

CITY OF ELK GROVE

Incorporated July 1, 2000

**MINUTES OF THE CITY COUNCIL
Regular City Council Meeting
October 17, 2001
Elk Grove City Council Chambers**

CALL TO ORDER/ROLL CALL

Mayor Leary called the regular City Council meeting of October 17, 2001, to order at 6:38 p.m.

Present: Mayor Leary, Mayor Pro Tem Scherman, Councilmembers Briggs, Cooper, Soares

Boy Scouts Pack No. 179 posted the colors. Boy Scouts Jessie Allen and Eric Sabin led the he Pledge of Allegiance.

PUBLIC COMMENT

Lisa Dixon referred to a recent article featuring Elk Grove in the Sacramento News and Review. She requested the City Council place an item on the agenda to consider a moratorium on development until the General Plan is adopted.

Norm DeYoung, Chairman of the Elk Grove Veteran's Day Parade, announced that the parade will be held on November 11, at 11 a.m., assembling at the Community Services District and proceeding to the Elk Grove Park. Refreshments will be available to purchase at a nominal cost, and free for veterans. He noted that this is the only Veteran's Day Parade in Sacramento County and requested support from the Council.

After Council discussion, staff was directed to prepare a proclamation and bring back an item for consideration on the November 7 agenda, with a recommendation that an allocation of \$1,000 be considered for appropriation.

Mayor Pro Tem Scherman invited the public to make contributions to purchase refreshments.

Joey Tomko voiced his support for Council consideration of a moratorium on development until the General Plan is adopted. He expressed the need for more public and less developer input at the General Plan workshops. Mr. Tomko questioned whether there was a means to exclude persons outside of Elk Grove from participating.

Olga Batey welcomed the Council and the public to attend the Monday evening opening of the Elk Grove Library. She noted that the library will be open an additional 10 hours a week, made possible by the contribution made to the library system by the City of Elk Grove. Refreshments will be served on Monday between the hours 2:00 –

8:00 p.m. Library hours on Tuesday, Wednesday and Thursday, will be 11 a.m. to 8 p.m.

Note: The City Council proceeded with the Closed Session at this time.

APPROVAL OF AGENDA

Approval of the Agenda was taken after reconvening from the closed session.

Motion: Moved by Council Member Briggs, seconded by Mayor Pro Tem Scherman to approve the agenda. **The motion passed with the following vote: Ayes: 5; Noes: 0.**

PRESENTATIONS/ANNOUNCEMENTS

There were no presentations or announcements.

CONSENT CALENDAR ITEMS

Motion: Moved by Councilmember Soares, seconded by Mayor Pro Tem Scherman, to approve the consent calendar (Items 5.1, 5.2, 5.3, 5.4, 5.5, 5.6). **The motion passed with the following vote: Ayes: 5; Noes: 0**

Agenda Item No. 5.1 -- Approve Warrant Listing through October 5, 2001 (Warrants 003425 through 003482)
Approved by Consent

Agenda Item No. 5.2 - Approve: Action Minutes of April 18, 2001, May 9, 2001, and July 11, 2001 Regular City Council Meetings, and the Action Minutes of the October 8, 2001 Special Council Meeting
Approved by Consent

Agenda Item No. 5.3 – Resolution No. 2001-86 adopted approving the Allocation of Roberti-Z'Berg-Harris Grant Program funds from the State of California
Approved by Consent

Agenda Item No. 5.4 - Ordinance No. 19-2001 adopted, 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
Approved by Consent

Agenda Item No. 5.5 - Ordinance No. 20-2001 adopted, an Ordinance of the City Council of the City of Elk Grove 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
Approved by Consent

Agenda Item No. 5.6 – Resolution No. 2001-87 adopted, approving a resolution and subdivision map, authorizing the Mayor to execute a subdivision improvement agreement between the City of Elk Grove and Park Meadows Development, LLC, a Delaware Limited Liability Company, for the subdivision designated as Laguna Creek South Large Lot Map – 20 lots
Approved by Consent

PUBLIC HEARINGS

Agenda Item No. 6.1 - A public hearing to consider the abandonment of a 40-foot wide by approximately 463-foot long right-of-way located south of a residential project called Sheldon Estates II Unit 1B and north of the properties owned by East Lawn, Inc.

Public Works Director Bill Hetland provided the staff report and reported that the requested abandonment is a street alignment no longer needed. The City is retaining easements and right-of-way for drainage and equestrian and bicycle trails.

Mayor Leary opened the public hearing at 7:55 p.m. With no requests to speak, the public hearing was closed at 7:56 p.m.

