

CITY OF ELK GROVE

Incorporated July 1, 2000

MINUTES OF THE CITY COUNCIL REGULAR/ADJOURNED MEETING Wednesday, November 19, 2003 CITY HALL COUNCIL CHAMBERS

CALL TO ORDER/ROLL CALL

Mayor Scherman called the November 19, 2003 regular City Council meeting to order at 6:34 p.m.

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

Absent: None.

The City Clerk led the Pledge of Allegiance.

CALL TO RECONVENE THE ADJOURNED CITY COUNCIL MEETING OF NOVEMBER 19, 2003

Mayor Scherman reconvened the November 19, 2003 adjourned City Council meeting on December 1, 2003 at 6:30 p.m. with all Councilmembers present.

The City Clerk led the Pledge of Allegiance.

(Please proceed to Agenda Item No. 6.2, Roadway Fees for Council action / discussion taken on December 1, 2003.)

PUBLIC COMMENT

Lynn Jackson questioned the enforceability of the Right to Farm ordinance and asserted a conflict because the advisory board would be comprised of planning staff.

Bob Turner, citing traffic congestion and crowded school facilities, spoke in support of a imposing a building moratorium restricting the number of new homes per year to 500.

Gene and Betty Robinson made their annual presentation of persimmons and persimmon cookies to the Council and staff, reporting that this year's crop has been poor and late.

Steve Barnett spoke in support of slow growth and noted his support for the Elk Grove Community Services District.

Olga Batey referred to a book "Bigger is Not Better", relative to the impacts of rapid growth. She noted providing a copy to Councilmember Cooper at the time of the City's incorporation.

Sandi Russell questioned warrants issued related to a holiday party. She criticized the use of funds for this purpose and asked for a listing of the invitees.

APPROVAL OF AGENDA

Motion: *M/S Briggs/Cooper to approve the agenda with notice of the Council's intention to continue Agenda Item No. 6.2 (roadway fees) to December 1, 2003, at a time to be determined at adjournment and to hear Agenda Item No. 7.1 after Agenda Item No. 7.3. **The motion passed by the following vote: Ayes: 5; Noes: 0.***

PRESENTATIONS/ANNOUNCEMENTS

Agenda Item No. 4.1: *Request by James Hardie Building Projects to consider the impacts of the roadway fee imposition*

Dave Kessner, James Hardie Company representative, proposed that Hardie staff meet with City of Elk Grove staff to reach a compromise on the roadway fees to be returned to the City Council for consideration.

By consensus of the Council, staff was directed to meet with James Hardie representatives and return information for Council's consideration at the December 3, 2003 Council meeting.

Agenda Item 4.2: *Regional Transit Phase 3 Extension by Dr. Beverly Scott*

Mike Barnbaum and **Steve Barnett** spoke in support of light rail extension. Mr. Barnett criticized the lack of public discussion relative to transit.

Mike Kashiwagi, Manager of Building and Engineering, introduced **Dr. Beverly Scott**, General Manager of Regional Transit, and **Dave Manson**, with Parsons Transportation Group.

Dr. Scott provided a report on the findings of the alignment alternatives for the South Sacramento Corridor, Phase III (presentation filed), prepared by the Parsons Transportation Group. Dr. Scott stated that the scoping study prepared by Parsons is a conceptual, broad-brush comparison of three potential alignments for extending light rail transit south through the City of Sacramento and to the City of Elk Grove from the

planned Phase II project. She noted that this is the first exposure of potentially utilizing Bruceville /Big Horn as an alignment route.

Dr. Scott also stated that conceptual stations, ridership, operating, maintenance, and capital costs were estimated. She emphasized that the study is preliminary.

Relative to the 10-year system expansion plan, Dr. Scott reported that the first phase of the South Corridor project is completed. The Amtrack/Folsom project is under construction and will open to Historic Folsom in the fall of 2005. The Downtown/Natomas Airport project is in the alternatives analysis phase. South line Phase 2 is in the planning phase with a request before the Federal Transit Administration to initiate the preliminary engineering phase.

Regarding key funding assumptions, Dr. Scott stated that Federal "new starts" provides for 50% of the project funding. She explained that any further extension are dependent upon Measure A funds.

Dr. Scott addressed the South line Phase III project and noted that it has Tier 1 status with operation in 2010, with a below-the-line project extending to Laguna West and operational in 2019.

