

**MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
Wednesday, June 2, 2004  
CITY HALL COUNCIL CHAMBERS**

**CALL TO ORDER/ROLL CALL**

Mayor Pro Tem Soares called the June 2, 2004 regular City Council meeting to order at 6:30 p.m.

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

Absent: None

**Chris Schulz** led the Pledge of Allegiance.

**PUBLIC COMMENT**

**Lisa Dixon** complimented the City Council's direction on the planning of the Old Town/East Elk Grove BelAir shopping center.

**APPROVAL OF AGENDA**

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

**PRESENTATIONS/ANNOUNCEMENTS**

None.

**CONSENT CALENDAR ITEMS**

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

***Agenda Item 5.1:*** *Approve Warrant Listing through May 18, 2004 (Warrants 009031 through 009142)*

***Approved by Consent***

**Agenda Item 5.2:** *Approving Monthly Treasurer's Report for April 2004*  
**Approved by Consent**

**Agenda Item 5.3:** *Approving Minutes of the May 5, 2004 Regular City Council Meeting*  
**Approved by Consent**

**Agenda Item 5.4:** *Adopting **Ordinance No. 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) (**Second Reading**)*  
**Approved by Consent**

**Agenda Item 5.5:** ***Resolution 2004-109** adopting a resolution of support for the proposed Elk Grove Library through funding by the Library Bond Act*  
**Approved by Consent**

**Agenda Item 5.6:** ***Resolution 2004-110** authorizing the City Manager to execute a contract with TY Lin International for professional consulting services including right-of-way engineering and preparation of construction bid documents for segment three of the Bond Road Widening Project*  
**Approved by Consent**

**Agenda Item 5.7:** ***Resolution 2004-111** authorizing the City Engineer to call for bids for widening the Bond Road and Waterman Road bridges over Laguna Creek*  
**Approved by Consent**

**Agenda Item 5.8:** ***Resolution 2004-112** authorizing the City Engineer to call for bids for the Curb Ramps and Drainage Improvement Project 2004*  
**Approved by Consent**

**Agenda Item 5.9:** ***Resolution 2004-113** accepting subdivision improvements for Cresleigh Ranch Village F1, Cresleigh Ranch Village D, Tributary Pointe Unit C1, Tributary Pointe Unit D, and Tributary Pointe A, Village 4A*  
**Approved by Consent**

**Agenda Item 5.10:** ***Resolution 2004-114** authorizing the Mayor to execute Reimbursement Agreement No. RC2004-05 with Norwest Properties, LLC for the construction of certain roadway improvements to Power Inn and Sheldon Roads*  
**Approved by Consent**

**Agenda Item 5.11:** ***Resolution 2004-115** authorizing the Mayor to execute Reimbursement Agreement No. RC2004-06 with Norwest Properties, LLC for certain traffic signal and intersection improvements along Power Inn Road*  
**Approved by Consent**

**Agenda Item 5.12:** *Resolution 2004-116 approving the final map for Arcadian Village 4 and authorize the Mayor to execute a subdivision improvement agreement between the City of Elk Grove and D.R. Horton Inc., a California Corporation*

**Approved by Consent**

**Agenda Item 5.13:** *Resolution 2004-117 approving the final map for Bilby Meadows Unit 2 and authorize the Mayor to execute a subdivision improvement agreement between the City of Elk Grove and D.R. Horton Inc., a California Corporation*

**Approved by Consent**

**Agenda Item 5.14:** *Resolution 2004-118 authorizing the City Manager to execute and extend the existing contract with the City of Sacramento to provide Household Hazardous Waste (HHW) disposal for Elk Grove residents for fiscal years 2004-05 and 2005-06*

**Approved by Consent**

**Agenda Item 5.15:** *Resolution 2004-119 approving the final map for the subdivision designated as Poppy Ridge Plaza with Donahue Schriber Realty Group, a Delaware Limited Partnership*

**Approved by Consent**

## **PUBLIC HEARINGS**

**Agenda Item 6.1:** *Public Hearing: 2004-05 Action Plan: to consider adoption of the 2004-05 Action Plan for CDBG funds*

**RECOMMENDATION:** Adopt a resolution approving the adoption of the 2004/05 Action Plan and authorizing the City Manager to execute and file all documents required to receive Community Development Block Grant Funding (CDBG)

**Mayor Scherman** declared the public hearing open at 6:35 p.m.

**Beth Thompson** of the Planning Department provided the staff report overview.

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

**Motion:** *M/S Leary/Briggs to adopt Resolution 2004-120 approving the adoption of the 2004/05 Action Plan as revised to transfer the use of funds from the current Teen Center facility to the newly acquired Iron Rock Road facility and authorizing the City Manager to execute and file all documents required to receive Community Development Block Grant Funding (CDBG). **The motion was passed by the following vote: Ayes: 5; Noes: 0***

**Agenda Item 6.2:** *Continued Public Hearing: Anderson Tentative Parcel Map Project No. EG-03-471: to consider modifications to conditions of approval for 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:** Adopt a resolution approving the Anderson Tentative Parcel Map, for Project No. EG-03-471, subject to the findings and modified conditions of approval

**Mayor Scherman** declared the public hearing open at 6:45 p.m.

**Bob Lee**, City Engineer, provided the staff report overview and reported that the applicant was in agreement with the revised conditions of approval (identified as an attachment to the resolution).

