

CITY OF ELK GROVE

Incorporated July 1, 2000

MINUTES OF THE CITY COUNCIL REGULAR MEETING WEDNESDAY, DECEMBER 18, 2002 CITY HALL COUNCIL CHAMBERS

CALL TO ORDER/ROLL CALL

Mayor Soares called the December 18, 2002 regular City Council meeting to order at 6:32 p.m.

Present: Mayor Soares, Mayor Pro Tem Scherman, Councilmembers Briggs, Cooper, and Leary
Absent: None

Mayor Soares led the Pledge of Allegiance.

PUBLIC COMMENT

Elizabeth Pinkerton commended the City of Elk Grove, the Old Town Merchants' Association, and the Community Services District for overseeing an outstanding Dickens' Faire, which took place on November 30, 2002, and the light parade; and commended the Community Services District for the prompt and efficient clean-up of the damage that occurred adjacent to their property because of the recent storm.

APPROVAL OF AGENDA

Motion: M/S Leary/Briggs to approve the agenda with the exception of continuing Agenda Item No. 6.3 to January 15, 2003. ***The motion passed by the following vote: Ayes: 5; Noes: 0***

PRESENTATIONS/ANNOUNCEMENTS

None.

CONSENT CALENDAR ITEMS

Motion: M/S Scherman/Cooper to approve the Consent Calendar and remove Agenda Item No. 5.5 for discussion. ***The motion passed by the following vote: Ayes: 5; Noes: 0***

Agenda Item No. 5.1: *Approve Warrant Listing through December 3, 2002 (Warrants 005298 through 005367)*

Approved by Consent

Agenda Item No. 5.2: *Approve the Minutes of the November 6, 2002 Regular City Council Meeting*

Approved by Consent

Agenda Item No. 5.3: *To adopt **Ordinance No. 45-2002**, an Ordinance of the City Council of the City Elk Grove to Pre-Zone Property in the Laguna West Area to Various Commercial, Office, Industrial, Residential, and Other Designations (**Second Reading**)*

Approved by Consent

Agenda Item No. 5.4: *To adopt **Ordinance No. 46-2002**, an Ordinance of the City Council of the City of Elk Grove, amending Chapter 16.95 of the Elk Grove Municipal Code Relative to the Deferral of Certain Impact Fees (**Second Reading**)*

Approved by Consent

Agenda Item No. 5.6: *To adopt **Resolution No. 2002-216** authorizing the City Manager to execute an agreement with Orsee Design Associates of Sacramento for design services of the Laguna Gateway Landscaping Project*

Approved by Consent

Agenda Item No. 5.7: *To adopt **Resolution No. 2002-217** authorizing the City Engineer to accept the receipt of grant funds from the State Energy Resources Conservation and Development Commission for battery back-up systems to operate with light emitting diode traffic signals*

Approved by Consent

Agenda Item No. 5.8: *To adopt **Resolution No. 2002-218** authorizing the City Engineer to accept Federal Aid Grant Funds for the Laguna Gateway Landscape Project (Landscaping the State Route 99 at Bond Road Interchange); and authorizing the City Engineer to execute the Federal Aid Grant Fund Agreements*

Approved by Consent

Agenda Item No. 5.9: *Authorize the City Manager to execute a contract with TDP Construction for miscellaneous City Hall Improvements*

Approved by Consent

Agenda Item No. 5.10: *Recognize the appointment of Kristyn Staby to the Elk Grove Trails Committee to fill the vacancy created by the resignation of Jean Hawkins*

Approved by Consent

Agenda Item No. 5.11: *Authorize the City Manager to execute a contract with Randle Communications, LLC, to develop an outreach program for economic development communications and community outreach*

Approved by Consent

Agenda Item No. 5.12: *Authorize the Mayor to execute an agreement to require the East Franklin Owners' Association too equitably distribute certain fees collected by the City of Elk Grove*

Approved by Consent

Removed from the Consent Calendar for discussion:

Agenda Item No. 5.5: *To adopt **Resolution No. 2002-219** approving an appropriation of \$100,000 for the installation of a traffic signal at Bond Road / Waterman Road*

Councilmember Leary noted that the financing district would not fund improvements to the subject intersection for two to two and one-half years and that the City is moving forward with interim improvements to the intersection because of the traffic affects residents of the area.

