

CITY OF ELK GROVE

Incorporated July 1, 2000

MINUTES OF THE CITY COUNCIL SPECIAL MEETING Wednesday, April 30, 2003 CITY HALL COUNCIL CHAMBERS

CALL TO ORDER/ROLL CALL

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

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

Absent: None

Mayor Soares led Pledge of Allegiance.

PUBLIC COMMENT

Sarah Johnson announced that Chevy's Restaurant is helping with a fundraiser for the Elk Grove Community Garden on May 1, 2003 between 5:00 p.m. and 9:00 p.m.

Sherri Kelley thanked the Council for their efforts in addressing the issues at Ultra Truck Works. Ms. Kelley spoke about public safety, traffic hazards, and noise nuisances related to Ultra Truck Works and referred to conditions (copy filed) that must be met prior to obtaining a business license. Ms. Kelley provided pictures (filed) demonstrating the parking hazards; and the concern about the products used at Ultra Truck Works. Ms. Kelley also questioned whether Ultra Truck Works is governed by Proposition 65.

Sergio Bricca echoed Sherry Kelley's points in regard to the safety and traffic issues.

Frank Lewis stated that a tape was shared with Councilmember Cooper concerning traffic problems on Webb Street and Elk Grove Boulevard, and indicated that Ultra Truck Works generates noise from work in the late hours of the night.

Sophia Perez voiced concern about the ongoing noise created by Ultra Truck Works. Ms. Perez called the police concerning Ultra Truck Works working after midnight (incident number 03120056). Ms. Perez stated that the site visits by Community Enhancement are eliminating noise while the visit occurs, although the City is unable to assess the site after-hours.

Dannetta Garcia spoke in support of assisting the East Stockton Boulevard soundwall residents, and suggested that the Council work cooperatively with the residents. Ms. Garcia requested that the \$250,000 slated for the "Welcome Home" signs be used for the sound wall.

Holly Graziadei thanked Councilmember Cooper for providing an opportunity to add the Stockton Boulevard Wall of Life to the agenda, and thanked Frank Oviedo for meeting with residents and that urged that he continue to work with the area residents to find a solution for the soundwall.

Ms. Graziadei stated that she spoke with Building Department staff concerning the planning, bidding, and engineering process, and would like to start construction on July 5, 2003. Ms. Graziadei stated that two obstacles still exist: deliberation of funding for the wall, and consensus from the City to take responsibility for the maintenance of the wall.

Frank Maita from the Old Town Merchants Association spoke in support of existing businesses and neighbors working together.

Lisa Dixon spoke about the implication made at the April 16, 2003 City Council meeting regarding 500 hours of wasted man-hours discussing the soundwall issue, and that it is never a waste of man-hours to address citizen issues. Ms. Dixon referenced an article in the Elk Grove Citizen where Mr. Danielson stated that there is a need to balance the requests of citizens with those of developers. She questioned the need to balance the requests of developers and citizens.

Janet Toppenberg, Director of the Elk Grove Chamber of Commerce, stated that businesses have a desire to be good neighbors, and that many business owners live in Elk Grove and represent jobs in the community. The Chamber stands ready to assist businesses and residents to solve problems through education.

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 4.1: Disability Advisory Committee Presentation by Frank Oviedo, Assistant to the City Manger

Mr. Frank Oviedo introduced the members of the Disability Advisory Committee: Dave Armendariz, Les Treece-Sinclair, Bobbi Jordan, Robert Dayton, and Joe Greening. Mr. Oviedo elaborated on the duties of the committee to review accessibility of services,

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programs, facilities, relevant City policies, guidelines procedures, reports, and state and/or federal legislation. The Committee also acts as the liaison to the community groups, government agencies, and individuals in addressing disability issues related to Elk Grove.

The Committee has reviewed the Roll-Out Service provision in the Solid Waste contract, the Strauss Festival, the Community Garden, and the Barden v. City of Sacramento court case. The selection of a Consultant for the Self-Evaluation/Transition Plan will occur in mid-May 2003.

CONSENT CALENDAR ITEMS

Mayor Soares called for public comment on the consent items before a vote was taken for approval.

