

CITY OF ELK GROVE

Incorporated July 1, 2000

ACTION MINUTES OF THE CITY COUNCIL Wednesday, October 3, 2001 City Council Chambers, City Hall

CALL TO ORDER/ROLL CALL

Mayor Leary opened the regular City Council Meeting of October 3, 2001 at 6:37 p.m.

Present: Mayor Leary, Mayor Pro Tem Scherman, Council Members Briggs, Leary, Soares

Absent: Absent: Cooper (arrived at 7:33 p.m.)

Mayor Leary noted that Council Member Cooper was attending an important meeting in conjunction with the Elk Grove Police Department at Laguna Creek High School.

Mayor Leary led the Pledge of Allegiance

PUBLIC COMMENT

Mayor Leary opened the public comment opportunity.

Elizabeth Pinkerton thanked the Council for the opportunity to present ***History Happened Here***, a book reciting the history of Elk Grove. Book sale proceeds generate funds for student scholarships. She stated that \$5 from the sale of each book from the period of September 11 through December would be donated to the catastrophic relief fund established by the City of Elk Grove. She noted that she is going to personally donate an equal amount and invited others to do the same.

Joey Tomko chastised the Council for meeting in closed session to discuss the acquisition of property. He alleged the Council is violating the Brown Act in doing so.

Hal Paris, on behalf of the Elk Grove Community Service District Board of Directors and General Manager, invited the City to attend the 7th Annual Elk Grove Community Harvest and Giant Pumpkin Festival to be held at Elk Grove Regional Park this Saturday, October 6. He stated that approximately \$30,000 will be generated by the event and returned to the community.

Dannetta Garcia expressed her concern about whether Council Member Cooper is able to represent her as a constituent because of remarks reportedly made about her by Council Member Cooper. She noted addressing the issue with Mayor Leary. She asked that the Council appropriately address unbecoming behavior by a single Council Member. She stressed the importance of treating constituents respectfully.

David Gordon requested an update be provided on the “horn on a stick” project and elaborated on the disruption of the train horns to surrounding neighborhoods.

Mayor Leary asked Interim City Manager Stan Grady to report back in a few weeks on the status of the project.

Lisa Dixon stated she felt that Council Member Cooper does not represent any constituent who does not share his perspective. She thanked Mayor Leary for having his attention during public comment periods. She stated the Council should have a session to discuss making the public feel that their opinions are heard.

Benita Barnes, Director of Public Affairs for Planned Parenthood in Sacramento County, stated that this was her first visit to an Elk Grove City Council meeting. She commented that citizen participation is important and public officials should encourage and support advocacy training.

APPROVAL OF AGENDA

Council Member Briggs requested Agenda Item No. 7.6 be pulled from the agenda. The request was denied by the Mayor. Mr. Briggs requested the City Attorney be directed to consider whether an appointment from the Council to the Senior Center Board would be a conflict of interest.

Mayor Leary requested the City Attorney review whether there is a conflict of interest for Council Member Briggs to sit as the President of the Board of Directors of the Senior Center.

Motion: Moved by Mayor Pro Tem Scherman, seconded by Council Member Soares to approve agenda. ***The motion carried by the following vote: Ayes: 4; Noes: 0; Absent: Cooper***

PRESENTATIONS/ANNOUNCEMENTS

None scheduled.

CONSENT CALENDAR ITEMS

Motion: Moved by Mayor Pro Tem Scherman, seconded by Council Member Soares to approve the Consent Calendar (5.1, 5.2, 5.3, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, 5.11) and to remove Agenda Item Nos. 5.4 and 5.12 from the consent calendar, noting that the correct public hearing date for Agenda Item No. 5.5 is November 7. ***The motion carried by the following vote: Ayes: 4; Noes: 0; Absent: Cooper***

Agenda Item No. 5.1 -- Approve Warrant Listing through September 21, 2001
(Warrants 003354 thru 003424)

Approved by Consent

Agenda Item No. 5.2 -- Approve Action Minutes of the August 15, 2001 Regular City
Council Meeting

Approved by Consent

Agenda Item No. 5.3 -- Approve appropriation adjustment, carry over appropriations
and prior year savings for fiscal year 2000-01

Approved by Consent

Agenda Item No. 5.4 was removed from the Consent Calendar and considered separately after approval of the Consent Calendar.