City Engineer Bob Lee confirmed that the intersection is currently rated an "F" and with the installation of the traffic signal, the intersection is expected to improve to a "C" status. The installation will improve on the current heavy stacking of vehicles. He noted that to the extent possible, the equipment will be salvaged to use at other locations when the final improvements are installed.

Motion: *M/S Leary/Scherman to approve Agenda Item No. 5.5. **The Motion passed by the following roll call vote: Ayes: 5; Noes: 0***

PUBLIC HEARINGS

Agenda Item No. 6.1: *Public Hearing: Machado Dairy Project No. EG-01-237: Consider a Williamson Act Cancellation, Rezone, Large Lot Tentative Subdivision Map and Tentative Subdivision Map*

RECOMMENDATION: At the conclusion of the public hearing, consider the Planning Commission's recommendation as follows:

1. Adopt a Mitigated Negative Declaration for the Machado Dairy Project No. EG-01-237.
2. Approve a Resolution of the City Council of the City of Elk Grove approving the cancellation of California Land Conservation (Williamson Act) Contract Nos. 73-AP-071 and 73-AP-072.
3. Introduce and waive the full reading, by substitution of title only, 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-4, RD-5, and "O" on Assessor Parcel

Numbers 132-0050-041, 132-0050-046 and 132-0050-047, Machado Dairy Project No. EG-01-237.

4. Approve a Resolution of the City Council of the City of Elk Grove approving a Large Lot Tentative Subdivision Map, Tentative Subdivision Map for Assessor Parcel Numbers 132-0050-041, 132-0050-046 and 132-0050-047 for Machado Dairy Project No. EG-01-237, Subject to the Findings and MMRP/Conditions of Approval.

Mayor Soares opened the public hearing at 6:43 p.m.

Craig Hoffman of the Planning Department reviewed the Machado Dairy project and expounded on the Williamson Act application, the rezone of the parcel, and the Tentative Subdivision Map. Mr. Hoffman stated that the project site is located at the northwest corner of Bilby and Bruceville Roads in the East Franklin Specific Plan.

Relative to the California Land Conservation contracts, Mr. Hoffman reported that the property owners have recently filed a notice of non-renewal for the gradual cancellation and an application for the immediate cancellation of the contract with the City of Elk Grove. He noted that the approval of the rezone and tentative subdivision maps, must be preceded by the Council's approval, by a 4/5ths vote, of the contract cancellation. Mr. Hoffman noted the contract cancellation would be consistent with the land-use designations for the property.

Mr. Hoffman noted that the State of California Department of Conservation submitted in its letter, dated August 22, 2002, that the City of Elk Grove cannot make the consistency findings for the purposes of the Williamson Act relative to the contracts' cancellation. The Department further questioned whether the cancellation of the contracts would affect surrounding properties by converting them from agricultural to urban use.

Mr. Hoffman noted that the surrounding properties are either already designated for urban use or are outside of the Elk Grove city limits and urban service boundary.

Mr. Hoffman addressed the findings for the contracts' cancellation. He explained that the East Franklin Specific Plan Environmental Impact Report identified the plan implementation, of which the Machado Dairy project is contained. Mr. Hoffman concluded that the Machado Dairy project will have no greater impact upon the environment than already identified in the East Franklin Specific Plan EIR or the 1993 Sacramento County General Plan EIR.

Mr. Hoffman noted that the City of Elk Grove has approved the development of adjacent properties to the west and north for urban uses, and the cancellation of the contracts will allow for contiguous patterns of urban development in the East Franklin Specific Plan. He explained that the continuing operation and maintenance of a dairy farm on the subject property is inconsistent with the intent, scope, and purposes of the East Franklin Specific Plan.

Mr. Hoffman noted that the Planning Commission concluded that the findings for the Williamson Act Contracts were relevant and recommended approval by the City Council. He also stated that the issue of water supply, treatment and transmission were considered, and the Planning Commission concluded that there is sufficient water availability to supply the proposed project.

Mr. Hoffman stated that a letter from Mr. Bart Christiansen was presented to the Planning Commission, questioning issues of drainage, noise, traffic and aesthetics of the project. Mr. Hoffman reiterated that the project is consistent with the East Franklin Specific Plan approval and is appropriately conditioned.

Relative to the preservation of trees, the Planning Commission concluded that Willow Tree No. 733 could be preserved.

Mr. Hoffman reported that a mitigated negative declaration was circulated and available for public viewing during the period of June 14 and July 15, 2002.

