



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

Sophia Scherman, Mayor

Steven M. Detrick, Vice Mayor
James Cooper, Council Member

Gary Davis, Council Member
Patrick Hume, Council Member

REGULAR MEETING OF THE CITY COUNCIL
Wednesday, August 25, 2010
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 Deputy 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

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.

PUBLIC COMMENT:

A) CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code § 54956.8

Property Descriptions: 0 Union Park Way
Elk Grove, CA 95624
APN: 134-0630-064-0000

City Negotiators: Laura Gill, City Manager

Negotiating parties: John Jackson and Gregg Mason
representing JPI XXX, L.P., a California
Limited Partnership (a related entity of
Jackson Properties)

Under negotiation: Price and Terms

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. GENERAL ADMINISTRATION INFORMATION

7. COUNCIL COMMENTS/FUTURE AGENDA ITEMS

1. Reports on Regional Boards, Commissions, Committees
2. Travel/Training Expenditures Disclosure (*in accordance with Resolution No. 2009-212 and Government Code § 53232.3(d)*)

8. **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

- 8.1 Receive Automatic Clearing House Nos. 1768 through 1938 dated July 1, 2010 through July 31, 2010, General Warrant Nos. 54189 through 54541, and Electronic Fund Transfer Nos. 2011001 through 2011020 [p. 1-51] (FINANCE)
- 8.2 Receive June 2010 Treasurer's Report [p. 1-3] (FINANCE)
- 8.3 Approve July 28, 2010 Special City Council Meeting Minutes [p. 1-5] (CITY CLERK)
- 8.4 Receive report on City Manager approved purchases and contracts authorized by Elk Grove Municipal Code Chapter 3.42 Contracts and Purchasing, filed through August 18, 2010 [p. 1-3] (CITY CLERK)
- 8.5 Receive report on Requests for Proposals, Qualifications, and Bids [p. 1-2] (CITY CLERK)
- 8.6 Adopt Ordinance No. 17-2010 amending Elk Grove Municipal Code Section 23.98.030 regarding the clear-vision triangle **(Second Reading)** [p. 1-2] (PLANNING)
- 8.7 Adopt Ordinance No. 18-2010 amending Elk Grove Municipal Code Chapter 12.12 regarding *Obstruction of Corners* **(Second Reading)** [p. 1-5] (PUBLIC WORKS)
- 8.8 Adopt resolution authorizing the City Manager to execute Memorandum of Understanding and related agreements with the Sacramento Transportation Authority for Measure A Ongoing Annual Capital Program expenditures [p. 1-13] (PUBLIC WORKS)

- 8.9 Adopt resolution authorizing the City Manager to execute Freeway Maintenance and Landscape Maintenance Agreements with Caltrans for the Grant Line Road / State Route 99 and Sheldon Road / State Route 99 Interchanges [p. 1-31] (PUBLIC WORKS)
- 8.10 Adopt resolutions: 1) declaring intention to annex territory to Community Facilities District No. 2006-1 (Maintenance Services) and to levy a special tax to pay for certain maintenance services (Annexation No. 16); 2) declaring intention to annex territory to Community Facilities District No. 2003-1 (Poppy Ridge) and to levy a special tax to pay for infrastructure and certain police services (Annexation No. 3); and 3) declaring intention to levy Street Maintenance Assessments District No. 1 Zone 1A – East Franklin Area (Annexation No. 2) [p. 1-76] (FINANCE)
- 8.11 Adopt resolution: 1) finding the Police Reorganization Tenant Improvement Project exempt from the California Environmental Quality Act and directing the filing of a Notice of Exemption, and 2) authorizing the City Manager to execute a construction contract with Gildan Builders, Inc. for the Police Reorganization Tenant Improvement Project in an amount not to exceed \$112,400, authorizing the City Engineer to approve change orders not-to-exceed \$20,000 [p. 1-5] (PUBLIC WORKS)
- 8.12 Adopt resolution repealing Resolution No. 2010-123 and authorizing the City Manager to execute all contracts, reports, and other documents required for receiving 2009 State Homeland Security Grant Program funds [p. 1-7] (POLICE)
- 8.13 Adopt resolution authorizing the City Manager to accept grant funding from the California Emergency Management Agency as appropriated under the Department of Homeland Security Appropriations Act, 2010, for the establishment of an Emergency Operations Center [p. 1-3] (POLICE)

9. **PUBLIC HEARINGS**

9.1 **SUBJECT:** A continued public hearing (*July 28, 2010*) to consider approving a Letter of Public Convenience and Necessity for a Type 20 (Off-Sale Beer and Wine) alcohol license for Walgreens located at 9180 Franklin Boulevard (Project No. EG-09-066; APN: 119-0144-005) [p. 1-30]