Motion: M/S Scherman/Cooper to approve the consent calendar. The motion was passed by the following vote: Ayes: 4; Noes: 0; Absent: Leary

Agenda Item 5.1: *Approve Monthly Treasurer's Report for March 2003*
Approved by Consent

Agenda Item 5.2: *Approve the Minutes of the April 2, 2003 Regular City Council meeting and the April 16, 2003 Special City Council meeting*
Approved by Consent

Agenda Item 5.3: *Authorize the City Manager to execute an agreement with EDAW, Inc., to revise the environmental impact report for the Grant Line Road/State Route 99 Interchange Reconstruction Project, for an amount not to exceed \$279,094*
Approved by Consent

Agenda Item 5.4: *Resolution No. 2003-83 adopted approving the Highfill Parcel Map No. 02-381.00 for property located on the west side of Kent Street approximately 400 feet south of Grove Street*
Approved by Consent

Agenda Item 5.5: *Resolution No. 2003-84 adopted approving the final map for Park Meadows North Unit 4 and authorizing the Mayor to execute a Subdivision Improvement Agreement between the City of Elk Grove and Tim Lewis Construction, a California Corporation*
Approved by Consent

Agenda Item 5.6: *Resolution No. 2003-85 adopted approving a Quitclaim Deed for a Secondary Flowage Easement to Sacramento Land and Farming, Inc. for the Elk Grove Automall*
Approved by Consent

Agenda Item 5.7: **Resolution No. 2003-86** adopted approving the Purchase and Sale Agreement; Supplemental Drainage Fee Credit and Reimbursement Agreement; and Grant Deed relating to the acquisition of a Drainage Channel Property in the north portion of the East Franklin Specific Plan with the owners in the East Franklin Specific Plan area located in the CFD 2002-1
Approved by Consent

PUBLIC HEARINGS

Agenda Item 6.1: *Public Hearing: Tax Equity and Financial Relief Act (TEFRA) hearing regarding issuance of bonds by the ABAG Finance Authority of Nonprofit Corporations for St. Anton Capital, LLC, for the Geneva Pointe Apartments*

RECOMMENDATION: Staff recommends the approval of a resolution approving the associate membership of the City in the ABAG Finance Authority for Nonprofit Corporation and the issuance of multifamily revenue bonds by the ABAG Finance Authority for Nonprofit Corporations on behalf of St. Anton Capital, LLC

Mayor Soares opened the public hearing at 7:04 p.m.

Beth Thompson, Assistant Environmental Coordinator, provided an overview on Geneva Pointe Apartments public hearing. St. Anton submitted a Development Plan Review application and requested financial assistance from the City. The project consists of 156 multifamily units and a park, and twenty percent of the units are set aside as affordable to very low-income households. Thirty percent of the units are affordable to low-income households.

In response to **Mayor Pro Tem Scherman's** question concerning the City's participation in a similar request, **Beth Thompson** stated that the City approved a similar request for the Terracina Apartments.

In response to **Councilmember Briggs'** question concerning Design Guideline requirements, **Beth Thompson** stated that the City has design review authority of the project and it was submitted for development plan review.

With no requests to speak **Mayor Soares** closed public hearing at 7:07 p.m.

Motion 1: *M/S Scherman/Cooper to adopt Resolution 2003-87 approving the associate membership of the City in the ABAG Finance Authority for Nonprofit Corporation. The motion was passed by the following vote: Ayes: 5; Noes: 0*

Motion 2: *M/S Scherman/Briggs approving the issuance of multifamily revenue bonds by the ABAG Finance Authority for Nonprofit Corporations on behalf of St. Anton Capital, LLC. The motion was passed by the following vote: Ayes: 5; Noes: 0*

Agenda Item 6.2: *Public Hearing: Tax Equity and Financial Relief Act (TEFRA) hearing regarding issuance of bonds by the California Statewide Communities Development Authority for Agavé Associates, LP*

RECOMMENDATION: Staff recommends the adoption of a resolution approving the issuance of multifamily revenue bonds by the California Statewide Communities Development Authority on behalf of Agavé Associates, LP

Mayor Soares opened public hearing at 7:08 p.m.

