



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

Patrick Hume, Mayor

Sophia Scherman, Vice Mayor
James Cooper, Council Member

Gary Davis, Council Member
Steven M. Detrick, Council Member

REGULAR MEETING OF THE CITY COUNCIL
Wednesday, December 9, 2009
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

None.

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 Approve Automatic Clearing House Nos. 646 through 676 dated November 1, 2009 through November 30, 2009, General Warrant Nos. 50045 through 50532, and Electronic Fund Transfer Nos. 2010048 through 2010061 [p. 1-56] (FINANCE)
- 6.2 Approve September and October 2009 Treasurer's Reports [p. 1-5] (FINANCE)
- 6.3 Approve City Council Meeting Minutes: 1) November 18, 2009 Special Meeting (5:00 p.m.) and 2) November 18, 2009 Special Meeting (6:00 p.m.) [p. 1-25] (CITY CLERK)
- 6.4 Receive report on City Manager approved purchases and contracts authorized by Elk Grove Municipal Code Chapter 3.42 Contracts and Purchasing, filed through December 2, 2009 [p. 1-3] (CITY CLERK)
- 6.5 Receive report on Requests for Proposals, Qualifications, and Bids [p. 1] (CITY CLERK)
- 6.6 Adopt Ordinance No. 20-2009 determining and declaring the need for a redevelopment agency to function in the City of Elk Grove and declaring the City Council of the City of Elk Grove to be the redevelopment agency (**Second Reading**) [p. 1-2] (PLANNING)

- 6.7 Adopt Ordinance No. 22-2009 levying and apportioning the special tax in territory annexed to Community Facilities District No. 2006-1 (Maintenance Services) Annexation No. 14 and amending Elk Grove Municipal Code Section 3.19.010 (**Second Reading**) [p. 1-3] (FINANCE)
- 6.8 Adopt resolution establishing a policy governing the receipt and distribution of tickets and/or passes [p. 1-6] (CITY CLERK)
- 6.9 Adopt resolution approving abandonment of a portion of a drainage easement over Lot A of Fieldstone Unit 3B [p. 1-7] (PUBLIC WORKS)
- 6.10 Adopt resolution approving Parcel Map No. 06-1034.00 Harbour Cove Commercial Center [p. 1-8] (PUBLIC WORKS)
- 6.11 Adopt resolution accepting the Grant Line Road / State Route 99 Interchange Reconstruction Project as complete and authorizing the City Engineer to prepare, and the City Clerk to file, the Notice of Completion with the Sacramento County Recorder [p. 1-3] (PUBLIC WORKS)
- 6.12 Adopt resolution authorizing the City Manager to execute a consultant contract amendment with PB Americas, Inc. for the Sheldon Road / State Route 99 Interchange Reconstruction Project to extend the term of the contract through July 31, 2010 and increase the contact by \$162,979 *[for a total compensation amount not to exceed \$2,631,602]* [p. 1-14] (PUBLIC WORKS)
- 6.13 Adopt resolutions: 1) Certifying a Final Environmental Impact Report, for the Elk Grove Boulevard / State Route 99 Interchange Modifications Project, adopting Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program; and 2) Approving the Project Development of the Elk Grove Boulevard / State Route 99 Interchange Modifications Project [p. 1-116] (PUBLIC WORKS)
- 6.14 Adopt resolution amending the Fiscal Year 2009-10 Budget by approving the allocation of \$836,732 in Public Transportation Modernization, Improvement and Service Enhancement Account funding for the purchase and installation of 67 automated fare boxes and ancillary equipment for the Transit fleet [p. 1-3] (TRANSIT)