Dr. Scott reported that Phase I is completed and Phase II will extend the line to Calvine Road/Auberry.

Dave Manson of Parson's Engineering provided a preview of the Phase II route, stations and ridership. Mr. Manson noted that there is a tail track extending from one of the three planned station options at the Cosumnes River College that aligns with Bruceville Road, which if the Bruceville Road alignment is chosen, would extend from the tail track.

Mr. Manson stated that of the three alignments considered, UP West, UP East, and Bruceville, the Bruceville/Big Horn alignment is potentially the best Phase III corridor in terms of ridership, operating and capital costs. More study is required to determine mode options, light-rail vs. bus rapid transit.

Dr. Scott stated that the Council has the opportunity to preserve right-of-way. She stated that based on the work done through this analysis, the corridor that is most attractive from Regional Transit's vantage point is Bruceville/Big Horn. Dr. Scott stressed that the Federal Transportation Administration will consider three major criteria in funding the project: 1) transit-supported land use and future patterns of growth; 2) cost effectiveness; and, 3) the financial rating.

Councilmember Cooper voiced his support for the UP West corridor and bus rapid transit.

Mayor Pro Tem Soares expressed his support for consideration of the bus rapid transit system. He confirmed that there have been numerous opportunities for the public to express their views on the transit system.

Councilmember Leary questioned the funding commitments for the light rail system. Dr. Scott responded that the TRCP funding intended to be the local match for the Phase II project has not been withdrawn, but is on hold. Councilmember Leary encouraged that should Regional Transit be selected through the consideration of proposals, Dr. Scott do everything possible to improve area service.

In response to **Councilmember Cooper's** question on connectivity to the Regional Transit system should Elk Grove select an alternate service provider, **Dr. Scott** responded that Regional Transit is undertaking a transit equity study which would encompass that issue.

Councilmember Briggs commented that Elk Grove is under-served by the system. He questioned travel times to specific destinations. He questioned the efficiency and economies of scale vs. ridership.

Councilmember Leary addressed the composition of the Regional Transit Board. He stated that it is difficult to accept regionalism when representatives from two major political subdivisions continually monopolize the Board.

Dr. Scott commented that the Board has had discussions of embracing the newer cities in the region. She noted that Elk Grove is invited to participate on the Regional Transit's Board of Directors.

Mayor Scherman voiced her support for consideration of the Bus Rapid Transit System. She also cautioned against buses running empty.

Dr. Scott announced that there is a community meeting scheduled for December 4, 2003, 6:30 p.m. at the Elk Grove City Council Chambers to provide an opportunity for the public to express their concerns on Route 56.

The Mayor announced a recess of the Regular City Council meeting of November 19, 2003, at 7:44 p.m., to convene the Special Adjourned City Council meeting of October 29, 2003. The regular meeting reconvened at 8:22 p.m. commencing with the Consent Calendar agenda items.

CONSENT CALENDAR ITEMS

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

Agenda Item 5.1: Approve Warrant Listing through November 5, 2003 (Warrants 007514 through 007606)

Approved by Consent

Agenda Item 5.2: Approve Monthly Treasurer's Report for September 2003

Approved by Consent

Agenda Item 5.3: Approve Minutes of the October 29, 2003 Special City Council Meeting and the November 5, 2003 Special City Council Meeting

Approved by Consent

Agenda Item 5.4: Adopt **Ordinance No. 40-2003**, an ordinance of the City Council of the City of Elk Grove amending the Elk Grove Zoning Map from AR-5 and AR-5(F) to RD-5 for Bond Road 17, Project No. EG-02-380 (**Second Reading**)

Approved by Consent

Agenda Item 5.5: Adopt **Ordinance No. 41-2003**, an ordinance of the City Council of the City of Elk Grove Levying and apportioning the special tax in Community Facilities District No. 2003-2 (Police Services) (**Second Reading**)

Approved by Consent

Agenda Item 5.6: **Resolution 2003-218** authorizing the City Manager to execute a contract amendment to Contract No. C-03-087 for T.Y. Lin, International to provide consultant services for the Bond Road widening project

Approved by Consent

Agenda Item 5.7: **Resolution 2003-219** authorizing the City Manager or his designee to execute a Joint Funding Agreement with the United States Geological Survey for the operation and maintenance of the stream gaging station on Laguna Creek

