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Gary Davis, Mayor

Patrick Hume, Vice Mayor
James Cooper, Council Member

Michael P. Leary, Council Member
Sophia Scherman, Council Member

REGULAR MEETING OF THE CITY COUNCIL
Wednesday, February 27, 2008
6:00 P.M.

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

The Elk Grove City Council welcomes, appreciates, and encourages participation in the City Council Meeting. 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 Assistant 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
- 1.3 Moment of Silence

2. APPROVAL OF AGENDA

3. CLOSED SESSION

None.

4. PRESENTATIONS/ANNOUNCEMENTS

- 4.1 Senator Dave Cox to present proclamation to the Police Department Street Crimes Unit for their participation in the “Marvin Gardens” investigation, a year-long eradication of indoor marijuana growing
- 4.2 Presentation by Phillip Pennino of the San Joaquin Regional Rail Commission regarding Central Valley Commuter Rail Service

5. PUBLIC COMMENT

Members of the audience may comment on any item of interest to the public within the subject matter jurisdiction of the City Council. 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 non-agendized items 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. Members of the audience wishing to address a specific agendized item are encouraged to offer their public comment during consideration of that item.

6. 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

- 6.1 Receive the November 2007 and December 2007 Treasurer’s Reports [p.1-11]
- 6.2 Approve General Warrant No. 34769 through 35229 dated January 1, 2008 through January 31, 2008 and Electronic Fund Transfer 2008078 through 2008088 [p.1-47]
- 6.3 Approve City Council Meeting Minutes of: a) February 13, 2008 Special Meeting; and b) February 13, 2008 Regular Meeting [p.1-17]

- 6.4 [Ordinance No. 4-2008](#) amending the City of Elk Grove Zoning Map from Agricultural Residential (5-acre minimum) Multifamily AR-5(MF) to Shopping Center Multifamily SC(MF) for the Bond Waterman Retail Project [p.1-5] **Second Reading**
- 6.5 [Ordinance No. 5-2008](#) amending the City of Elk Grove Zoning Map from Agricultural Residential (5-acre minimum) AR-5 to Shopping Center SC for the Elk Grove Church of Christ Project [p.1-3] **Second Reading**
- 6.6 Receive report on City Manager approved purchases and contracts authorized by City Purchasing Ordinance, filed through February 19, 2008 [p.1-2]
- 6.7 Adopt [resolution](#) approving the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring Reporting Program and approving the Safe Routes to School Bridge Over Laguna Creek Project [p.1-6]
- 6.8 Adopt [resolution](#) approving McCown Parcel Map No. 04-720.00 [p.1-6]
- 6.9 Adopt [resolution](#) approving Laguna Ridge-Bayless / Pulte Parcel Map No. 06-1046.00 [p.1-7]
- 6.10 Adopt [resolution](#) accepting the Street Name and Stop Sign Replacement Project 2007 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.1-4]
- 6.11 Adopt [resolution](#) waiving the competitive bid process and authorizing the City Manager to execute a professional services contract with Kleinfelder, Inc. for on-call materials testing and related construction inspection services for an amount not to exceed \$900,000 per fiscal year [p.1-34]

- 6.12 Adopt [resolution](#) authorizing the City Manager to execute a three-year agreement with the City of Sacramento for battery disposal at the Permanent Household Hazardous Waste Collection Facility [p.1-14]
- 6.13 Adopt [resolution](#) amending the 2007-12 Capital Improvement Program and the Fiscal Year 2007-08 budget by approving the allocation of \$2,198,275 of Proposition 1B Funds for the Annual Pavement Resurfacing Program [p.1-7]
- 6.14 Adopt [resolution](#) authorizing the City Manager to execute a work order with Nolte Associates, Inc. for professional engineering services not to exceed \$23,400 for the Calvine/Bradshaw Infrastructure Master Plan [p.1-13]
- 6.15 Adopt [resolution](#) authorizing the City Manager to execute the Street Light License Agreement with Pacific Gas & Electric Company to deploy the SmartMeter Program [p.1-15]
- 6.16 Adopt [resolution](#) authorizing the City Manager to execute a Memorandum of Understanding with the Sacramento County District Attorney's Office and approving one limited term Community Services Officer in the Police Department [p.1-11]
- 6.17 Adopt [resolution](#) approving the First Supplemental Fiscal Agent Agreement and authorizing the City Manager to transfer monies from the Community Facilities District 2005-1(Laguna Ridge) Acquisition Fund to the Interest Fund sufficient to meet bond payments when due [p.1-7]