Agenda Item No. 5.4 -- **Resolution No. 2001-81** adopted, approving a vesting subdivision map, authorizing the Mayor to execute a subdivision improvement agreement between the City of Elk Grove and Franklin Meadows, a California Limited Partnership, for the subdivision designated as Franklin Meadows Unit No. 1.

In response to a question by **Council Member Briggs** whether the City is bound to the current road width standards, **Public Works Director Bill Hetland** confirmed that this was the case since the new road width standards have not been adopted.

Motion: Moved by Mayor Pro Tem Scherman, seconded by Mayor Leary to adopt the foregoing resolution. The motion carried by the following vote: **Ayes: Leary Scherman, Briggs; Noes: Soares; Absent: Cooper**

Agenda Item No. 5.5 -- **Resolution of Intention No. 2001-79** adopted calling for a public hearing to be held on November 7, 2001 to consider the abandonment of a road right-of-way on Office Park Circle, located on the north side of Laguna Palms Way between Laguna Springs Drive and West Stockton Boulevard

Approved by Consent

Agenda Item No. 5.6 -- **Ordinance No. 15-2001** adopted, an Ordinance of the City Council of the City of Elk Grove amending Condition of Approval B(2)(j) of Ordinance SZC 97-0039 for the Laguna Palms Shopping Center, APN 116-0012-006

Approved by Consent

Agenda Item No. 5.7 -- **Ordinance No. 16-2001** adopted, an Ordinance of the City Council of the City of Elk Grove amending the City of Elk Grove Zoning Map from AG-80 to RD-7 on Assessor Parcel Numbers 132-0030-038 and 132-0030-046, Elk Grove Meadows EG-00-103

Approved by Consent

Agenda Item No. 5.8 -- **Ordinance No. 17-2001** adopted, an Ordinance of the City of Elk Grove Amending the City of Elk Grove Zoning Map from AR-5 to MP for Assessor Parcel Number 121-0140-017, Calvine Self Storage EG-01-141

Approved by Consent

Agenda Item No. 5.9 -- **Ordinance No. 18-2001** adopted, an Ordinance of the City Council of the City of Elk Grove amending the rate of pay for the City of Elk Grove Planning Commissioners

Approved by Consent

Agenda Item No. 5.10 -- Approve and authorize the Mayor to execute a grant agreement with the Elk Grove Teen Center in the amount of \$50,000

Approved by Consent

Agenda Item No. 5.11 -- **Resolution No. 2001-80** adopted authorizing additional compensation to Stan Grady, Community Development Director, while acting in the capacity as Interim City Manager

Approved by Consent

Note: Agenda Item No. 5.12 was removed from the consent calendar and considered after Agenda Item No. 7.2

Agenda Item No. 5.12 – Accept the final subdivision map for Arcadian Village No. 2 and authorize the Mayor to execute the subdivision improvement agreement

Public Works Director Bill Hetland noted that to the extent possible, he feels the items necessary for approval are substantially in compliance. He noted staff's recommendation to adopt the resolution approving the final map.

There was brief discussion regarding the hurried processing and approval of the map.

Bruce Henz, StanTec Consulting, representing George Tsakopolous, noted that each of the parcels would return to the Council providing a second opportunity for review.

Rita Velasquez, General Manager of the Elk Grove Community Services District, reported receiving a letter from Tsakopolous Investments indicating that they will meet with the District to designate an acceptable location for the park site.

Mayor Leary opened the public comment opportunity.

Sarah Johnson, expressed concern that there is a perception of favored treatment, noting the importance of giving everyone the same opportunity to fully satisfy established requirements.

Motion: Moved by Mayor Pro Tem Scherman, seconded by Council Member Cooper to adopt **Resolution No. 2001-85** accepting the final subdivision map for Arcadian Village No. 2 and authorize the Mayor to execute the subdivision improvement agreement. The motion carried by the following vote: **Ayes: (3) Leary, Scherman, Cooper; Noes: (2) Soares, Briggs**

PUBLIC HEARINGS

None scheduled.

REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

Agenda Item No. 7.1 -- Approval of the resolution authorizing the Mayor to execute the First Amended Interim Agreement for Municipal Services between the City of Elk Grove and the County of Sacramento

Public Works Director Bill Hetland explained that negotiations for long-term contracts for County services are continuing. It is necessary to request an extension of the interim agreement term for an additional 90 days. He noted that the Board of Supervisors approved the extension request last week.

Motion: Moved by Mayor Pro Tem Scherman, seconded by Council Member Briggs to adopt **Resolution No. 2001-82** authorizing the Mayor to execute the First Amended Interim Agreement for Municipal Services between the City of Elk Grove and the County of Sacramento. **The motion carried by the following vote: Ayes: 4; Noes: 0; Absent: Cooper**

There were no public requests to speak.

Agenda Item No. 7.2 considered after Agenda Item No. 7.5

Agenda Item No. 7.2 -- Authorization for the City of Elk Grove to enter into tow service agreements with qualified tow service operators

Chief Ed Flint explained the department currently uses the Sheriff Department's rotation tow list, comprised of 54 tow operators. He estimated the number of vehicles towed annually at 1200 to 1500. Chief Flint explained the benefits of using local tow service, including diminishing the amount of "out of service" time expended by officers awaiting tow services.

Chief Flint stated that the recommendation includes a request for one additional non-sworn staff member for program administration. If approved, it will be necessary to

meet with the Sheriff's Department Towing Enforcement and budget coordinator to assure a smooth transition of services.

There was discussion on the process and elements of program operation and implementation.

The City Clerk read the title of the ordinance into the record.

Motion: *Moved by Mayor Pro Tem Scherman, seconded by Council Member Briggs to:*

- 1. Approve Option #2. Implement a City Rotation Tow Program under direction of the Chief of Police and administered by a designated program manager. Discontinue contracting with the County of Sacramento for the services of the Sheriff's Towing Enforcement Unit; and,*
- 2. Introduce and waive the full reading by substitution of title only, **Ordinance No. 19-2001**, an Ordinance of the City Council of the City of Elk Grove, authorizing the City of Elk Grove to enter into tow service agreements with qualified tow service operators*

The motion carried by the following vote: Ayes: 5; Noes: 0.

Agenda Item No. 7.3 -- *Extension of Sacramento abandoned vehicle service authority vehicle registration fee until April 2012*

Interim City Manager Stanley Grady explained that approval would endorse extending the program scheduled to expire in April 2002 for a ten-year period to 2012. The fee provides an additional dollar through the vehicle registration process to offset the abandoned vehicles abatement costs. Final approval of the extension requires a two-thirds vote of the County Board of Supervisors and a confirmation by a majority of the cities within the County.

Motion: *Moved by Council Member Briggs, seconded by Mayor Pro Tem Scherman to adopt **Resolution No. 2001-83** extending the abandoned vehicle service authority vehicle registration fee until April 2012. **The motion carried by the following vote: Ayes: 4; Noes: 0; Absent: Cooper***

There were no public requests to speak on the item.

Agenda Item No. 7.4 -- *Approval of an application for formation of a community facilities district (CFD) for bond financing of public infrastructure in the East Franklin Specific Plan Area, authorization to form a financing team, and execution of an advanced funding agreement*

Interim City Manager Stanley Grady explained that Council approval of the item would authorize staff to proceed with securing the financial and legal consultants to evaluate the development of the community facilities district.

Paul Philleo, Sr. Civil Engineer, stated that it typically takes six to nine months to form a CFD. At any time during that period the Council may request a report from the consultants. He explained that during the formation process, staff would present a number of items to the Council for approval. These milestones would include adoption of a resolution of intention to incur bonded indebtedness; a public hearing to consider formation of the district; a property-owner election and certification; and authorization for the bond sale.

Mr. Philleo explained that the request before Council is to approve the application for district formation and authorize staff to initiate the process of hiring a consultant team, approve an advanced funding agreement, stipulating the costs associated with the consultant and staff work. There is no cost to the City general fund. The cost is borne by the developer.