Approved by Consent

Agenda Item 5.8: **Resolution 2003-220** approving the final map for Cresleigh Ranch Village B and authorize the Mayor to execute a subdivision improvement agreement between the City of Elk Grove and Cresleigh Homes Corporation, a California Corporation

Approved by Consent

Agenda Item 5.9: **Resolution 2003-221** approving the final map for Eastmeadow Unit 1A and authorize the Mayor to execute a subdivision improvement agreement between the City of Elk Grove and Reynen & Bardis (East Meadows), L.P., a California Limited Partnership; and Cambridge (East Meadows), L.P., a California Limited Partnership

Approved by Consent

Agenda Item 5.10: **Resolution 2003-222** approving the final map for Eastmeadow Unit 2 and authorize the Mayor to execute a subdivision improvement agreement

between the City of Elk Grove and Reynen & Bardis (East Meadows), L.P., a California Limited Partnership

Approved by Consent

Agenda Item 5.11: *Resolution 2003-223 approving the final map for Elk Grove Meadows 3A and authorize the Mayor to execute a subdivision improvement agreement between the City of Elk Grove and Reynen & Bardis (Buscher), LLC, a California Limited Liability Company; Reynen & Bardis (G.S.G. Partners), LLC, a California Limited Liability Company; and Reynen & Bardis Development, LLC, a California Limited Liability Company*

Approved by Consent

Agenda Item 5.12: *Resolution 2003-224 approving the Azevedo parcel map for Subdivision No. 00-002.00 between the City of Elk Grove and Enos A. Azevedo and Nancy L. Azevedo*

Approved by Consent

Agenda Item 5.13: *Resolution 2003-225 approving the Elk Grove Plaza parcel map for Subdivision No. 03-397.00 between the City of Elk Grove and Canyon-Cahan Elk Grove LLC, a California Limited Liability Company*

Approved by Consent

Agenda Item 5.14: *Resolution 2003-226 accepting the subdivision improvements for Shadowbrook Unit 3, Shadowbrook Unit 5, and Lands of Russell*

Approved by Consent

Agenda Item 5.15: *Authorizing the City Attorney to execute on behalf of the City of Elk Grove an agreement with Burke, Williams & Sorenson LLP for general legal services on an as-needed basis as determined by the City Attorney*

Approved by Consent

Agenda Item 5.16: *Resolution 2003-227 approving the Transit System Manager, Recycling Coordinator, Finance Analyst, Administrative Services Technician (Utility Billing), and Administrative Services Clerk (Utility Billing) positions with the following salary ranges E183, M138, M171, G106, and G88 respectively; and amend the 2003-04 Fiscal Year Budget to appropriate \$50,000 to the Local Transportation Fund, \$12,500 to funds 261, 325, 336, and 337; \$95,000 to fund 510; and \$45,000 to fund 530*

Approved by Consent

Agenda Item 5.17: *Resolution 2003-228 receiving and ratifying the November 19, 2003 election results as certified by the City Clerk and levy the storm drainage fees on the properties commonly referred to as East Meadows, Machado Dairy, Elk Grove Meadows Unit 2, and Elk Grove Commons*

Approved by Consent

PUBLIC HEARINGS

Agenda Item 6.1: *Continued Public Hearing: The Shires, Project No. EG-03-418: to consider a Rezone of 29.10 acres from AR-5 to AR-2, Tentative Subdivision Map to create 12 single family lots, and Design Review for subdivision layout (**Continued from September 17, 2003 City Council meeting**)*

Location: *Northeast corner of Bader Road and Bond Road*

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

1. Adopt a Mitigated Negative Declaration for The Shires, Project No. EG-03-418
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 Elk Grove Zoning Map from AR-5 to AR-2 for The Shires, Project No. EG-03-418
3. Adopt a resolution approving a Tentative Subdivision Map, for The Shires, Project No. EG-03-418, subject to the Findings and MMRP/Conditions of Approval

Mayor Scherman declared the continued hearing to order at 8:24 p.m.

Craig Hoffman, project planner reviewed staff's efforts to resolve issues between the applicant and area property owners. Mr. Hoffman reported that the issues of concern expressed by the City Council were relative to the provision of water (public vs. private), maintenance and enforcement of the private street, and stormwater drainage.

Mr. Hoffman stated that the issues regarding the private roadway may be addressed by adding conditions to: 1) advise potential home purchasers that the reduced speed posted on the private roadway cannot be enforced by the Elk Grove Police Department; 2) place a private roadway sign at the entrance of the Shires project; and 3) require review and approval of any modifications made to the private roadway, including traffic calming devices by the public works department.