Motion: Moved by Councilmember Cooper, seconded by Councilmember Briggs, to approve staff's recommendation to adopt **Resolution No. 2001-88**, a resolution vacating a 40' x 463' right-of-way located south of Sheldon Estates II, Unit 1B and north of the property owned by East Lawn, Inc. **The motion passed with the following vote: Ayes: 5; Noes: 0**

REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

There were no items to consider.

GENERAL ADMINISTRATION INFORMATION

Sphere of Influence Application to LAFCo Status Report:

Interim City Manager Stan Grady reported that shortly after the annexation application was submitted to LAFCo, LAFCo estimated the time for completing the Sphere of Influence at 180 days, after which the annexation would proceed. After reviewing the application, LAFCo subsequently requested changes to a portion of the legal description and graphics. There was no indication that the requested changes would alter the schedule. Staff is in the process of responding to LAFCo's request.

In response to a request from **Council Member Soares** on modifying the application to clarify the boundaries in the Calvine Road area, **Mr. Grady** responded that this would

require an amendment to the application. The changes requested by LAFCo does not add territory to the application, but rather clarifies the Sphere legal description.

Mayor Leary noted that the area referenced by Council Member Soares should definitely be considered at a later date.

Schedule a date for a special workshop for the City Council to review the Council meeting Rules of Procedure

After a brief Council discussion, it was concluded that this item be considered during a facilitated workshop after the new City Manager arrives.

Conflict of Interest Opinion by City Attorney

City Attorney Manzanetti provided an opinion, as directed by the City Council at the October 5, 2001 meeting, regarding whether it is a conflict of interest for a City Councilmember to serve on the Board of Directors of the Senior Citizens Center.

He concluded that there is no conflict of interest for a City Councilmember to sit on the Board as long as it is an unpaid seat and the Councilmember's ability to retain the seat has nothing to do with the ability of the agency to receive the money or the agency's success or failure at its programs.

COUNCIL COMMENTS/FUTURE AGENDA ITEMS

Councilmember Briggs reiterated support for the Veterans' Day Parade and voiced his support for having the parade annually.

Mayor Pro Tem Scherman, regarding the Veterans' Day Parade, stated that veterans are being sought from the nurse's post, the code breakers (American Indians), and the Japanese community (translators) to participate in the parade.

Ms. Scherman noted receiving a letter from a constituent who resides in the City of Elk Grove but has a Sacramento address.

City Attorney Manzanetti returned information that the residents affected must unanimously sign a request to make this change before the Post Office would effect the change.

After discussion, it was requested information on how a change to these addresses could be made.

Ms. Scherman also requested that an item be included on the agenda to discuss "Welcome to Elk Grove" signs.

Mayor Leary noted the following:

1. Information has been received from Congressman Pombo's Office that grant funds for law enforcement are not available. The Mayor requested that the \$1.5 million matching funds set aside be considered for use. He asked Police Chief Flint to provide a cost analysis, to include personnel, for needed services.
2. The Public Utilities Commission responded to the City's request for Emergency Funding safety devices at the Elk Grove Boulevard/Union Pacific Railroad crossing. He requested this item return to the Council for additional discussion and community input to consider a plan to address the intersection safety.
3. Regarding the rate increase instituted by the Elk Grove Water Works, Mayor Leary clarified that the City of Elk Grove has no jurisdiction or authority over that agency or their actions.
4. No Parking signs have been requested along Grant Line Road at the Super Pallet facility. Numerous large vehicles parking in the area may be creating a safety problem.
5. He requested that the Work Release Program coordinated through the Sheriff's Office continue. This program brings low-security inmates to the community to assist with the maintenance of various public facilities, including drainage facilities, sidewalks, and bridges. This would be a contracted service through Sacramento County.
6. Mayor Leary announced that the City Council approved, by a 5-0 vote (Special City Council Meeting 10-12-01), to retain John Danielson as the City Manager. His tentative arrival date is November 19, 2001.

See: Adjournment

CLOSED SESSION

Mayor Leary announced the closed session items and opened the public comment opportunity. With no requests to speak, the City Council adjourned to closed session at 6:56 p.m.

10a) 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

10b) 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

The regular session of the City Council meeting reconvened at 7:51 p.m. Mayor Leary stated that there were no reportable actions on either of the two closed session items.

The Council returned to consider the remainder of the agenda, starting with the Approval of the Agenda.

ADJOURNMENT

Sandi Russell questioned whether the agenda format had been changed to hold all closed sessions at the beginning of the meeting. She commented on providing better notification to the public to avoid inconvenience.

Mayor Leary responded that this was a unique situation, announced at the previous meeting.

PEGGY JACKSON, CITY CLERK

ATTEST:

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