Motion: Moved by Mayor Pro Tem Scherman, seconded by Council Member Soares to adopt **Resolution No. 2001-84** authorizing the Mayor to execute an advanced funding agreement. **The motion carried by the following vote: Ayes: 4; Noes: 0, Absent: Cooper**

Agenda Item No. 7.5 – Consider and take action on entering into an interim agreement with Regional Transit to provide bus services to Elk Grove

Interim City Manager Stanley Grady noted that staff was previously directed by the Council to meet with Regional Transit representatives and redraft the agreement. He reported that staff, with Mayor Leary and Council Member Cooper, met with Regional Transit representatives and were able to discuss costs to the City for transit services. The interim agreement is presented for consideration to continue service until such time those other issues can be resolved.

After receiving a motion and second to approve the item, Mayor Leary opened the public comment opportunity.

The following persons spoke in support of continuing and expanding bus service to the residents of the Elk Grove area: **Todd Lieberg, David Love, Esther Burkett, Lisa Dixon.**

Motion: Moved by Council Member Briggs, seconded by Mayor Pro Tem Scherman to approve an interim agreement with Regional Transit for Elk Grove bus service and authorize the Mayor to execute the agreement. **The motion carried by the following vote: Ayes: 5; Noes: 0**

Agenda Item No. 7.7 considered before Agenda Item No. 7.6

Agenda Item No. 7.6 -- *Appointment of a City Council Member to the Elk Grove Senior Citizens Center Board of Directors*

Mayor Leary appointed Pro Tem Scherman to serve on the Elk Grove Senior Citizens Center Board of Directors to act in an advisory capacity until such time that their new Board steps in.

Council Member Briggs, as the current President of the Elk Grove Senior Citizens Center Board of Directors, implored the Mayor to reconsider his decision, and requested that he be appointed to represent the Council.

City Attorney Manzanetti was directed to consider whether there is a conflict of interest of a City Council Member serving on the Board of Directors of the Elk Grove Senior Citizens Center.

Agenda Item No. 7.7 - *An ordinance repealing the sunset provision for the residential fee deferral program*

Mr. Grady reported that the ordinance provides for the deferral of specific fees on residential properties until the close of escrow. Mr. Grady stated that the provision has been used by a number of builders resulting in a loss of revenue to the program. He recommended approval of the ordinance.

Chris Marx of the County Public Works Infrastructure Finance section, added that this program is self-supporting. The users of the program pay a fee of \$275 for each property entering into the fee deferral agreement. There is no cost to the County or to the City for the program.

Mayor Leary opened the public comment opportunity.

The City Clerk read the title of the ordinance into the record.

Jim Bayless stated that this is a program, which is very helpful to small builders and supported adoption of the ordinance.

Motion: *Moved by Council Member Cooper, seconded by Council Member Soares to introduce and waive the full reading by substitution of title only, **Ordinance No. 20-2001** repealing Section 16.120.100 of Chapter 16.120 of the Elk Grove Municipal Code repealing the sunset provision for the residential fee deferral program. **The motion carried by the following vote: Ayes: 5; Noes: 0***

Agenda Item No. 7.6 was considered after Agenda Item No. 7.7.

Agenda Item No. 7.8 -- Acquisition of Property by the City of Elk Grove

Council consensus: Staff was directed to return a staff report on the availability and possible acquisition of the Sacramento Regional County Sanitation District property at Bond/Waterman Roads.

Agenda Item No. 7.9 -- Consider amending the City Council meeting Rules of Procedure

Workshop date to be announced at next City Council meeting.