Mr. Hoffman reported that staff has confirmed that the drainage planning is adequate for the sight and the project will not exacerbate area flooding.

Relative to questions regarding fence placement and disputed boundary lines, Mr. Hoffman stated that staff's conclusion is that this dispute is a civil matter.

Mr. Hoffman stated area residents are requesting a greater rear yard setback than the standard 25'.

Mr. Hoffman noted that approval of the mitigated negative declaration and project application was recommended to the City Council by the Planning Commission subject to conditions and findings.

On behalf of the project applicants, **Jeff Townsend** of Carter Burgess, provided an overview of the project and efforts made to preserve the rural nature of the Sheldon area. Mr. Townsend advocated Council's approval of private wells and notice to property purchasers regarding private roads.

Mayor Scherman opened the public comment opportunity.

The following persons expressed concerns relative to providing additional rear yard setbacks, landscape corridors, project boundary disputes, the exclusion of farm animals, private wells, underground utilities, stormwater drainage, fencing to inhibit roaming animals, and/or lighting: **Jerry Jackson, Lynne Jackson, Walter Clary, Cathryn Okasaki, Dayle Imperato, Suzanne Glimstad, Sharon Lynes.**

The following persons spoke in support of project approval: **Mike McDonell, Rick Shriver, June Coats.**

After providing an opportunity to those requesting to speak, **Mayor Scherman** closed the public comment opportunity.

Mr. Townsend offered the following rebuttal to public comments:

- 1) Animals are permitted on the AR, limiting animals has not been determined.
- 2) Relative to setback, the applicant is following the standard established by the City.
- 3) The project retains an additional 10% of drainage than under current conditions.
- 4) The amount of site lighting is restricted.
- 5) The applicants are open to the landscape corridor being pre-designed.
- 6) The boundary issue is of a civil nature.
- 7) In terms of setback, Mr. Townsend expressed that the landscape corridor will buffer adjacent properties.

In response to **Mayor Pro Tem Soares'** question relative to deepening and widening the drainage swell to achieve greater function, **Mr. Townsend**, responded affirmatively and noted that the project is intended to hold 10% additional drainage in the landscape easements over current capacity.

Mr. Hoffman also noted relative to utility undergrounding, that all lines greater than 69KV are required to remain above ground.

In response to **Councilmember Leary's** question relative to water line access adjacent to the property, **Mr. Hoffman** confirmed that there is a line on Bond Road intended to serve the Van Ruiten and Kapalua projects. Councilmember Leary questioned the expense of providing well water.

Mayor Pro Tem Soares responded that the cost is contingent upon the size of the pump and the modernization of the motor. He noted that the monthly cost of watering a large front lawn is typically \$100 - \$200 during peak irrigation periods; otherwise, the annual cost is \$70 - \$80. The well drilling costs can range from \$8,000 to \$10,000.

Councilmembers Leary and Cooper expressed their concerns of the number and location of private wells as depicted.

Mr. Hoffman reiterated staff's recommendation to condition the project for publicly provided water based on concerns of the long-range viability of water supply and quality.

In response to Councilmember Leary's inquiry whether the applicant would concur to condition the project for public water, **Michelle Emmerich**, project co-applicant, responded that their reason for preferring well water is relative to costs to the homeowners. Ms. Emmerich expressed concern that if cost prohibitive, homeowners will not water, thereby creating a fire hazard.

Relative to discussion on perimeter fencing, it was concluded that fencing should be consistent.

Ms. Emmerich responded to comments regarding the exclusion of animals and noted that the inclusion of horses on the property is consistent with the theme; and expressed concern on allowing a large numbers of animals on 2-acre parcels.

Paul Emmerich elaborated on the water supply. Mr. Emmerich noted that the study shows an increase to the water table. He stated there should be no impact to the water wells for the foreseeable future.

In response to **Councilmember Briggs'** question on reserving an easement in the event a water line was needed for future water supply, **Mr. Hoffman** confirmed that an easement has been reserved.

Motion: *M/S Soares/Cooper to approve the project with the added condition of a 75' rear yard setback; conditions proposed by staff relative to private roadway signage and homeowner notice on speed enforcement and approval by the public works department of modifications to the roadway; homeowner's association is to pay for signage. **The motion passed by the following vote: Ayes: 5; Noes: 0***

After some discussion, the applicant indicated their concurrence with the 75' setback.