- 6.15 Adopt resolution transferring \$12,160 from the General Fund Contingency to the Community Grants Program for the purchase of three hydraulic lifts for Elk Grove Adult Community Training [p. 1-3] (FINANCE)
- 6.16 Adopt resolution authorizing the City Manager to waive the competitive bidding for Geographic Information System Web Hosting Services and reject all proposals received [p. 1-4] (INFORMATION TECHNOLOGY)
- 6.17 Adopt resolution authorizing the City Manager to execute a consultant contract with Interwest Consulting Group, Inc. to provide Building Safety and Inspection services for a three year term in the amount of 53 percent of total building permit and plan check fee revenues [p. 1-35] (DEVELOPMENT SERVICES)
- 6.18 Adopt resolution authorizing the City Manager to accept two grant awards from the Office of Traffic Safety through the Regents of the University of California, Berkeley, School of Public Health in the amounts of \$21,694 and \$33,223 and increase respective revenue and expense budgets [p. 1-7] (POLICE)
- 6.19 Adopt resolution authorizing the City Manager to execute a License Agreement with the Elk Grove Community Garden and Learning Center for the use of land as a community garden [p. 1-28] (CITY MANAGER)
- 6.20 Adopt resolution authorizing the City Manager to amend the contract with Downtown Ford Sales of Sacramento for maintenance and repair services of the City's fleet of vehicles for one year not to exceed \$300,000 [p. 1-5] (FLEET)
- 6.21 Adopt resolution approving the City Council Chambers Use Policy [p. 1-8] (FACILITIES)
- 6.22 Adopt resolution ratifying the expenditure of funds to Indoor Environmental Services for \$43,000 and amending the current maintenance contract to include repairs for Heating, Ventilation and Air Conditioning systems for City facilities in an amount not to exceed \$96,000 [p. 1-7] (FACILITIES)

- 6.23 Adopt resolution authorizing the City Manager to execute a consultant contract with Center for Strategic Economic Research to provide economic development analysis and market study services for the Elk Grove Market Study Project in the amount of \$100,000 and Amend the Fiscal Year 2009-10 Annual Budget [p. 1-87] (PLANNING)

7. **PUBLIC HEARINGS**

- 7.1 **SUBJECT:** A public hearing (*continued from November 18, 2009*) to consider the appeal by the Old Town Elk Grove Foundation of the Planning Commission's decision on October 1, 2009 to approve the Capital Ink Tattoo and Body Piercing business located at 9044 Elk Grove Boulevard (*APN: 125-0222-005; Project EG-09-049*); consider entering into an agreement with Capital Ink Tattoo and Body Piercing regarding conditions of operation, and adopting a moratorium on Tattoo Parlors as Permitted Uses in the Old Town Special Planning Area [p. 1-14]

STAFF REPORT:

Mike Costa, Associate Planner



PUBLIC COMMENT:

RECOMMENDATION

Staff recommends the City Council consider:

- 1) Adopt resolution affirming the Planning Commission's Approval of Capital Ink and Body Piercing's request to locate at 9044 Elk Grove Boulevard, within the Old Town Special Planning Area as a Commercial-Personal Services Use, and authorizing the City Manager to execute an agreement regarding conditions of operation; and
- 2) Adopt and waive the full reading, by substitution of title only, an Urgency Ordinance adopting a Moratorium on Tattoo Parlors as Permitted Uses in the Old Town Special Planning Area.

- 7.2** **SUBJECT:** A public hearing to consider approving the abandonment of portions of Kammerer Road and West Stockton Boulevard (formerly Kammerer Road) and adjacent Public Utility Easements and authorize the City Manager to execute a License Agreement within the Lent Ranch Marketplace Subdivision [p. 1-31]

STAFF REPORT:

Fritz Buchman, Assistant Public Works Director / City Engineer



PUBLIC COMMENT:

RECOMMENDATION:

Adopt resolution approving the abandonment of portions of Kammerer Road and West Stockton Boulevard (formerly Kammerer Road) along with their adjacent public utility easements over Parcels I, J and K of the Lent Ranch Marketplace Subdivision and authorizing the City Manager to execute a License Agreement to allow the City to continue utilizing the property until June 1, 2010.

