

**MINUTES OF THE CITY COUNCIL
REGULAR MEETING
Wednesday, May 5, 2004
CITY HALL COUNCIL CHAMBERS**

CALL TO ORDER/ROLL CALL

Mayor Scherman called the May 5, 2004 regular City Council meeting to order at 6:31 p.m.

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

Absent: None.

Alvin Livingston led the Pledge of Allegiance.

PUBLIC COMMENT

None.

APPROVAL OF AGENDA

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

PRESENTATIONS/ANNOUNCEMENTS

Presentation by SureWest on their plans to bring services to the City of Elk Grove; by Robert Dugan, Fred Arcuri, Scott Barber, Tom Villa

CONSENT CALENDAR ITEMS

Motion: *M/S Leary/Cooper to approve the consent calendar items with the exception of 5.4. The motion passed by the following vote: Ayes: 5; Noes: 0*

Agenda Item 5.1: *Approve Warrant Listing through April 20, 2004 (Warrants 008788 through 008907)*

Approved by Consent

Agenda Item 5.2: Approve Monthly Treasurer's Report for March 2004
Approved by Consent

Agenda Item 5.3: Approve Minutes of the April 7, 2004 Regular City Council Meeting
Approved by Consent

Pulled from the consent calendar for a separate vote.

Agenda Item 5.4: Adopting **Ordinance No. 12-2004**, an ordinance of the City Council of the City of Elk Grove amending the Elk Grove Zoning Code to incorporate the Elk Grove Triangle Special Planning Area (SPA) and change the zoning designation of the Elk Grove Triangle Area from various zoning districts to "Triangle SPA" (**Second Reading**)

Motion: Cooper/Leary to approve Agenda Item No. 5.4. **The motion passed by the following vote: Ayes: 3; Noes: 2 (Briggs, Soares)**

Agenda Item 5.5: Adopting **Resolution 2004-80** calling the City of Elk Grove General Municipal Election of November 2, 2004 and requesting the Board of Supervisors of Sacramento County to consolidate the General Municipal Election with the Statewide General Election
Approved by Consent

Agenda Item 5.6: **Resolution 2004-81** implementing Chapters 16.85 and 16.86 of the Elk Grove Municipal Code, the Laguna Area Roadway Fee and Laguna Stonelake Fee Programs, respectively, to apply fees based on land use versus zoning category
Approved by Consent

Agenda Item 5.7: **Resolution 2004-82** approving the position of Administrative Services Clerk/Cashier, salary range G88; and amend the 2003-04 Fiscal Year Budget by appropriating \$10,500 (\$3,500 from each) from the General Fund, the Utility Billing Fund and various fee district funds
Approved by Consent

Agenda Item 5.8: **Resolution 2004-83** approving the contract designation with California Public Employees Retirement System (CalPERS) to change the City's classification from "Special District" to "Local Agency Contracting with CalPERS"
Approved by Consent

Agenda Item 5.9: Adopting **Resolution 2004-84** declaring the City Council's intention to levy street maintenance assessments by annexing certain properties in the Laguna Area in Street Maintenance District No.1, Zone 2, Annexation No. 1 and approve the Supplemental Engineer's Report

Agenda Item 5.10: **Resolution 2004-85** proclaiming May 2004 as Amyotrophic Lateral Sclerosis (ALS) awareness month
Approved by Consent

Agenda Item 5.11: *Resolution 2004-86 authorizing the City Manager to execute a contract with Ameritrans Service Corporation, Incorporated, dba Transit Resource Center for specification and construction oversight of the City's Fleet of Transit Buses in an amount not to exceed \$30,000*

Approved by Consent

Agenda Item 5.12: *Approving a proclamation of recognition celebrating the renaming of the City of Citrus Heights Police Services Center in honor of their late Mayor, William "Bill" Hughes*

Approved by Consent

Agenda Item 5.13: *Authorizing the Mayor to execute an agreement for liability insurance with Public Agency Risk Sharing Authority of California (PARSAC)*

Approved by Consent

PUBLIC HEARINGS

Agenda Item 6.1: *Public Hearing: Determining to levy assessments in Street Maintenance District No. 1, Zone 3 for Certain Properties East of Highway 99*

RECOMMENDATION: After the close of the public hearing, direct the City Clerk to tabulate the ballots; if the ballots submitted in opposition do not exceed the ballots submitted in favor of the assessment, adopt a resolution approving the engineer's report, and determine to levy the assessments in Street Maintenance District No. 1, Zone 3 for certain properties east of State Highway 99 pursuant to the Benefit Assessment Act of 1982

Mayor Scherman declared the public hearing open at 6:47 p.m.