Motion 1: *M/S Soares/Cooper to adopt a mitigated Negative Declaration for The Shires, Project No. EG-03-418. **The motion passed by the following vote: Ayes: 5; Noes: 0***

Motion 2: *M/S Cooper/Briggs to introduce and waive the full reading, by substitution of title only, Ordinance 42-2003 of the City Council of the City of Elk Grove amending Elk Grove Zoning Map from AR-5 to AR-2 for The Shires, Project No. EG-03-418. The motion passed by the following vote: Ayes: 5; Noes: 0*

Motion 3: *M/S Cooper/Briggs to adopt Resolution 2003-229 approving a Tentative Subdivision Map, for The Shires, Project No. EG-03-418, subject to the Findings and MMRP and amended Conditions of Approval (COA #35, providing notice to purchaser relative to non-enforcement of speed limit on the private roadway; COA #36, modifications to the private roadway including speed bumps or traffic calming devices shall be reviewed and approved by Elk Grove Public Works; COA #37 to impose a 75' building setback along the east, north and west property boundaries with no structures therein; COA #65, Homeowner's association to provide for private roadway disclosure sign. The motion passed by the following vote: Ayes: 5; Noes: 0*

Agenda Item No. 6.2 was continued without consideration to December 1, 2003, at 6:30 p.m.

The November 19, 2003 adjourned City Council meeting reconvened on December 1, 2003, at 6:30 p.m. with all Councilmembers present to consider Agenda Item No. 6.2.

Agenda Item 6.2: *Public Hearing to consider adoption of interim and permanent authorization of fees for the Roadway Fee Program*

RECOMMENDATION: After the close of the public hearing, City staff recommends adoption of the following:

1. Introduce and waive the full reading, by substitution of title only, an urgency ordinance of the City Council of the City of Elk Grove amending Chapter 16.89 of the City of Elk Grove Municipal Code Relating to Development Impact Fees for Roadway Facilities
2. Resolution Levying Development Impact Fees for the Provision of Roadway Facilities (effective in 60 days)
3. Resolution Levying Interim Development Impact Fees for the Provision of Roadway Facilities (interim authorization effective when adopted)

Mayor Scherman declared the continued public hearing open on December 1, 2003 at 6:33 p.m.

Joe Chinn, Finance Administrator, provided an overview of information presented to the Council on September 3, 2003 at which time the Council adopted an interim authorization for a roadway fee – residential/office/industrial land uses; on October 1, 2003, Council adopted an interim authorization for a roadway fee for commercial land-

uses; on October 1, 2003, the interim authorizations were extended to December 2, 2003.

Mr. Chinn noted that there has been a considerable investment of staff and consultants' effort and time in preparing for the implementing the fee.

Mr. Chinn noted that the adoption of the fee is a necessary component for the implementation of the improved traffic circulation policies as adopted by the general plan.

Mayor Scherman opened the public comment opportunity.

The following persons offered comments in opposition to the fees, as proposed, citing financial impacts to development and business: **Gary Peterson (Weyerhauser), John Stoppelman,** and **Lori Alaniz (Chamber of Commerce)** (correspondence filed).

Mayor Scherman closed the public comment opportunity for this item on December 1, 2003 at 6:45 p.m.

In response to **Councilmember Leary's** question on whether information on the impacts of the roadway fee to the proposed Laguna West annexation area would be returning to the Council, **Mr. Chinn** explained that the roadway fee currently excludes the Laguna West area as it is served by a Mello-Roos district. Staff will consider including the area in a city-wide fee program. Due to equity reasons, it is unlikely that it would have a separate zonal fee.

Councilmember Leary questioned how a fee can be established without having the Laguna West information.

Mr. Chinn responded that Laguna West is near build out. Staff will be reviewing the revenues generated from and costs related to future improvements in that area. He projected that it would be a number of months before a thorough analysis is completed in order to address the equity issues.

In response to **Councilmember Leary**, Mr. Chinn responded that he did not anticipate that the fee would be retroactively imposed on Laguna West area projects.

Councilmember Leary expressed his concern that the fee would not be equally applied and that no one has discussed long-term impacts of increased property taxes paid to Sacramento County. He requested staff look at the potential of increasing the taxes based on increased property valuation due to the roadway fee.