7. **PUBLIC HEARINGS**

- 7.1 **SUBJECT:** A public hearing to consider the appeal of Century Vision Developers, Inc. regarding the Planning Commission decision on January 17, 2008 to approve Swainson's hawk foraging habitat mitigation measure as established in the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Elk Grove Distribution Center (EG-07-056; APN: 134-0670-013 and 134-0640-045) [p.1-195]

STAFF REPORT:

Gerald Park, Senior Planner



PUBLIC COMMENT:

RECOMMENDATION:

This appeal from the Planning Commission concerns a challenge to a Swainson's hawk mitigation measure imposed on the development project commonly referred to as the Elk Grove Distribution Center. For the reasons detailed in the staff report, staff recommends that the City Council deny the appeal and uphold the Swainson's hawk foraging habitat mitigation measure, as set forth in the mitigated negative declaration and conditions of approval, and approve the mitigation monitoring and reporting program for the project.

- 7.2 **SUBJECT:** A public hearing to consider the Lawson Plaza Project application for a General Plan Amendment, Rezone, Tentative Parcel Map, and Design Review (EG-07-107; APN: 127-0020-003) [p.1-82]

STAFF REPORT:

Nina Stevens, Project Planner



PUBLIC COMMENT:

RECOMMENDATION:

The Planning Commission recommends (5-0) that the City Council adopt a [resolution](#) denying the Lawson Plaza Project application for a General Plan Amendment, Rezone, Design Review, and Tentative Subdivision Map (EG-07-107) subject to the findings and evidence.

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

- 8.1 **SUBJECT:** [Resolution](#) of application by the City of Elk Grove requesting the Sacramento Local Agency Formation Commission process a Sphere of Influence amendment and directing City staff to file this amendment application [p.1-22]

STAFF REPORT:

Taro Echiburu, Project Planner



PUBLIC COMMENT:

RECOMMENDATION:

Staff recommends that the City Council take the following actions:

1. Adopt resolution requesting the Sacramento Local Agency Formation Commission process a Sphere of Influence amendment to include the area south and east of the existing City boundaries; and
2. Direct staff to prepare all necessary application materials and submit an application to the Sacramento Local Agency Formation Commission for the amendment of the Sphere of Influence.

- 8.2** **SUBJECT:** Adopt resolution authorizing the City Manager to finalize the Request for Amendments to the previously approved Affordable Housing Loan Agreement for the Montego Falls Apartment Project

STAFF REPORT:

Jim Carney, Housing Advisor



PUBLIC COMMENT:

RECOMMENDATION:

Staff recommends that the City Council retain the Bond requirement and the language in the negotiated loan documents approved by the City Council on September 26, 2007, adopt a Resolution authorizing the City Manager to finalize the request for substantive amendments to the previously approved Affordable Housing Loan Agreement as shown in Attachment 1 of the staff report, or as otherwise directed by the City Council, and to retain all other existing language of the approved loan documents.

8.3 **SUBJECT:** Health Retirement Account Eligibility for Chief of Police [p.1-4]

STAFF REPORT:

Jeannine Seher, Human Resources Manager



PUBLIC COMMENT:

RECOMMENDATION:

That Council provide direction to staff as to whether it wishes to amend the plan documents for the Health Retirement Account adopted at its August 22, 2007 meeting to allow for vesting upon approval of the City Council on a case by case basis; and if so, to make a determination as to whether it wishes to authorize the Police Chief to be vested. Council should also consider whether or not it wants to establish criteria for future exceptions to the vesting period.

8.4 **SUBJECT:** Discuss options regarding presentation of question regarding elected mayor

STAFF REPORT:

Susan Cochran, City Attorney



PUBLIC COMMENT:

RECOMMENDATION:

Discuss options and direct staff regarding placement of ballot question on elected mayor to the voters.

9. GENERAL ADMINISTRATION INFORMATION

10. COUNCIL COMMENTS/FUTURE AGENDA ITEMS

1. Reports on Regional Boards, Commissions, Committees
2. Travel/Training Expenditures Disclosure (*in accordance with Resolution 2006-295 and Government Code § 53232.3(d)*)

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.

GOVERNMENT CODE 54957.5 et seq.

Public records, including writings relating to an agenda item for open session of a regular meeting and distributed less than 72 hours prior to the meeting, are available for public inspection at the City Clerk's Office, 8380 Laguna Palms Way, Suite 200, Elk Grove, CA.