Joe Chinn, Finance Administrator, provided the staff report.

With no public requests to speak, **Mayor Scherman** closed the public comment opportunity.

The Mayor directed the City Clerk to proceed with tabulation of the ballots.

Note: *Council proceeded to consideration of Agenda Item No. 6.2 during ballot tabulation. Council resumed consideration of Agenda Item No. 6.1 at 6:58 p.m.*

Peggy Jackson, City Clerk, reported that of eight possible votes, eight ballots were returned in favor of levying the assessment. There were no protest votes.

Motion: *M/S Leary/Briggs to adopt Resolution 2004-87 approving the engineer's report and determine to levy the assessments in Street Maintenance District No. 1, Zone 3 for certain properties east of State Highway 99 pursuant to the Benefit*

Regular CC Meeting
May 5, 2004
Page 3 of 10

Assessment Act of 1982. **The motion was passed by the following vote: Ayes: 5; Noes: 0**

Note: Agenda Item No. 6.2 was considered prior to the conclusion of Agenda Item No. 6.1

Agenda Item 6.2: *Public Hearing: Anderson Rezone and Tentative Parcel Map Project No. EG-03-471: to consider a Rezone of 5+/- gross acres from AR-5 to AR-2 (Rural Residential – 2 acres per dwelling unit) and a Tentative Parcel Map to create 2 lots*
Location: south side of Calvine Road, approximately 100 feet east of the intersection of Vineyard Road and Calvine Road

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

1. Adopt a Negative Declaration for the Anderson Rezone and Tentative Parcel Map Project No. EG-03-471
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 Elk Grove Zoning Map from AR-5 to AR-2 for the Anderson Rezone, Project No. EG-03-471
3. Adopt resolution approving a Tentative Parcel Map, for the Anderson Rezone, Project No. EG-03-471, subject to the findings and conditions of approval

Mayor Scherman declared the public hearing open at 6:48 p.m.

Applicant's representative, **Dennis Barksdale**, requested relief from and/or modifications to Conditions of approval 29, 18, 35, 37, 38.

Note: The Council proceeded to Agenda Item No. 7.1 to allow the applicant's representative and planning staff an opportunity to discuss aspects of the Conditions of Approval.

The following persons provided testimony for Council consideration: **Bill Myers** (letter filed), **June Coats**.

Mayor Scherman closed the public comment opportunity at 8:15 p.m.

Staff agreed that the last sentence of COA 29 with reference to Bond Road should be deleted. Staff recommended inclusion of COAs 18, 35, 37, 38.

Motion 1: *M/S Soares/Leary to adopt a negative Declaration for the Anderson Rezone and Tentative Parcel Map Project No. EG-03-471. The motion was passed by the following vote: Ayes: 5; Noes: 0*

Motion 2: *M/S Soares/Leary to introduce and waive the full reading, by substitution of title only, Ordinance 13-2004, an ordinance of the City Council of the City of Elk Grove amending the Elk Grove Zoning Map from AR-5 to AR-2 for the Anderson Rezone,*

Regular CC Meeting
May 5, 2004
Page 4 of 10

Project No. EG-03-471. **The motion was passed by the following vote: Ayes: 5; Noes: 0**

Motion 3: *M/S Soares/Leary to adopt Resolution 2004-89 approving a Tentative Parcel Map, for the Anderson Rezone, Project No. EG-03-471, subject to the findings and amended conditions of approval, (Bond Road reference in COA 29 deleted; COAs 37 and 38 removed for staff to revise and return for Council consideration). **The motion passed by the following vote: Ayes: 5; Noes: 0***

City Attorney Manzanetti noted that the ordinance would not be effective until the approval of the additional conditions of approval.

REGULAR ACTION ITEMS/RECOMMENDATIONS

Agenda Item 7.1: *Redistricting of Council Voting Districts*

RECOMMENDATION: Review the report, receive public input, and provide direction on the completion of the Council District Map. Recommended direction would take the form of either:

1. Adoption of one of the map options, or
2. Instructions for modification(s) to one of the map options

Douglas Johnson, of National Demographics, presented the staff report and reviewed plans submitted by the public, the Recommended Plan, Alternative 1, Alternative 2, and Alternative 3.