Motion 1: M/S Briggs/Cooper to adopt and waive the full reading, by substitution of title only, Ordinance No. 43-2003 an urgency ordinance of the City Council of the City of Elk Grove amending Chapter 16.89 (16.90) of the City of Elk Grove Municipal Code

Relating to Development Impact Fees for Roadway Facilities. **The motion passed by the following vote: Ayes: 4; Noes: 1 (Leary)**

Motion 2: M/S **Cooper/Briggs** to adopt **Resolution 2003-234** Levying Development Impact Fees for the Provision of Roadway Facilities (effective in 60 days). **The motion passed by the following vote: Ayes: 4; Noes: 1 (Leary)**

Motion 3: M/S **Cooper/Briggs** to adopt **Resolution 2003-235** Levying Interim Development Impact Fees for the Provision of Roadway Facilities (interim authorization effective when adopted). **The motion passed by the following vote: Ayes: 4; Noes: 1 (Leary)**

The November 19, 2003 City Council Meeting adjourned to December 1, 2003 was adjourned. See: ADJOURNMENT

The following actions were heard on November 19, 2003.

REGULAR ACTION ITEMS/RECOMMENDATIONS

The following item was heard on November 19, 2003, after Agenda Item No. 7.3. Councilmembers Cooper and Leary recused themselves from participation in Agenda Items 7.3 and 7.4 due to their employment status with the Sacramento County Sheriff's Office and left the Council Chambers during consideration.

Agenda Item 7.1: City Participation in the Federal Universal Hiring Program; amendment to the Law Enforcement Services Contract with Sacramento County to provide for supplemental police services associated with the Laguna West Annexation and authorization of the expenditure of general funds

Assistant Police Chief Ed Kelly reviewed staff's recommendation.

In response to **Councilmember Briggs'** concern over acclimating the Laguna West residents to traffic enforcement, **Assistant Police Chief Kelly** noted that the police department will, on Council's direction, take steps to proactively make appropriate notice to area residents.

There were no public requests to speak.

Motion: M/S **Briggs/Soares** to adopt **Resolution 2003-233** the following actions:

1. Accept the \$1,500,000 grant award from the US Department of Justice, office of Community Oriented Policing Services (COPS), Universal Hiring Program (UHP)

2. Approve the annual expenditure of matching funds for all UHP grant positions, and assume full financial responsibility for such positions for one full budget cycle following the three-year grant period
3. Direct the City Manager or his designee to execute all contracts, reports, and other documents required for receiving such funds pursuant to the terms and conditions of the UHP grant
4. Appropriate funds from the General Fund for thirteen (13) additional officer positions and two (2) administrative positions, and amend the City's law enforcement contract with the County of Sacramento to reflect the new positions
5. Appropriate funds from the General Fund for 10 additional police vehicles, and amend the City's law enforcement contract with the County of Sacramento to reflect the new vehicles
6. Direct the Police Chief to hire 13 additional officers under the UHP grant and authorize the expenditure of funds for the positions in accordance with the terms and conditions of the UHP grant
7. Maintain the option to add some or all of the remaining seven (7) UHP grant funded officer positions at a later date with Council's approval

The motion was passed by the following vote: Ayes: 3; Noes: 0; Abstain/Absent from vote: 2 (Cooper, Leary)

Agenda Item No. 7.4 was heard directly after Agenda Item No. 7.1.

Agenda Item 7.2: *Adopt a resolution for CFD 2002-1 authorizing the execution and delivery of a supplemental Fiscal Agent Agreement, a Bond Purchase Agreement, and a Continuing Disclosure Certificate; authorizing the Issuance of Bonds; approving the form of the Official Statement and the distribution thereof; and authorizing other related actions*

RECOMMENDATION: Adopt a resolution authorizing the execution and delivery of a Supplemental Fiscal Agent Agreement, a Bond Purchase Agreement, and a Continuing Disclosure Certificate; authorizing the Issuance of Bonds; approving the form of the Official Statement and the distribution thereof; and authorizing other actions related thereto

Finance Administrator Joe Chinn provided an overview of the proposed action for the East Franklin Community Facilities District 2002-1 (CFD 2002-1). He reviewed that in October 2002, \$45 Million in bonds was issued for infrastructure improvements. The bond authorization is up to \$75 Million in bonds. This proposed second bond issuance, at \$7 Million in bonds will be used for additional area improvements. Approval of the heretofore mentioned documents necessary for issuance is requested.

There were no public requests to speak.

