

CITY OF ELK GROVE

Incorporated July 1, 2000

MINUTES OF THE CITY COUNCIL REGULAR MEETING Wednesday, April 2, 2003 CITY HALL COUNCIL CHAMBERS

CALL TO ORDER/ROLL CALL

Mayor Soares called the April 2, 2003 regular City Council meeting to order at 6:30 p.m.

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

Absent:

The Pledge of Allegiance was led by Girl Scout Troop No. 2678.

PUBLIC COMMENT

David Gordon, Elk Grove Unified School District Superintendent, provided an update on the school Board's appeal to the Supreme Court on the decision of the U.S. Ninth Circuit Court of Appeals to ban the recitation of the Pledge of Allegiance in public schools in the Western District (press release filed). The appeal is expected to be heard in October 2003. The Ninth Circuit Court of Appeals issued a stay on the decision allowing children to continue saying the Pledge containing the words " . . . under God" until, such time, the Supreme Court hands down a ruling.

Councilmembers conveyed their support of the District's efforts.

Tom Russell referred to the "Elk Grove House" which was torn down in the 1950s. A group of citizens began the necessary paperwork to rebuild the Elk Grove House in 1978. Construction efforts began on the "Elk Grove House" in 1982 and 20 years later, the Elk Grove Hotel and Stage Stop Museum will open. Council, staff and the public are invited to attend the April 12, 2003 opening celebration between 10:00 a.m. and 4:00 p.m. Elk Grove Park is providing free parking to attend the opening of the museum.

In response to Superintendent Gordon's statement on the Pledge, **Lisa Dixon** stated that the Pledge is being defended as amended in 1954 and not as originally written. She also noted the formation of a citizens' group, adding that citizens have not been happy with the direction the City is taking and referred to citizen input at the visioning session relative to slowing growth; and decisions made by the City Council on development projects.

Barbara Lemar concurred with Ms. Dixon's remarks on growth and asked that development be slowed. She also commented that fire prevention through weed abatement started too late last year, and requested the Council consider the policy. Regarding growth, Ms. Lemar questioned the impact on strip malls with the development of the Lent Ranch Mall. She stated that Council has chosen not to slow growth in spite of public comment and input.

APPROVAL OF AGENDA

Motion: *M/S Leary/Briggs to approve the agenda. The motion was passed by the following vote: Ayes: 5; Noes: 0.*

PRESENTATIONS/ANNOUNCEMENTS

Agenda Item No. 4.1: *The Proclamation of Recognition to the Laguna Creek Junior Cardinal Cheerleaders for winning regional competitions*

Councilmembers Briggs and Cooper presented the proclamation to Cheerleaders Theresa Baker, Micaella Barba, Lisa Bisbocci, Jasmine Borrego, Holly Brown, Alicia Chavez, Jessica Cooper, Taylor Ewing, Alexa Garcia, Stephanie Guditus, Alexa Halverstadt, Brittany LaQuay, Amanda Lawand, Priscilla Murphy, Jamie Parrish, Ashley Phillips, Claire Potter, Alisha Ruiz, Caitlin Traverse, and Charmaine Winston.

Agenda Item No. 4.2: *Presentation on the Elk Grove Trails Committee, by Eric Norris, Planning Manager*

Eric Norris provided a brief update on the work of the Trails Committee and identified the committee members as Mark Mendenhall, Lisa Ann Dixon, Merwin Rose, Steve Zehnder, and Kristyn Staby. The Committee coordinates with the Community Services District (CSD), provides input on the General Plan, receives information on new projects, and advises the City Council on Trails issues. The Committee has reviewed plans and policies implemented by other cities; reviewed existing and proposed CSD Master Plan trails; and identified additional trails within the Specific Plan. Potential trail alignments proposed by the Greater Sheldon Homeowners Association and the Elk Grove Unified School District are also under review.

In response to **Councilmember Briggs** concerning the implementation of the Bike Master Plan and whether to include Laguna West in the Plan, Eric Norris stated that bikeway master plan implements General Plan policies and off-street trails intended to function as part of the bikeways. Mr. Norris added that the Committee is interested in providing bike routes on collector streets, which will include Laguna West in the Bike Master Plan.

CONSENT CALENDAR ITEMS

After providing an opportunity for public comment and there being none, the public comment opportunity was closed by the Mayor.