Beth Thompson, Assistant Environmental Coordinator, provided an overview of the Multifamily Revenue Bond Issuance for Agavé at Elk Grove, a multifamily project. Pacific West Builders submitted a request to the City for financial assistance and a Development Plan Review application. The project consists of 188 multifamily units, ten percent are affordable to very low-income households and seventy percent will be affordable to low-income households.

With no requests to speak **Mayor Soares** closed public hearing at 7:10 p.m.

Motion: *M/S Leary/Scherman to adopt Resolution 2003-88 approving the issuance of multifamily revenue bonds by the California Statewide Communities Development Authority on behalf of Agavé Associates. The motion was passed by the following vote: Ayes: 5; Noes: 0*

REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

Agenda Item 7.1: *Designation of voting delegate and voting alternate to the League of California Cities May 15, 2003 Special Meeting of the General Assembly*

RECOMMENDATION: Appoint a voting delegate and alternate delegate to represent the City of Elk Grove at the League of California Cities General Assembly special meeting on May 15, 2003

Cody Tubbs, Intergovernmental Relations Officer, provided information on the appointment of a voting delegate and an alternate voting delegate to a special meeting of the League of California Cities to be held on May 15, 2003 related to the state budget deficit and the potential threat to local government revenues.

In response to **Mayor Soares'** question related to attending the Legislative meeting on Wednesday and Thursday, **Cody Tubbs** stated that it would be beneficial to attend the briefing on Wednesday, but not necessary.

Motion 1: *M/S Cooper/Scherman to nominate Councilmember Briggs as Delegate. The motion was passed by the following vote: Ayes: 5; Noes: 0*

Motion 2: *M/S Cooper/Scherman to nominate Councilmember Leary as Alternate. The motion was passed by the following vote: Ayes: 5; Noes: 0*

Agenda Item 7.2: *Declare the Necessity and authorize the institution of Eminent Domain proceedings to secure real property interests for the construction of Lewis Stein Road*

RECOMMENDATION: Staff recommends adoption of a resolution of necessity, which authorizes the preparation of proceedings in eminent domain for the purpose of acquiring interests in the subject property

Bob Lee, City Engineer, stated that it is necessary to acquire the property for the construction of Lewis Stein Road, an important feature to the City's transportation system. Five of the six adjacent property owners have agreed to grant the right-of-way, and a resolution of necessity has been prepared to proceed with acquisition through eminent domain.

In response to **Mayor Pro Tem Scherman's** question concerning the eminent domain process, **City Attorney Anthony Manzanetti** indicated that approval of this action by the Council will recognize the public need to acquire the property. The Constitution of the State of California gives public entities the right to take property where there is a public need, and that the property owner is compensated at fair market value. The court determines just compensation with a certified appraisal.

In response to **Mayor Soares'** question related to the Laguna Community Facilities District paying for the purchase and litigation process, and whether the road improvements would alleviate traffic, **Bob Lee** indicated that there are funds in the fee district for this project, and that the road improvement would allow re-circulation mobility. An additional improvement is a traffic signal, which will reduce speeding.

Motion: *M/S Scherman/Briggs to adopt Resolution 2003-89 authorizing the preparation of eminent domain proceedings for the purpose of acquiring interests in the subject property. The motion was passed by the following vote: Ayes: 5; Noes: 0*

Agenda Item 7.3: *Solid Waste Collection and Disposal contract*

RECOMMENDATION: City Council direct staff to competitively procure a solid waste contract by developing a Request for Proposal (RFP) with the following scenarios:

- Scenario 1: Proposal that provides the City a combined price for both residential pick-up and landfill disposal as an integrated system (with single contractor or subcontractor) and/or;
- Scenario 2: Proposal that provides the City with a price for residential pick-up only and/or;

Scenario 3: Proposal that provides the City with a price for landfill disposal only.

City Council direct staff to notify existing commercial haulers that current continuation rights will terminate in five years.

Frank Oviedo, Assistant to the City Manager, introduced Dave Davis of MSW Consulting, working for the City on the solid waste contract.