The Planning Commission recommended the adoption by Council of the mitigated negative declaration and approval of the Machado Dairy Project.

Mike Winn, representing Reynen & Bardis, requested support of the project.

In response to **Mayor Pro Tem Scherman**, concerning tree number 733, Mr. Winn stated that an arborist concluded that due to problems with the tree, preservation of the tree is not recommended.

Henry Rodegerdts, California Farm Bureau Federation, spoke in opposition of the change to the land use type of the project and submitted a letter to the Council (filed).

The public hearing was closed at 7:02 p.m.

In response to **Councilmember Briggs** concerning the definition of parks for Elk Grove and the need for small parks in residential neighborhoods, **David Wiggington** from the Community Services District provided the definitions and stated that it is the goal of the District to provide parks in walking distance.

Councilmember Leary expressed his support of the Parks program operated by the Community Services District.

Motion (1): *M/S Cooper/Scherman to approve the recommendation to:
Adopt a Mitigated Negative Declaration for the Machado Dairy Project No. EG-01-237. **The motion passed by the following vote: Ayes: 5; Noes: 0***

Motion (2): *M/S Scherman/Cooper to approve the recommendation to:
Adopt **Resolution No. 2002-220**, a resolution of the City Council of the City of Elk Grove approving the cancellation of California Land Conservation*

(Williamson Act) Contract Nos. 73-AP-071 and 73-AP-072. **The motion passed by the following vote: Ayes: 5; Noes: 0**

Motion (3): M/S Scherman/Cooper to approve the recommendation to:

1. Introduce and waive the full reading, by substitution of title only, **Ordinance No. 48-2002**, 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-4, RD-5, and "O" on Assessor Parcel Numbers 132-0050-041, 132-0050-046 and 132-0050-047, Machado Dairy Project No. EG-01-237. (The ordinance title was read into the record); and
2. Adopt **Resolution No. 2002-221**, a resolution of the City Council of the City of Elk Grove approving a Large Lot Tentative Subdivision Map, Tentative Subdivision Map for Assessor Parcel Numbers 132-0050-041, 132-0050-046 and 132-0050-047 for Machado Dairy Project No. EG-01-237, Subject to the Findings and MMRP/Conditions of Approval, and amend the Ordinance to add language to Condition No. 19 as follows: "Tree 733 a 77.5-inch willow tree will be preserved if an arborist retained by the City determines this tree should be retained on-site"; and *the cost of the second opinion will be borne by the applicant.* **The motion passed by the following vote: Ayes: 5; Noes: 0**

Agenda Item No. 6.2: Public Hearing: Bilby Meadows Project EG-02-274: Consider a request for a zone change from AG-80 (Agriculture) to RD-5 (Residential) and "O" (Open Space) and a Large Lot Tentative Subdivision map and a Tentative Subdivision Map for 299 lots

RECOMMENDATION: At the conclusion of the public hearing, consider the Planning Commission's recommendation as follows:

1. Adopt the Mitigated Negative Declaration for the Bilby Meadows Project EG-02-274.
2. Introduce and waive the full reading, by substitution of title only, an ordinance of the City Council of the City of Elk Grove amending the City of Elk Grove zoning Map from Ag-80 (Agriculture) to RD-5 (Residential) and "O" (Open Space) on Assessor Parcel Number 132-0020-046, for a project known as Bilby Meadows Project No. EG-02-274.
3. Approve the Resolution of the City Council of the City of Elk Grove adopting a Large Lot Tentative Subdivision Map and a Tentative Subdivision Map for the Bilby Meadows Project No. EG-02-274, subject to the findings and MMRP/Conditions of Approval.

Mayor Soares opened the public hearing at 7:25 p.m.

Bill Campbell of the Planning Department reviewed the project site and location. Mr. Campbell highlighted several points related to drainage improvements, blended lot

sizes, consistent soundwall heights for the projects that butt up to Bilby Road, and roadways that interconnect to avoid congestion choke points.

Ed Gillum, represented the Arlene Hein Trust and Bilby Road Ventures, requested support of the project and welcomed suggestions for street names.

Richard Goering, Elk Grove Youth Sports Association, supports the Community Services District Parks and Recreation, and Elk Grove youth sports.

The public hearing was closed at 7:37 p.m.