Mayor Scherman opened the public comment opportunity.

The following persons provided comment for Council consideration: **Alvin J. Livingston, Charlotte Sato, Dannela Garcia, Sharon Lynes**, after which, the public comment opportunity was closed.

Councilmembers Cooper and Leary objected to consideration of Alternative 3 plan as it was not presented to the Council or to the public with the originally distributed agenda material on April 30.

Motion: *M/S Soares/Briggs to adopt Alternative Map 3. **The motion passed by the following vote: Ayes: 3; Noes: 2 (Leary/Cooper)***

Agenda Item 7.2: *Amendment to CalPERS contract to provide sections 21024 and 21013.5 benefits for local miscellaneous members (Military, Peace Corp, AmericCorps: VISTA service buy-back option)*

RECOMMENDATION: Staff recommends that the City Council take the following action:

1. Adopt a resolution giving notice of the City's intention to amend the agreement between the City of Elk Grove and the Board of Administration of the California Public Employee's Retirement System (CalPERS) to provide for sections 21024 and 21013.5 benefits for local miscellaneous employees
2. Introduce and waive the full reading by substitution of title only, an ordinance of the City Council of the City of Elk Grove authorizing an amendment to the agreement between the City of Elk Grove and the Board of Administration of the California Public Employee's Retirement System (CalPERS) for benefits for local miscellaneous members (Military, Peace Corp, AmericCorps: VISTA service buy-back option)

Assistant City Manager **Terry Fitzwater**, provided the staff report.

Mayor Scherman opened the public comment opportunity.

Motion 1: *M/S Cooper/Leary to adopt Resolution 2004-90 giving notice of the City's intention to amend the agreement between the City of Elk Grove and the Board of Administration of the California Public Employee's Retirement System (CalPERS) to provide for sections 21024 and 21013.5 benefits for local miscellaneous employees. The motion passed by the following vote: Ayes: 5; Noes: 0*

Motion 2: *M/S Leary/Briggs introducing and waiving the full reading by substitution of title only, Ordinance 14-2004, an ordinance of the City Council of the City of Elk Grove authorizing an amendment to the agreement between the City of Elk Grove and the Board of Administration of the California Public Employee's Retirement System (CalPERS) for benefits for local miscellaneous members (Military, Peace Corp, AmericCorps: VISTA service buy-back option). The motion passed by the following vote: Ayes: 5; Noes: 0*

Agenda Item 7.3: *Proposed (Draft) Municipal Budget for Fiscal Year 2004-05*

RECOMMENDATION: Staff recommends that Council provide direction on any amendments or deletions to the Fiscal Year 2004-05 (draft) budget as deemed appropriate

Mayor Scherman opened the public comment opportunity.

Administrative Services Director **Les Tyler** reviewed the staff report.

The following persons offered comment for Council's consideration relative to community grant allocations: **Jack Toney** (PTAC), **Pat Sandefur** (Library), **Erin Kilbane** (Strauss Festival), **Sheryl Beay** (Strauss Festival), **Dr. Ramirez** (Strauss Festival), **Anne Marie Gold** (Library), **Louis Zimmerle** (Strauss Festival), **Chris Schulz** (Library), **Dannetta Garcia** (Elk Grove Teen Center).

Regular CC Meeting
May 5, 2004
Page 6 of 10

The Council recessed at 9:26 p.m. and reconvened at 9:29 p.m. to discuss the Police Services budget. Note: At the time of the Police Services budget, Councilmembers Leary and Cooper were not present.

No Council action taken.

Agenda Item 7.4: *Designation of a Voting Delegate and Alternate for the League of California Cities General Assembly Special Meeting*

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 13, 2004.

Intergovernmental Legislative Liaison, **Cody Tubbs**, presented the staff report.

Motion: *M/S Soares/Briggs to appoint Councilmember Dan Briggs as voting delegate and Mayor Sophia Scherman as alternate delegate to represent the City of Elk Grove at the League of California Cities General Assembly Special Meeting on May 13, 2004. The motion passed by the following vote: Ayes: 3; Noes: 0; Absent: (Cooper/Leary)*

Agenda Item 7.5: *Staff informational report on service organization signage in Elk Grove*

RECOMMENDATION: Provide further direction to staff, as appropriate, after reviewing this staff report on providing signage for service organizations within Elk Grove

Note: Councilmembers Cooper and Leary returned to the Council Chambers at 9:52 p.m. during consideration of agenda item No. 7.5.