Dave Davis provided an outline of the solid waste program objectives and program components. Program objectives include providing safe and reliable service at a reasonable cost, preventing waste by implementing recycling programs to achieve waste diversion goals, and maintaining appropriate control over the solid waste program. Program components include service responsibilities, service arrangements, funding methods, and waste diversion and AB 939 compliance.

In response to **Councilmember Cooper's** question concerning the competitive procurement and the opportunity for lower rates and improved service, **Dave Davis** stated that with sole source providers, negotiations could result in lower rates, improved service, and meet diversion goals.

Ric Hutchinson with R3 Consultant Group, a management consulting firm which works only with Municipal clients in the Solid Waste industry, spoke in favor of staff's recommendation, concluding that competitive procurement is beneficial to cities and counties.

Jerry Mayberry, General Manager of BFI Waste Systems, supported staff's recommendation and stated that the competitive bid process yields better pricing and more service options.

Dannetta Garcia opposed staff's recommendation and stated that this is a matter of the County versus the City of Elk Grove. Ms. Garcia stated that the citizens appreciate the value of services received from Waste Management even at a higher rate.

Thomas Sanchez, Waste Management, stated his disappointment that the City of Elk Grove and the County of Sacramento have not been able to come to terms. Thomas Sanchez illustrated residential base rates (filed) and stressed that the City's current rate is competitive.

Chris Schulz urged the Council not to sacrifice quality for a bargain and indicated that she was satisfied with the service she currently receives.

Councilmember Leary stated that an inaccurate perception has been portrayed relative to the solid waste negotiations, and that a great deal of time and effort was spent to develop an agreement with Central Valley Waste and the County of Sacramento.

Mayor Pro Tem Scherman stated that she is concerned with getting the best value for the dollar, and that a lower rate with the same or higher level of service would benefit residents on a fixed income. Mayor Pro Tem Scherman stated that if the City went to an RFP in conjunction with Rancho Cordova, a better rate for both communities could be achieved.

Councilmember Cooper stated that an RFP will allow the City to obtain the best value, possibly benefiting the residents of Elk Grove.

Mayor Soares stated that Central Valley has provided excellent solid waste services.

Councilmember Leary stated that notifying commercial haulers that the current continuation rights will terminate in five years, provides the City with negotiating influence.

Mayor Soares questioned whether the City could take advantage of the opportunity by adding language in the RFP to include an opportunity for commercial haulers to provide service or is it necessary to wait until the end of the five-year period.

Anthony Manzanetti, City Attorney, stated that the City could take advantage of including commercial hauler services in the RFP, although services could not begin until the completion of the five-year term. Commercial hauling could be made a component of the RFP and would be provided if requested by Council.

Motion: *M/S Scherman/Cooper to develop an RFP including the following:*

1. *Proposal that provides the City a combined price for both residential pick-up and landfill disposal as an integrated system (with single contractor or subcontractor;*
2. *Proposal that provided the City with a price for residential pick-up only and/or;*
3. *Proposal that provides the City with a price for landfill disposal only.*

The motion was passed by the following vote: Ayes: 5; Noes: 0

GENERAL ADMINISTRATION INFORMATION

a) Update on Ultra Truck Works

Christine Crawford stated that issues related to Ultra Truck Works have been on going since August 2002. Noise and traffic are the two key issues surrounding the complaints. An independent noise consultant was hired and two noise studies were conducted on Ultra Truck Works operations. Two components of the operations were identified as exceeding the City's noise standards and action was taken to place conditions on the business license to require that those portions of the operation be moved indoors. The City continued to monitor the business to ensure compliance and there have not been any violations of the conditions related to noise.

In response to **Mayor Soares** concern regarding the notification of the resident that noise violations do not exist, **Christine Crawford** stated the Ms. Perez was notified by certified mail of the conditions and was provided with a copy of the Conditions of Approval. The noise study findings were shared at that time.

Christine Crawford stated that Public Works has assessed the intersection for safety hazards and a thirty-foot red curb was painted along Elk Grove Boulevard to create a traffic site visibility triangle.

Assistant Police Chief Kelly reviewed traffic collision reports, accident reports, and citations. Based on that review, there was no evidence of Ultra Truck Works contributing to accidents or creating safety hazards.