GENERAL ADMINISTRATION INFORMATION

- a) Status report on Laguna Ridge Specific Plan Environmental Impact Report--
Monthly updates requested by City Council.
- b) City Council meeting schedule for November;
The regularly scheduled meeting of November 21 was cancelled. It was determined that if a special meeting were needed, a tentative date would be November 14.
- c) Council Districting Workshops schedule
After discussion, it was concluded that if an additional meeting were needed after the special meeting of October 24, it would be scheduled at that time.
- d) **Rails to Trails: It was the consensus of Council to send a support letter to the County of Sacramento's application for \$3 million in the 2002 State Transportation Improvement Program (STIP) for the purchase and development of the 27-mile Central California Traction Company (Caltraction) rail right-of-way between Woodbridge Road in Lodi and Elder Creek Road in Sacramento.**

COUNCIL COMMENTS/FUTURE AGENDA ITEMS

Mayor Leary

- City Council meetings in November – Consensus to cancel the second meeting in November (November 21, 2001) and hold only one meeting (November 7). To avoid a lengthy meeting in November, they will be spread out through December, although if a meeting is necessary, an additional meeting can be scheduled on November 14, 2001.
- Response received from Public Utilities Commission relative to City's PUC 130 application for emergency nomination for Elk Grove Boulevard UPRR crossing. Information received will be distributed to the Council and make copies available to the public.

- Repeated his request for an update on Committee assignments; status of who sits on which boards; and what other boards/committees the City may be eligible to participate

Mayor Pro Tem Scherman

- Requested staff to order brackets for the poles for the community events for the Holidays.
- Requested status of having a Security officer for City Hall
- Requested staff purchase a voting board and timer. Consensus of Council to allocate funds into the budget.

Council Member Briggs

- Rob Kerth from the Sacramento Tree Foundation, Tree Mitigation program, would like staff to look into the program and see why funds that are being contributed to that program do not come directly to the City. The City should utilize the funds for landscaping rather than the County.
- Questioned whether the General Plan review process will require amendment of County Codes and Ordinances and this is an opportunity to change and enhance City ordinances?
Interim City Manager Grady replied that the City will be looking at those codes that affect the General Plan policies.
Council Member Briggs requested staff perform a long-term review of the ordinances.
- Reported that the City Manager Selection Committee interviewed the City Manager candidates on Monday, October 1, 2001, with one remaining candidate to be interviewed on Thursday, October 4, 2001. The Mayor will call a special meeting to interview the top candidates next week.

Council Member Soares explained that there was an opportunity for a rail-right-of-way between Woodbridge Road and Lodi and Elder Creek Road in Sacramento to be converted to a "rails to trails" project. This project is a conversion of unused railways to bicycle, pedestrian and equestrian trails. This program avoids the necessity for railroads to re-acquire the right-of-way rights from landowners who may have purchased the right-of-way.

SACOG considered the expenditure of \$3.1 million for rail line from Elder Creek to Lodi. SACOG has studied this and will make a decision this Friday, October 5, 2001. With the possibility of the funds being in jeopardy, the Rails to Trails group is asking the Council to send a letter of support benefiting our community. There was a consensus of Council in support of sending the letter.

CLOSED SESSION

The City Council adjourned to closed session at 9:40 p.m. to discuss the following items:

a) **CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

Pursuant to Subdivision (a) of GC Section 54956.9

(2) Cases

Name of case: South County Citizens for Responsible Growth, et al v. City of Elk Grove, et al

Sacramento County Superior Court Case No. 01OS01090

Name of case: California Department of Conservation v. City of Elk Grove et al

Sacramento County Superior Court Case No. 01OS01123

b) **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8

Property:	8380 Laguna Palms Way
Agency Negotiator:	Stanley Grady, Interim City Manager
Negotiating Party:	Steve Griffin, Negotiator
Property Owner:	Jackson Properties
Under Negotiation:	Discussion of price and terms of payment

c) **PUBLIC EMPLOYMENT**

Pursuant to Government Code Section 54957

TITLE: City Manager

The City Council returned from Closed session at 9:51 p.m. and the regular meeting reconvened. Mayor Leary announced that there were no reportable actions taken on any of the closed session items.

Mayor Leary opened the public comment opportunity. There were no requests to speak.

ADJOURNMENT

With no additional business to conduct, the City Council meeting adjourned at 9:52 p.m.

PEGGY JACKSON, CITY CLERK

ATTEST:

MICHAEL P. LEARY, MAYOR of the
CITY OF ELK GROVE