Motion: *M/S Briggs/Leary to approve the consent calendar. **The motion was passed by the following vote: Ayes: 5; Noes: 0.***

Agenda Item No. 5.1: *Approve Warrant Listing through March 19, 2003 (Warrants 005906 through 006021)*
Approved by Consent

Agenda Item No. 5.2: *Approve Monthly Treasurer's Report for February 2003*
Approved by Consent

Agenda Item No. 5.3: *Approve Minutes of the Regular City Council Meeting of March 5, 2003*
Approved by Consent

Agenda Item No. 5.4: **Resolution No. 2003-66** *adopted authorizing the Mayor to execute an agreement between the City of Elk Grove and Nichols Consulting Engineers, CHTD, for the development and implementation of a pavement management system*
Approved by Consent

Agenda Item No. 5.5: *Authorizing the Mayor to execute an agreement between the City of Elk Grove and Foothill Associates for the preparation of a biological resources study for the General Plan and Environmental Impact Report*
Approved by Consent

Agenda Item No. 5.6: **Resolution No. 2003-67** *adopted authorizing the Mayor to execute a joint reimbursement agreement between the City of Elk Grove, the County of Sacramento and Lennar Communities, US Home Corporation, and Western Pacific Housing – Fieldstone, LLC for the construction of portions of Elk Grove Boulevard associated with the East Park Unit No. 1A, Clarke Farms Unit Nos. 1 and 3, and Fieldstone Unit No. 2 subdivisions within the Elk Grove / West Vineyard Public Facilities Financing Plan*
Approved by Consent

Agenda Item No. 5.7: **Resolution No. 2003-68** *adopted authorizing the Mayor to execute a joint credit agreement between the City of Elk Grove, the County of Sacramento and FHK East Elk Grove for design improvements at the Elk Grove Boulevard / Waterman Road intersection, and other related services within the Elk Grove/West Vineyard Public Facilities Financing Plan*
Approved by Consent

Agenda Item No. 5.8: Resolution No. 2003-69 adopted approving a financial assistance package for a loan in the amount of \$2,500,000 funded through the assignment of the Affordable Housing Trust Fund and fee waivers in the amount of \$345,356 to Pacific West Communities for the Agavè at Elk Grove Project
Approved by Consent

Agenda Item No. 5.9: Resolution No. 2003-70 adopted approving a financial assistance package for a loan in an amount not to exceed \$1,400,000 funded through the assignment of the Affordable Housing and Very Low Income Housing Trust Fund, fee waivers in the amount of \$286,572 and deferral of \$1,059,228 of City fees for 24 months after the issuance of building permits for the project to St. Anton for the Geneva Pointe Apartments
Approved by Consent

PUBLIC HEARINGS

None.

REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

Agenda Item No. 7.1: *City of Elk Grove Fiscal Year 2003-04 budget workshop and direction*

RECOMMENDATION: Receive an informational presentation on the status of the Fiscal Year 2003-2004 budget and provide direction

Les Tyler, Administrative Services Director, provided a brief presentation on the 2003-2004 budget outlining the process and anticipated revenues and expenditures for the coming year. Mr. Tyler stated that a 2.9% growth rate is expected to the budget, although budget reductions may occur if the Vehicle License Fee (VLF) is reduced.

In response to **Councilmember Briggs** concerning the collection of cell phone tax, **Les Tyler** stated that cell phone taxes are not collected in the unincorporated area.

In response to **Councilmember Leary** concerning the 10% derived from the Property Tax allocation; he also requested an update on law enforcement service costs, **Les Tyler** stated that 10% is the total amount allocated and 1% of that is allocated to each city. Mr. Tyler explained that a carry over of \$1.4 million is expected for next year with an increase in expenditures of nearly \$1.5 million for law enforcement services in the coming year, which is an 11% increase but does not increase the level of service. The increase in the law enforcement budget is related to benefits and overhead increases.

In response to **Councilmember Cooper** concerning salary savings due to vacant positions and additional savings in other departments, **Les Tyler** stated that the cost savings are related to increased revenues in Sales Tax and Utility User's Tax, and that there is one vacant position.

Les Tyler stated that information was distributed to the recipients of grant monies in Fiscal Year 2002-2003 in January, and that the grant application period closed on March 15, 2003. The total amount of grant monies requested is \$420,000, which is similar to the amount awarded in the 2002-2003 budget year.

Sandy Russell voiced concern regarding the lack of material provided to the public for the budget workshop.