Christine Crawford stated that the Air Quality Management District evaluated Ultra Truck Works and the products used, and the results did not warrant any regulation.

Christine Crawford stated that staff is sympathetic to the issues experienced by the residents, and that it is within the Council's authority to revoke the business license, although based on the attempts to remedy the situation, staff feels that revocation of the license is not warranted at this time.

In response to **Mayor Soares'** question regarding what the residents could do to document violations to assist with remedying the situation, **Christine Crawford** stated that a videotaping and other documenting tools are being used to verify what operations are occurring after hours.

In response to **Councilmember Leary** concerning the property owner building a wall, **Christine Crawford** stated that the owner is considering a masonry wall.

Councilmember Cooper stated Ultra Truck Works should be cited for violations, and that having Code Enforcement work during the evening hours would be worth it.

b) Update on Stockton Boulevard Soundwall

Frank Oviedo, Assistant to the City Manager, gave an update on the Stockton Boulevard soundwall. He recounted that at City Council direction, staff met with the residents. Nine property owners and one non-property owner attended the meeting, which focused on two items: 1) whether there was any new information for staff, and 2) whether the Council's \$20,000 offer for repair portions of the soundwall had consensus by the residents. He reported that it is the desire of property owners to have a masonry soundwall built with the City's assistance, and the intent of the property owners to raise funds to cover the cost of building the soundwall. The property owners expressed interest in having the City contribute and assist in expediting the permit process as necessary.

Mayor Soares commented that the budget will be on the May 21, 2003 City Council agenda, which will result in decisions concerning how monies will be allocated.

c) 2003-2004 Budget review

Les Tyler, Administrative Services Director, provided an update on the 2003-2004 Budget, elaborating that the City will absorb a \$2,000,000 increase in the 2003-04 fiscal year for police services. The goal is to have revenues exceed expenditures. Reductions to department budgets were identified and a balanced budget is expected. The reductions do not consider the impact to the City if the State proceeds with reducing or eliminating the Vehicle License Fee (VLF) backfill. In the event the VLF backfill is eliminated, a contingency budget will be developed. October 2003 is the anticipated date for adoption of the State Budget and the City will make adjustments accordingly.

In response to **Councilmember Leary's** comment concerning the \$1.9 estimated loss of the VLF, **Les Tyler** stated that the \$1.9 was for the current year, and the impact of the Governor's proposal is estimated at \$4.2 if it remains as it is written.

In response to **Mayor Soares** regarding the face value of the \$2,000,000 figure provided by the County for increased contract costs, **Les Tyler** stated that the budget projection received from the Sheriff's Office did not include anticipated salary increases of 7%, which take effect on July 1, 2003.

COUNCIL COMMENTS/FUTURE AGENDA ITEMS

Councilmember Cooper

- Stated that he attended a meeting concerning AB 1426 to voice the City's opposition to the bill.
- Requested that the entry sign item be removed from the May 21, 2003 agenda.

Cody Tubbs, Intergovernmental Relations Officer, stated that AB 1426 was introduced by Assemblymember Darryl Steinberg and establishes an affordable housing standard but does not provide funding to cities.

Mayor Pro Tem Scherman

- Requested that the trash left in open spaces and behind office and apartment buildings be removed.

Mayor Soares

- Reminded the public that the May 7, 2003 Council meeting has been cancelled.
- Invited the public to join the Council for "Ice Cream and Ideas" on June 12, 2003 at 4:30 p.m. in the rear parking lot of City Hall.

CLOSED SESSION

After providing an opportunity for public comment, the Mayor adjourned the regular session at 8:48 p.m.

- A) CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation**
Pursuant to Subdivision (c) of Section 54956.9
Two (2) Potential Cases

- B) CONFERENCE WITH LEGAL COUNSEL - Existing Litigation**
Pursuant to Subdivision (a) of Section 54956.9
One (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

The City Council returned from closed session at 9:27 p.m. The Mayor announced that no reportable action was taken on the closed session item.

ADJOURNMENT

With no other business to conduct, Mayor Soares adjourned the meeting at 9:27 p.m.

Tina McVay
Deputy City Clerk

Attest:

**Rick Soares, Mayor of the
City of Elk Grove**