The staff report was presented by Assistant City Manager **David Storer**.

With no public requests to speak, **Mayor Scherman** closed the public comment opportunity.

City Attorney Manzanetti was directed to research the legality of the City's ability to restrict the sign display/access participation. Contingent on the Attorney's findings, staff was directed to contact the service organizations to gauge their interest in participating in the sign program, including costs contribution.

GENERAL ADMINISTRATION INFORMATION

- a) Pavement Management System; ***continued to a future Council meeting.***

- b) Measure A Sales Tax extension; **presentation by Bob Lee (filed)**.

COUNCIL COMMENTS/FUTURE AGENDA ITEMS

OPEN SESSION

There were no public requests to speak.

City Attorney Manzanetti reported that Closed Session Item A can be deleted as there is nothing to report.

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to GC Sec. 54956.8

Property: 10250 Ironrock Way, Elk Grove, CA
and APN 134-0630-013
Agency Negotiators: John Danielson, Anthony Manzanetti,
Michael Kashiwagi, Bob Lee,
Julie Cline
Negotiating parties: Scott Cable
Under negotiation: Price and terms of payment for purchase,
sale, exchange, or lease

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to GC Sec. 54956.8 and 54956.9

Property: APN 132-0030-045 owned by Dennis H.
Buscher
Agency Negotiators: John Danielson, Anthony Manzanetti,
Michael Kashiwagi, Bob Lee, Julie Cline
Negotiating parties: Dennis H. Buscher
Under negotiation: Price and terms of payment for purchase,
sale, exchange, or lease

RECOMMENDATION: It is recommended that the City Council identify its negotiators, the real property or real properties which the negotiations may concern, and the person or persons with whom its negotiators may negotiate and then hold a closed session with its negotiators.

CLOSED SESSION

After providing an opportunity for public comment, the City Council recessed to closed session at 10:17 p.m. to hear the following items:

A) CONFERENCE WITH LEGAL COUNSEL – Existing Litigation

(3 Cases)

Pursuant to Government Code 54956.9(a)

1. Statewide Storage Partners v. City of Elk Grove, et. al. Superior Court of California Sacramento County, Case No. 04CS00409
2. State of California and South County Citizens for Responsible Growth v. M&H Development, City of Elk Grove. California District Appellate Report (3rd) Case No. C 042302 (Appeal from Sacramento Superior Court, J. Connelly)
3. Eminent Domain proceedings to secure real property interests from Dennis H. Buscher, APN 132-0030-045, for the construction and maintenance of Franklin Boulevard

B. CONFERENCE WITH LEGAL COUNSEL - Anticipated

(2 Cases)

Pursuant to Government Code §54956.9(b)

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to GC Sec. 54956.8

1. Property: 10250 Ironrock Way, Elk Grove, CA
and APN 134-0630-013
Agency Negotiators: John Danielson, Anthony Manzanetti,
Michael Kashiwagi, Bob Lee, Julie Cline
Negotiating parties: Scott Cable
Under negotiation: Price and terms of payment for purchase,
sale, exchange, or lease
2. Property: APN 132-0030-045 owned by Dennis H.
Buscher
Agency Negotiators: John Danielson, Anthony Manzanetti,
Michael Kashiwagi, Bob Lee, Julie Cline
Negotiating parties: Dennis H. Buscher
Under negotiation: Price and terms of payment for purchase,
sale, exchange, or lease

The Council reconvened the regular session at 10:32 p.m. **City Attorney Anthony Manzanetti** announced that no reportable action was taken during closed session except for a settlement on the Buscher property; a settlement of litigation along the terms outlined in the presentation of April 21, 2004 comprised of approximately \$22,000 for the easements and partial taking along with some other accommodations to Mr. Buscher.

ADJOURNMENT

With no other business for the Council to consider, the City Council meeting was adjourned at 10:33 p.m.

PEGGY JACKSON, CITY CLERK

ATTEST:

**SOPHIA SCHERMAN, MAYOR
CITY OF ELK GROVE**

Approved 06/02/04

Regular CC Meeting
May 5, 2004
Page 10 of 10