In response to **Dannetta Garcia** concerning financial updates on the boards and commission where Council has a seat, Mayor Soares stated that Council has provided updates under Council Comments on the various boards and committee meetings.

No Council action was taken. This was an informational item only.

Agenda Item No. 7.2: *Consider establishing a procedure to require compliance with a security plan and the payment of costs by businesses that place an undue burden on police protection services*

RECOMMENDATION: 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 Elk Grove Municipal Code by adding Chapter 9.97 to require compliance with security plan and payment of costs by businesses that place an undue burden on police protection services

Ed Kelly, Assistant Chief of Police, provided a report on the proposed ordinance for the payment of costs by businesses that place an unfair burden on police protection services, which is the result of conditions recently added to projects by the City Council.

City Attorney Anthony Manzanetti presented an amendment to the proposed ordinance, relative to the appeal process. The wording added to the proposed ordinance stated that, *"The City Manager shall decide the appeal in writing within 10 business days after the matter has been submitted by the business or business center. The City Council shall hear any appeal no later than the second regular meeting after the filing of the appeal from the City Manager's decision. The City Council shall determine the appeal not later than the next regular meeting of the City Council after the appeal hearing. No business center shall be required to implement a security plan while an appeal is pending."*

In response to **Mayor Soares** concerning the Chamber of Commerce and their acceptance of the amendments to the ordinance, **Assistant Chief Kelly** stated that the Chamber was concerned with the intent or the ordinance and fairly implementing the ordinance.

Lori Alaniz, President of the Chamber of Commerce expressed concern regarding the impact of the ordinance to businesses and that the matter in which the ordinance is interpreted in later years. (Correspondence filed).

Elmer Hallett, representing Century Theaters expressed concern because Century Theater is in the entertainment business, and the ordinance may cause an unfair burden.

Council expressed support of the protections the ordinance provides to the community, penalizing only those businesses that draw down the City's resources.

Motion: *M/S Briggs/Scherman to introduce and waive the full reading by substitution of title only, **Ordinance No. 9-2003**, an ordinance of the City Council of the City of Elk Grove amending the Elk Grove Municipal Code by adding Chapter 9.97 to require compliance with security plan and payment of costs by businesses that place an undue burden on police protection services as amended and presented to the Council. (The ordinance title was read into the record) **The motion passed by the following vote: Ayes: 5; Noes: 0.***

GENERAL ADMINISTRATION INFORMATION

John Danielson announced the addition of photographs to the Chamber that provide a rich history of the Elk Grove community and thanked the Elk Grove Historical Society, and its members for allowing the reproduction of the photographs to be used in the City Hall Chambers.

John Danielson welcomed Cody Tubbs, Intergovernmental Relations Officer, as the newest member of the City of Elk Grove team.

It was the consensus of the City Council to cancel the May 7, 2003 regular City Council meeting due to the return of members from the Cap-to-Cap Conference; if necessary schedule a special City Council meeting for May 14.

COUNCIL COMMENTS/FUTURE AGENDA ITEMS

Mayor Pro Tem Scherman announced the resignation of Cynthia Chambers from the Committee for the Arts and requested that an item be brought back to the April 16, 2003 City Council meeting to confirm the appointment of Cheryl Greiss.

Councilmember Leary announced that to mitigate the loss of Swainson's Hawk habitat, the City of Elk Grove contributed \$232,500 to Sacramento County for the purchase of habitat for The Nature Conservancy.

Mayor Soares noted that Regional Transit staff has been meeting with City staff to review costs and services provided to the Elk Grove community.

CLOSED SESSION

After providing an opportunity for public comment, the Mayor adjourned the regular session to closed session at 7:48 p.m.

**A) CONFERENCE WITH LEGAL COUNSEL –
Anticipated Litigation**

Pursuant to Subdivision (c) of Section 54956.9
One (1) Potential Case

The City Council returned from closed session at 9:52 p.m. The Mayor announced that no reportable action was taken on the closed session item.

ADJOURNMENT

There being no other scheduled business to hear, the regular City Council meeting of April 2, 2003 was adjourned at 9:53 p.m.

**PEGGY E. JACKSON
CITY CLERK**

ATTEST:

**RICK SOARES, MAYOR of the
CITY OF ELK GROVE**

PREPARED BY:

**TINA McVAY
DEPUTY CITY CLERK**

Regular Council Meeting
04/02/03
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