- 7.3** **SUBJECT:** A Public hearing to consider joining California Communities new CaliforniaFIRST AB 811 Statewide Financing Program [p. 1-39]

STAFF REPORT:

Andrew Keys, Finance Analyst



PUBLIC COMMENT:

RECOMMENDATION:

- 1) Adopt resolution reallocating \$25,000 of Energy Efficiency and Conservation Block Grant funds to the CaliforniaFIRST AB 811 Financing Program from the Sacramento Regional Energy Alliance; and
- 2) Adopt resolution authorizing the City to join the CaliforniaFIRST Program.

8. REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

- 8.1 **SUBJECT:** Receive Quarterly Report by Chairman Jake Allen and provide direction regarding the Charter Commission [p. 1]

STAFF REPORT:

Susan Blackston, City Clerk



PUBLIC COMMENT:

RECOMMENDATION:

Receive quarterly report from Chair Allen and provide direction as deemed appropriate.

- 8.2 **SUBJECT:** Adopt resolution authorizing the City Manager to execute the second contract amendment with HDR/The Hoyt Company for public outreach services for the Charter Commission [p. 1-7]

STAFF REPORT:

Susan Cochran, City Attorney



PUBLIC COMMENT:

RECOMMENDATION:

Adopt resolution authorizing the City Manager to execute the second contract amendment with HDR/The Hoyt Company for public outreach services for the Charter Commission in an amount not to exceed \$49,500.

- 8.3 **SUBJECT:** Receive status report and consider direction to staff to continue with the completion of draft documents for the South Sacramento Habitat Conservation Plan and Regional Programmatic Approach for Clean Water Act Permitting [p. 1-5]

STAFF REPORT:

Taro Echiburú, Environmental Planning Manager



PUBLIC COMMENT:

RECOMMENDATION:

Adopt resolution receiving status report and directing staff to continue with the completion of draft documents for the South Sacramento Habitat Conservation Plan and regional programmatic approach for Clean Water Act permitting.

- 8.4** **SUBJECT:** Consider support of two complimentary applications to the California Energy Commission's State Energy Program to be submitted by Sacramento Municipal Utilities District and the County of Sacramento [p. 1-39]

STAFF REPORT:

Andrew Keys, Finance Analyst



PUBLIC COMMENT:

RECOMMENDATION:

- 1) Adopt resolution authorizing the Sacramento Municipal Utility District (SMUD) to apply for State Energy Program Funds from the California Energy Commission (CEC) on behalf of the City and its residents;
- 2) Adopt resolution authorizing the City Manager to execute a Memorandum of Understanding between the City of Elk Grove and SMUD regarding the proposed State Energy Program application;
- 3) Adopt resolution authorizing the County of Sacramento to apply for State Energy Program funds from the CEC on behalf of the City and its residents; and
- 4) Adopt resolution authorizing the Mayor to sign letters of commitment to both SMUD and the County of Sacramento for both agencies' applications to the California Energy Commission for receipt of State Energy Program Grants.

- 8.5** **SUBJECT:** State Legislative Ad Hoc Committee Conceptual Economic Development State Office Building Incentive Program [p. 1-9]

STAFF REPORT:

Kara Reddig, Assistant to the City Manager



PUBLIC COMMENT:

RECOMMENDATION:

Adopt resolution establishing a conceptual Economic Development State Office Building Incentive Program (Program) and direct the City Manager to negotiate the amount of the incentive; review, consider and select all proposals received for the Program; and determine and implement all necessary Program steps. Additionally, prior to finalization, direct the City Manager to return with specific Program packages to be approved by the City Council.