Motion (1): *M/S Leary/Scherman to approve the recommendation to:*

1. *Adopt the Mitigated Negative Declaration for the Bilby Meadows Project EG-02-274. **The motion passed by the following vote: Ayes: 5; Noes: 0***

Motion (2): *M/S Leary/Scherman to approve the recommendation to:*

2. *Introduce and waive the full reading, by substitution of title only, **Ordinance No. 49-2002**, an ordinance of the City Council of the City of Elk Grove amending the City of Elk Grove zoning Map from Ag-80 (Agriculture) to RD-5 (Residential) and "O" (Open Space) on Assessor Parcel Number 132-0020-046, for a project known as Bilby Meadows Project No. EG-02-274. (The ordinance title was read into the record).*
3. *Adopt **Resolution No. 2002-222**, a resolution of the City Council of the City of Elk Grove adopting a Large Lot Tentative Subdivision Map and a Tentative Subdivision Map for the Bilby Meadows Project No. EG-02-274, subject to the findings and MMRP/Conditions of Approval. **The motion passed by the following vote: Ayes: 5; Noes: 0***

Agenda Item No. 6.3: *Public Hearing: Jackson / El Dorado Business Center, Tentative Parcel Map, Project No. EG-02-307: Consider a request for a Tentative Parcel Map to divide a 5.06 acre site into 3 parcels for industrial use. The newly created parcels will be 0.64 acres, 1.03 acres and 3.39 acres in size (APN 134-0510-025)*

RECOMMENDATION: Staff and the applicant are requesting that the City Council continue this item until January 15, 2003

Agenda Item No. 6.3 was continued to the January 15, 2003 City Council Meeting.

REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

None.

GENERAL ADMINISTRATION INFORMATION

8a) Update on East Stockton Boulevard Soundwall

Frank Oviedo, Assistant to the City Manager, reported that the City has facilitated seven meetings with the residents, and estimate that 500 staff hours has been spent on the project. Additional damage to the panels occurred with the recent storm and staff removed the panels from the right-of-way at the City's expense. The residents and the City had arrived at a workable solution and the City appropriated \$20,000, and requested that the residents sign a hold harmless agreement. At the December 5, 2002, soundwall meeting staff reviewed and answered questions related to the hold harmless agreement; the residents requested a meeting with Council to discuss additional options. To date the hold harmless agreement has not been signed.

Council discussed the sequence of events related to the Stockton Boulevard soundwall and the City's offer to help the property owners with repairs. Council gave direction to staff to prepare a letter detailing the good faith efforts made by the City; and to withdraw the offer to assist with repairs of the soundwall.

COUNCIL COMMENTS/FUTURE AGENDA ITEMS

Mayor Pro Tem Briggs

- Reported that STA approved the admission of City of Elk Grove in the Sacramento Abandoned Vehicle Authority that will allow the City to recover between \$30,000 and \$50,000 to cover the cost of administrating the program.

Councilmember Leary

- Requested that the community financing district pay for law enforcement, road maintenance, and municipal facilities be included future rezones.

Councilmember Scherman

- Stated that Sacramento Regional Transit board received a presentation on the South Line Phase III Corridor Evaluation Study (the Light Rail Transit Study), and requested that staff coordinate a similar presentation for the Council meeting of January 15, 2003.
- Stated that she attended the Elk Grove Unified School District Board meeting, which honored students for their athletic and academic accomplishment and congratulated Elk Grove High School student, Sarah McVay for her achievement.

Mayor Soares

- Announced that the January 1, 2003 City Council meeting was cancelled, and that the next regular meeting is on January 15, 2003.

CLOSED SESSION

After providing the opportunity for public comment, and no requests to speak, the City Council recessed to closed session at 8:00 p.m. to consider the following:

A) CONFERENCE WITH LEGAL COUNSEL – Existing Litigation

(Subdivision (a) of Section 54956.9) – 1 Case:

The City of Elk Grove v. California Department of Social Services, Mathiot Group Homes, Inc., Lyle D. Schmitt, and Randall Beaida, Sacramento County Case No. 02CS01687

Mayor Soares reconvened at the regular session at 8:27 p.m., December 18, 2002 and announced that no reportable action was taken on the closed session item.

ADJOURNMENT

With no other business to conduct the Regular City Council meeting of December 18, 2002 adjourned at 8:28 p.m.

PEGGY E. JACKSON, CITY CLERK

ATTEST:

**RICK SOARES, MAYOR OF THE
CITY OF ELK GROVE**

PREPARED BY:

TINA MCVAY, DEPUTY CITY CLERK