STAFF REPORT:

Mike Costa, Associate Planner



PUBLIC COMMENT:

RECOMMENDATION

Staff recommends the Council review and consider the options listed below:

- 1) Adopt resolution approving a Letter of Public Convenience and Necessity for a Type 20 alcohol license for the Walgreens drug store at 9180 Franklin Boulevard; OR
- 2) Continue the item to a date uncertain and direct the Applicant back to the Planning Commission for a Conditional Use Permit Amendment; OR
- 3) Approve the Public Convenience and Necessity Letter contingent upon the approval of a Conditional Use Permit Amendment initiated by the Applicant; OR
- 4) Deny the Public Convenience and Necessity Letter

9.2 **SUBJECT:** Continue public hearing to a date uncertain to consider updates to Swainson's Hawk Mitigation Fees [p. 1-2]

STAFF REPORT:

Andrew Keys, Finance Analyst
Taro Echiburú, Interim Planning Director



PUBLIC COMMENT:

RECOMMENDATION

Open the public hearing and receive public comment, then continue the item to a date uncertain to be re-noticed appropriately to address California Environmental Quality Act environmental concerns.

- 9.3** **SUBJECT:** A public hearing pursuant to the Federal Tax Equity and Fiscal Responsibility Act (TEFRA) to adopt a resolution approving a letter of support for the issuance of recovery zone facility bonds, not to exceed \$1.5 million, by the California Statewide Communities Development Authority on behalf of SunEdison, LLC for Solar Equipment Acquisition and Installation Project at the Kohl's Department Store at Elk Grove Commons (9650 Bruceville Road; APN: 132-1750-001) [p. 1-11]

STAFF REPORT:

Angela Frost, Management Analyst



PUBLIC COMMENT:

RECOMMENDATION

Adopt resolution approving a letter of support for the issuance of recovery zone facility bonds, not to exceed \$1.5 million, by the California Statewide Communities Development Authority on behalf of SunEdison, LLC for Solar Equipment Acquisition and Installation Project at the Kohl's Department Store at Elk Grove Commons (9650 Bruceville Road).

10. REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

- 10.1** **SUBJECT:** Consider approval of submittal of an application to the California Department of Housing and Community Development for funding under the HOME Investment Partnerships Program and authorizing the City Manager to execute a standard agreement, any amendments thereto, and any related documents necessary to participate in the HOME Investment Partnerships Program if the City of Elk Grove is selected to receive HOME funds [p. 1-53]

STAFF REPORT:

Sarah Bontrager, Grants Specialist



PUBLIC COMMENT:

RECOMMENDATION:

Adopt resolution approving the submittal of an application to the California Department of Housing and Community Development (HCD) for funding under the HOME Investment Partnerships Program (HOME) and authorizing the City Manager to execute a standard agreement and any other required documents with HCD if the City of Elk Grove is selected to receive HOME funds.

- 10.2 SUBJECT:** Consider resolution authorizing the City Manager to provide notice of non-renewal to State Compensation Insurance Fund and execute the necessary documents to secure workers' compensation insurance coverage with Travelers Property Casualty Company of America effective 12:01 a.m., September 1, 2010 [p. 1-77]

STAFF REPORT:

Jim Ramsey, Administrative Analyst



PUBLIC COMMENT:

RECOMMENDATION:

Adopt resolution authorizing the City Manager to provide notice of non-renewal to State Compensation Insurance Fund and execute the necessary documents to secure workers' compensation insurance coverage with Travelers Property Casualty Company of America effective 12:01 a.m., September 1, 2010.

- 10.3 SUBJECT:** Introduce Ordinances: 1) Adding Chapter 9.31 to the Elk Grove Municipal Code prohibiting medical marijuana dispensaries; and 2) Renumbering Elk Grove Municipal Code Chapters 6.26 and 6.30 to become Chapters 9.24 and 9.28 respectively, for general subject matter consistency. [p. 1-83]

STAFF REPORT:

Robert Lehner, Chief of Police
Susan Burns Cochran, City Attorney



PUBLIC COMMENT:

RECOMMENDATION:

- 1) Introduce and waive the full reading by substitution of title only, an Ordinance adding Elk Grove Municipal Code Chapter 9.31 titled medical marijuana dispensaries; and
- 2) Introduce and waive the full reading by substitution of title only, an Ordinance renumbering Elk Grove Municipal Code Chapter 6.26 to Chapter 9.24 regarding distribution of tobacco products to minors and renumbering Chapter 6.30 to Chapter 9.28 regarding public consumption of marijuana.

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 Office of the City Clerk 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 Office of the City Clerk, 8401 Laguna Palms Way, Elk Grove, CA.