



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

Steven M. Detrick, Mayor

James Cooper, Vice Mayor
Gary Davis, Council Member

Patrick Hume, Council Member
Sophia Scherman, Council Member

ELK GROVE CITY COUNCIL REGULAR MEETING
Wednesday, September 28, 2011
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 Presentation of the Young Marines Drug Demand Reduction Program, and proclamation recognizing October 23 – 31, 2011 as National Red Ribbon Week supporting a drug-free environment
- 4.2 Proclamation celebrating the 100 Year Anniversary of California Women’s Right to Vote
- 4.3 Presentation of Certificates of Recognition to recipients of the American Red Cross Hometown Heroes Award Program
- 4.4 Presentation of the Certificate of Achievement for Excellence in Financial Reporting

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 / REPORTS / 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 July 2011 Treasurer's Report [p. 1-2] (FINANCE)
- 8.2 Approve City Council Meeting Minutes: 1) February 23, 2011 regular meeting; and 2) March 9, 2011 regular meeting [p. 1-20] (CITY CLERK)
- 8.3 Receive report on City Manager approved purchases and contracts authorized by Elk Grove Municipal Code Chapter 3.42 Contracts and Purchasing, filed through September 21, 2011 [p. 1-3] (CITY CLERK)
- 8.4 Receive report on Requests for Proposals, Qualifications, and Bids [p. 1-2] (CITY CLERK)
- 8.5 Adopt resolution authorizing the Finance Director to exercise the sale and disposal of surplus City property in the form of 14 Police Vehicles, Law Enforcement Equipment, and four Transit Buses [p. 1-5] (FINANCE)
- 8.6 Adopt resolution: 1) finding no further review required for the extension of approvals for the Laguna Creek Courtyard Project under the California Environmental Quality Act; and 2) approving a 12-month extension of the Design Review and Uniform Sign Program approvals for the Laguna Creek Courtyard Project (EG-11-032) (APN 116-0011-011) [p. 1-148] (PLANNING)
- 8.7 Adopt resolution accepting the Asphalt Concrete Overlay and Curb Ramp Improvements 2010 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. 1-5] (PUBLIC WORKS)

- 8.8 Adopt resolution finding the Elk Grove Old Town Stub (9070 Elk Grove Blvd) Drainage Improvements Project exempt from environmental review under the California Environmental Quality Act; authorizing the City Manager to execute a construction contract with Arrow Construction for the Old Town Stub (9070 Elk Grove Blvd) Drainage Improvements Project in the amount of \$19,450; authorizing the City Engineer to approve change orders not-to-exceed \$3,000; and authorizing the City Manager to execute a construction contract with the second lowest bidder if Arrow Construction does not meet filing obligations [p. 1-8] (PUBLIC WORKS)
- 8.9 Adopt resolution authorizing the City Manager to execute a three-year Master Services Agreement with the Sacramento Society for the Prevention of Cruelty to Animals (SSPCA) for the provision of animal care services, and ratify expenditures between August 31, 2011 and September 28, 2011, in a total amount not-to-exceed \$1,300,000 [p. 1-32] (POLICE)

9. **PUBLIC HEARINGS**

- 9.1 **SUBJECT:** A public hearing to consider extending the moratorium on large retail establishments in excess of 50,000 square feet, specifically including general retail, and grocery / supermarket uses [p. 1-6]

STAFF REPORT:

Christopher Jordan, Planning Manager
Taro Echiburú, Planning Director



PUBLIC COMMENT:

RECOMMENDATION

Adopt and waive the full reading, by substitution of title only, an Urgency Ordinance extending a moratorium on large retail establishments in excess of 50,000 square feet, specifically including general retail and grocery / supermarket uses.

- 9.2 **SUBJECT:** A public hearing to consider introduction of an ordinance amending to Elk Grove Municipal Code Title 23 regarding retail establishments [p. 1-307]

STAFF REPORT:

Christopher Jordan, Planning Manager
Taro Echiburú, Planning Director



PUBLIC COMMENT:

RECOMMENDATION:

The Planning Commission recommends that the City Council:

- 1) Adopt a resolution finding the proposed amendments to Title 23 of the Elk Grove Municipal Code exempt for the California Environmental Quality Act pursuant to section 15061(b)(3) of Division 6 of Chapter 3 of Title 14 of the California Code of Regulations (State CEQA Guidelines); and
- 2) Introduce and waive the full reading, by substitution of title only, an Ordinance amending Title 23 of the Elk Grove Municipal Code relative to retail establishments.

- 9.3 **SUBJECT:** A public hearing to consider approval of the Fiscal Year 2010-11 Consolidated Annual Performance and Evaluation Report (CAPER) [p. 1-34]

STAFF REPORT:

Sarah Bontrager, Housing Program Manager



PUBLIC COMMENT:

RECOMMENDATION

Adopt resolution to approve the Fiscal Year 2010-11 Consolidated Annual Performance and Evaluation Report (CAPER).

- 9.4** **SUBJECT:** A public hearing to update the Swainson's Hawk Mitigation Impact Fees [p. 1-270]

STAFF REPORT:

Taro Echiburú, Planning Director
Andrew Keys, Accounting Manager



PUBLIC COMMENT:

RECOMMENDATION:

Adopt two resolutions:

- 1) Certifying an Environmental Impact Report for the Swainson's Hawk fee update; and
- 2) Adopting and levying revised Swainson's Hawk mitigation impact fees.

10. REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

- 10.1** **SUBJECT:** Consider resolution authorizing the City Manager to execute an Economic Incentive Agreement with Lasher Auto Group d.b.a. Elk Grove Subaru for an expansion of the existing Subaru Dealership in the amount of \$150,000 [p. 1-9]

STAFF REPORT:

Heather Ross, Economic Development Coordinator



PUBLIC COMMENT:

RECOMMENDATION:

Adopt resolution authorizing the City Manager to execute an Economic Incentive Agreement with Lasher Auto Group d.b.a. Elk Grove Subaru in the amount of \$150,000.

10.2 SUBJECT: Receive informational report for consideration of medical marijuana cultivation regulation ordinance and provide direction to staff [p. 1-35]

STAFF REPORT:
Bryan Noblett, Police Captain



PUBLIC COMMENT:

RECOMMENDATION:

Staff recommends that the City Council of the City of Elk Grove consider available options for the regulation of medical marijuana cultivation within the City and provide direction to staff.

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.