Motion: *M/S Leary/Cooper to adopt Resolution 2003-230 authorizing the execution and delivery of a Supplemental Fiscal Agent Agreement, a Bond Purchase Agreement, and a Continuing Disclosure Certificate; authorizing the Issuance of Bonds; approving the form of the Official Statement and the distribution thereof; and authorizing other actions related thereto. The motion was passed by the following vote: Ayes: 5; Noes: 0*

Agenda Item 7.3: *Approval of resolutions endorsing the Sacramento County Board of Supervisors Resolution No. 2003-1182 to revise the representation composition of the STA Governing Board and appoint a representative and an alternate to serve on the STA Governing Board*

RECOMMENDATION:

1. Adopt a resolution endorsing Sacramento County Board of Supervisors Resolution No. 2003-1182 to revise the representational composition of the Sacramento Transportation Authority governing board
2. Adopt a resolution appointing a member of the City Council as the City of Elk Grove's representative on the Sacramento Transportation Authority governing board and appointing another councilmember as an alternate

City Engineer Bob Lee provided the staff report, noting that Councilmember Briggs has served as the City's representative for the past two years.

There were no public requests to speak.

Motion 1: *M/S Leary/Cooper to appoint Councilmember Dan Briggs as the City's representative on the Sacramento Transportation Authority governing board. The motion passed by the following vote: Ayes: 5; Noes 0.*

Motion 2: *M/S Leary/Cooper to appoint Mayor Sophia Scherman as the City's alternate representative on the Sacramento Transportation Authority governing board. The motion was passed by the following vote: Ayes: 5; Noes: 0 (Resolution No. 2003-231 adopted)*

Motion 3: *M/S Soares/Briggs to adopt Resolution 2003-232 endorsing the Sacramento County Board of Supervisors Resolution No. 2003-1182 revising the representational composition of the Sacramento Transportation Authority governing board. The motion was passed by the following vote: Ayes: 5; Noes: 0*

Councilmembers Cooper and Leary recused themselves from participation in Agenda Items 7.1 and 7.4 due to their employment status with the Sacramento

County Sheriff's Office and left the Council Chambers during the item's consideration.

Agenda Item 7.4: Law Enforcement Services

RECOMMENDATION: Receive the report on law enforcement services, review the staff presentation and provide direction as the Council deems appropriate.

Assistant City Manager Terry Fitzwater provided staff report and recommendation review and cited provisions of the contract term. He noted that the budget in the 2003-04 for law enforcement services is approximately \$14 Million with projections to approximately \$23 Million in Fiscal Years 2007-08.

In response to **Councilmember Briggs**, Mr. Fitzwater noted that the assumptions utilized preparing the projections were: sustaining the officer/population ratio at .96 @ 1,000 residents; arbitration of labor issues; and an estimated increase of 4.5% per officer for salary and benefits. Mr. Fitzwater noted that the estimates are conservative.

Councilmembers discussed having greater control over costs.

Dan Drummond, Chief of Field Services for the Sacramento County Sheriff's Department, expressed support in exploring options in the provision of law enforcement services. He also expressed his concern that the report provided was incomplete and /or inaccurate. He felt discussions were necessary before proceeding. Chief Drummond questioned the basis and accuracy of the projections and emphasized the importance of continuing the current productive working relationship.

Mayor Pro Tem Soares noted that the cost of providing law enforcement services is 66% of the City's budget and questioned whether the City would be able to continue should costs continue to escalate.

He read a statement into the record (filed) encouraging the Council to consider how to increase the level of law enforcement services currently provided through the Sacramento County Sheriff's Office and how costs and service level to the City might be controlled. He also noted that it is necessary to initiate consideration now in light of contract termination notice requirements.

While referring to staff's recommended options, Mayor Pro Tem Soares emphasized that it is his goal to modify the existing contract, establish a business model and retain the Sheriff's Department, which has done an excellent job as the City's law enforcement provider. He asked that the Councilmembers consider his recommendation and motion.

Mayor Scherman asked that she be provided an opportunity to consider Councilmember Soares' comments before voting.

