.7** **SUBJECT:** Consent to request for waiver by the City of Elk Grove to permit Cox, Castel & Nicholson, LLP to represent the City in regard to all matters including but not limited to those relating to general growth properties, M & H Realty Partners, the Lent Ranch Mall and all related matters [p. 1-9]

**STAFF REPORT:**

Jim Estep, Assistant City Manager



**PUBLIC COMMENT:**

**RECOMMENDATION:**

Consent to the representation of the City by Cox, Castle & Nicholson, LLP for general representation and specifically for all matters relating to General Growth Properties, M & H Realty Partners, the Lent Ranch Mall and all related matters and authorize the Mayor to execute a written agreement to waive the conflict of interest and permit Cox, Castle & Nicholson, LLP to represent the City.

- 7.8** **SUBJECT:** Discussion/direction regarding the loan application process for the Affordable Housing Fund and Very Low Income Housing Trust Fund [p. 1-7]

**STAFF REPORT:**

Jennifer Estrella, Sr. Finance Analyst



**PUBLIC COMMENT:**

**RECOMMENDATION:**

Review the City's current loan process for the Affordable Housing Fund and Very Low Income Housing Trust Fund and direct staff to meet with affected stakeholders including the Building Industry Association, affordable housing builders and affordable housing advocates to review the City's current process and explore alternative approaches to providing AHF and VLIHTF loans to affordable housing projects.

**7.9** **SUBJECT:** Receive the Fiscal Year 2006-07 Midyear Financial Review and amend the 2006-07 budget [p. 1-11]

**STAFF REPORT:**

Michael McGrane, Budget Manager



**PUBLIC COMMENT:**

**RECOMMENDATION:**

Receive the fiscal year 2006-07 midyear budget review and adopt [resolution](#) approving midyear budget adjustments (*as identified in Exhibit A of the resolution*) and authorizing the Budget Manager to adjust the 2006-07 Operating Budget from various department's savings to the Police Budget to fund the Street Crimes Unit.

**7.10** **SUBJECT:** Adopt [resolution](#) approving the addition of five non-sworn personnel in the Police Department and amending the Police Department 2006-07 budget by \$66,000 for the purchase of two unmarked vehicles [ p. 1-4]

**STAFF REPORT:**

Ed Kelly, Assistant Chief of Police



**PUBLIC COMMENT:**

**RECOMMENDATION:**

Adopt resolution approving the addition of the following positions to the Police Department: Police Records Technician (1), Administrative Assistant (1), Police Dispatcher (1), IT Analyst (2); and amending the 2006-07 Police Department budget by \$66,000 for the purchase of two unmarked vehicles.

**8. GENERAL ADMINISTRATION INFORMATION**

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

1. Reports on Regional Boards, Commissions, Committees
2. Travel/Training Expenditures Disclosure (*in accordance with Government Code § 53232.3(d)*)

## 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 Government Code § 54596.9(a); One (1) case;  
People v. Krayne Lau (Pitchess Motion), Sacramento County Superior Court , Case No. 06M07016

#### B) **CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION**

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

#### C) **CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION**

Significant exposure to litigation  
One (1) case  
Pursuant to GC 54956.9(b)

## 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.

RESOLUTION NO. 2007-35

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AUTHORIZING THE MAYOR, OR DESIGNEE, TO EXECUTE A JOINT EXERCISE OF  
POWERS AGREEMENT FOR HUMAN RIGHTS/FAIR HOUSING COMMISSION AND  
DESIGNATE APPROPRIATE MEMBERS**

**WHEREAS**, the Human Rights/Fair Housing Commission was formed in 1963, the result of a joint powers agreement between the City and the County of Sacramento to promote harmony among the various groups in the Sacramento community; and

**WHEREAS**, the Commission recently went through the process of approving amendments to their existing JPA that would allow all cities/counties that contract services with the Commission to participate as members; and

**WHEREAS**, the City of Elk Grove desires to be a member of the Human Rights/Fair Housing Commission.

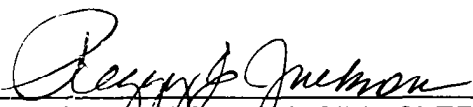
**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove hereby authorizes the Mayor, or designee, to execute a Joint Exercise of Powers Agreement for Human Rights/Fair Housing Commission.

**BE IT FURTHER RESOLVED** that the City Council of the City of Elk Grove hereby appoints a Governing Board member Director and Governing Board Member alternate Director and appoints an Advisory Board member to the Commission.

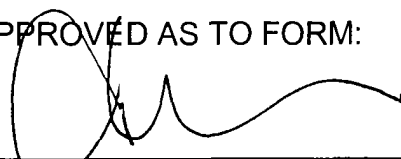
**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 14th day of February 2007.

  
\_\_\_\_\_  
JAMES COOPER, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ANTHONY B. MANZANETTI,  
CITY ATTORNEY

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2007-35**

STATE OF CALIFORNIA        )  
COUNTY OF SACRAMENTO    )     ss  
CITY OF ELK GROVE         )

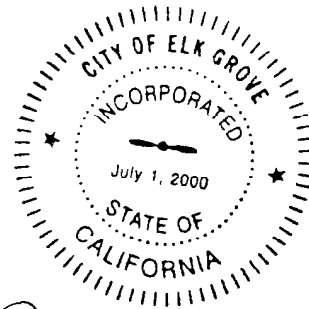
*I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 14, 2007 by the following vote:*

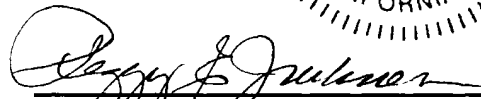
**AYES :**        **COUNCILMEMBERS:**        *Cooper, Leary, Davis, Scherman, Hume*

**NOES:**        **COUNCILMEMBERS:**        None

**ABSTAIN :**    **COUNCILMEMBERS:**        None

**ABSENT:**     **COUNCILMEMBERS:**        None



  
\_\_\_\_\_  
**Peggy E. Jackson, City Clerk  
City of Elk Grove, California**