- 8.6** **SUBJECT:** Establish an Employee Compensation Step Plan and assign pay bands to job classifications; amend the Retiree Healthcare Benefit Plan description; and amend the Fiscal Year 2009-10 annual budget [p. 1-19]

STAFF REPORT:

Rebecca Craig, Finance Director



PUBLIC COMMENT:

RECOMMENDATION:

- 1) Adopt resolution establishing an Employee Compensation Step Plan and assign a pay band to each job classification;
- 2) Adopt resolution amending Resolution No. 2007-191 to revise the Retiree Healthcare Benefit Plan; and
- 3) Adopt resolution amending the Fiscal Year 2009-10 annual budget to provide funding for the revised Retiree Healthcare Benefit Plan.

- 8.7** **SUBJECT:** Adopt Ordinance No. 21-2009 authorizing the Mayor to amend the contract between the City Council of the City of Elk Grove and the Board of Administration of the California Public Employees' Retirement System (**Second Reading**) [p. 1-9]

STAFF REPORT:

Jacqui Langenberg, Management Analyst



PUBLIC COMMENT:

RECOMMENDATION:

Adopt Ordinance No. 21-2009 authorizing the Mayor to amend the contract between the City Council of the City of Elk Grove and the Board of Administration of the California Public Employees' Retirement System.

- 8.8** **SUBJECT:** Introduce the Abandoned Residential Property Registry Ordinance and adopt resolution setting registration fee [p. 1-13]

STAFF REPORT:

Shane Diller, Community Enhancement Manager



PUBLIC COMMENT:

RECOMMENDATION:

- 1) Introduce and waive the full reading, by substitution of title only, an ordinance enacting Elk Grove Municipal Code Chapter 16.17 entitled Abandoned Residential Property Registration; and
- 2) Adopt resolution setting fees associated with the Abandoned Residential Property Registry.

8.9 **SUBJECT:** Introduce the Rental Housing Registry Ordinance and adopt resolution setting registration fee [p. 1-12]

STAFF REPORT:

Shane Diller, Community Enhancement Manager



PUBLIC COMMENT:

RECOMMENDATION:

- 1) Introduce and waive the full reading, by substitution of title only, an ordinance amending Elk Grove Municipal Code Chapter 16.20 to add Article XII regarding the Rental Housing Registration Program; and
- 2) Adopt resolution setting fees associated with the Rental Housing Registry.

8.10 **SUBJECT:** Introduction of an Ordinance amending Section 16.90.030 of the Elk Grove Municipal Code regarding waiver of permit fees for residential photovoltaic solar system installation [p. 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 amending Elk Grove Municipal Code Section 16.90.030 regarding waiver of permit fees for residential photovoltaic solar system installation.

8.11 SUBJECT: Adopt Urgency Ordinance adopting a moratorium on Medical Marijuana Dispensaries, adopt an Urgency Ordinance repealing Elk Grove Municipal Code Chapter 4.16; and introduce an Ordinance repealing Elk Grove Municipal Code Chapter 4.16 [p. 1-68]

STAFF REPORT:

Susan Cochran, City Attorney



PUBLIC COMMENT:

RECOMMENDATION:

Staff recommends that the City Council take three separate actions:

- 1) Adopt and waive the full reading, by substitution of title only, an Urgency Ordinance Adopting a Moratorium on Medical Marijuana Dispensaries;
- 2) Adopt and waive the full reading, by substitution of title only, an Urgency Ordinance Repealing Elk Grove Municipal Code Chapter 4.16, "Medical Cannabis Dispensaries"; and
- 3) Introduce and waive the full reading, by substitution of title only, an Ordinance Repealing Elk Grove Municipal Code Chapter 4.16, "Medical Cannabis Dispensaries".

8.12 SUBJECT: Reorganization of the Elk Grove City Council [p. 1-2]

STAFF REPORT:

Susan Blackston, City Clerk



PUBLIC COMMENT:

RECOMMENDATION:

Reorganize the Elk Grove City Council:

- 1) By motion select the Mayor
- 2) By motion select the Vice Mayor

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 the City Clerk's Office at (916) 478-3635. 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, 8401 Laguna Palms Way, Elk Grove, CA.