Councilmember Briggs moved as follows to support Mayor Pro Tem Soares' proposal:

Motion: **M/S Briggs** to direct staff to retain a law enforcement consultant, possibly on a shared cost basis, and start considering short and long-term objectives; staff to designate a staff member to work with the consultant and start meeting with a member(s) of the Sheriff's Department to consider changes to the current contract; identify currently available employment, procedural, reporting and cost-saving benefits; meetings are to occur on a regular basis with monthly progress reports in open session to the Council; if the meetings do not produce results, Council is to be notified immediately; staff is to impress upon the Sheriff's Department the need for confidentiality on items discussed to protect the two sitting members of the Council employed by the Sheriff's Office; staff to take the negotiating lead; staff to monitor interactions between the Police Department and Sheriff's Department so that requests for information are not misinterpreted and used negatively against any Elk Grove Police Department employee; implement agreed upon changes as soon as possible in order to realize savings and improved services; consider the level and spirit of cooperation between the agencies; **The motion died for a lack of a second.**

City Manager John Danielson asked, and Council concurred, that he be provided with the latitude to determine the date on which the item will be heard.

Motion: **M/S Briggs/Soares** to have staff return information to the Council on how staff might proceed with aspects of Mayor Pro Tem Soares' proposal with respect to estimated costs, staff commitment times and an opportunity for Council to make a financial commitment. **The motion passed with the following vote: Ayes: 3; Noes: 0; Abstained and absent from the proceeding: 2 (Cooper, Leary)**

GENERAL ADMINISTRATION INFORMATION

City Manager John Danielson noted that administrative staff will be moving and relocated to the new Administrative Offices building by next Monday.

COUNCIL COMMENTS/FUTURE AGENDA ITEMS

Councilmember Leary

- Questioned the status of the Request for Proposal for waste management services.

City Attorney Anthony Manzanetti reported that in response to the request, four proposals have been received. The proposals varied and are currently under assessment. The firm of Hilton Farnkopf (*and Hobson*) has been engaged to rank the proposals. Proposers will be contacted in the coming week to review

their proposal with staff. When completed, the ranking will be returned to the Council with staff's recommendation.

Councilmember Leary noted that he and Councilmember Cooper were on the subcommittee for the initial negotiation. He expressed that a benefit may be realized with the subcommittee's inclusion in the process to look at and/or assist in determining the top and best service provider.

Mr. Manzanetti noted that the current review process includes the City Attorney, Frank Oviedo and Michael Kashiwagi. The consultant is assisting in the process. He noted that staff will follow Council's direction relative to the process.

Councilmember Leary responded that he is comfortable with staff's role as the outside consultant is not making the determination on the best service provider.

Mayor Pro Tem Soares

- Confirmed that the date of the adjourned Council meeting would be established at before adjournment of the meeting.

Councilmember Briggs

- Applauded staff for their efforts in the General Plan preparation.
- Announced that on December 13, 2003, 8:30 a.m. to 10:30 a.m. Rotary will be hosting Breakfast with Santa at Applebee's. Tickets are available; \$10/adults, \$5/children.

Councilmember Cooper

- Announced that on Saturday, 8:30 a.m. to noon, Sacramento County Council of Governments (SACOG) will be conducting a Blueprint Workshop at Cosumnes River College to address projected growth in the Sacramento Region over the next 50 years. He encouraged interested parties to RSVP to SACOG.

Mayor Pro Tem Soares requested that at the next Council meeting Councilmember Cooper provide an update.

Mayor Scherman

- Requested an update on the status of basketball hoops on sidewalks.

- Thanked Beth Thompson who attended a Food Bank meeting and for providing information to the group on the use of CDBG funds.

CLOSED SESSION

After providing an opportunity for public comment, the Council recessed to Closed Session at 10:12 p.m. to discuss the following items:

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

The regular meeting reconvened on November 19, 2003 at 10:14 p.m. Mayor Scherman announced that no reportable action was taken during closed session.

ADJOURNMENT

At 10:15 p.m., the regular City Council meeting of November 19, 2003 was adjourned to December 1, 2003 at 6:30 p.m.

See: Agenda Item No. 6.2, Roadway Fee Program

FINAL ADJOURNMENT OF THE CITY COUNCIL MEETING OF NOVEMBER 19, 2003 ADJOURNED TO DECEMBER 1, 2003

At the request of Mayor Sophia Scherman, and after observing a moment of silence, the adjourned November 19, 2003 City Council meeting to December 1, 2003 was finally adjourned on December 1, 2003 at 7:08 p.m. in the memory of City of Citrus Heights Mayor Bill Hughes.

PEGGY E. JACKSON
CITY CLERK

ATTEST:

SOPHIA SCHERMAN, MAYOR
CITY OF ELK GROVE