The applicant indicated his concurrence.

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

**Motion:** *M/S Briggs/Leary to adopt Resolution 2004-121 approving the Anderson Tentative Parcel Map, for Project No. EG-03-471, subject to the finding and modified conditions of approval. The motion was passed by the following vote: Ayes: 5; Noes: 0*

## **REGULAR ACTION ITEMS/RECOMMENDATIONS**

**Agenda Item 7.1:** *Redistricting of City Councilmember Residency Districts*

**RECOMMENDATION:** Adopt a resolution establishing the City Councilmember Residency Districts

**Douglas Johnson**, of National Demographics Corporation, was available for Council questions on the maps presented for consideration.

**Mayor Scherman** opened the public comment opportunity.

The following persons offered their comments for consideration prior to Council action, primarily on retaining the Laguna West annexed area as one or part of one Council district: **Lisa Dixon, Dannetta Garcia, Stephen Hodge, Vincent Lena, Cliff Loveland, Anthony Salamanca, Geru Martin.**

***Motion:*** M/S **Briggs/Soares** to adopt (by **Resolution 2004-122**) Alternative Map 3 establishing City Councilmember Residency Districts. **The motion passed by the following vote: Ayes: 3; Noes: 2 (Cooper, Leary)**

**Agenda Item 7.2:** Adopt the Municipal Budget for Fiscal Year 2004-05

**RECOMMENDATION:** Adopt by resolution the municipal budget for Fiscal Year 2004-05

**Les Tyler**, Administrative Services Director, reviewed the proposed budget.

**Councilmembers Cooper and Leary**, as employees of the Sacramento County Sheriff's Office, recused themselves from participating in discussion on the Police Services Contract and vacated the Council Chambers.

***Motion:*** M/S **Soares/Briggs** to adopt the Police Services budget, reserving the right to consider amending after the Police Services Contract analysis is heard. **The motion passed by the following vote: Ayes: 3; Noes: 0; Recused: 2 (Cooper, Leary)**

Consideration of the remainder of the FY 2004-05 municipal budget resumed after the vote on the Police Services Budget.

**Councilmembers Cooper and Leary** returned to the Council Chambers at 7:36 p.m.

**Mayor Scherman** opened the public comment opportunity.

**Olga Batey** offered public comment (Library funding) for consideration prior to Council action.

***Motion:*** M/S **Leary/Briggs** to adopt (by **Resolution 2004-123**) the municipal budget for Fiscal year 2004-05. **The motion passed by the following vote: Ayes: 5; Noes: 0**

**Agenda Item 7.3:** Growth Control Policy

**RECOMMENDATION:** Staff recommends that the City Council consider the resolution adopting Growth Control Strategy

**Eric Norris** of the Planning Department presented the staff report overview.

**Mayor Scherman** opened the public comment opportunity.

**Dennis Rogers** of the Building Industries Association (BIA) offered comments for consideration prior to Council action.

***Motion:*** *M/S Leary/Soares to adopt (by Resolution 2004-124) the Growth Control Strategy. The motion passed by the following vote: Ayes: 5; Noes: 0*

## **GENERAL ADMINISTRATION INFORMATION**

**Bob Lee**, City Engineer, noted that the STA's recommendation on the equitable division of Measure A funding will be considered at their June 10 meeting.

**Councilmember Briggs** added that if renewed, over the 30-year Measure A term, the City of Elk Grove will receive approximately \$240 Million for street congestion relief and road maintenance.

## **COUNCIL COMMENTS/FUTURE AGENDA ITEMS**

### **Councilmember Cooper**

- Requested a workshop be scheduled election of Councilmembers by district and the direct election of the Mayor.

### **Councilmember Briggs**

- Reiterated consideration of Measure A funding by the Sacramento Transportation Authority (STA) at its June 10 meeting.

### **Mayor Pro Tem Soares**

- Accentuated Council's approval on the Consent Calendar to call for bids of the Bond Road Widening project. Construction completion is anticipated near August.

### **Councilmember Leary**

- Thanked Public Works staff, under the guidance of Bob Lee, for removal, preservation, and relocation of the Oak trees along Elk Grove Boulevard and Bruceville Road.
- Expressed his concern relative to the Bell South project construction at Laguna Creek (Elk Grove-Florin Road and Bond Road). The trees and brush on the east side of the habitat area are being removed. He expressed his concern that the remaining area remain natural, if possible.

- Reiterated past concerns relative to Elliott Mulburg, noting that he has not been a friend of the City. Councilmember Leary noted that he would not lend support to those boards on which Mr. Mulberg sits at next year's budget consideration. Councilmember Leary referenced Mr. Mulberg's negative votes relative to the City's articles of incorporation and requests before LAFCo.

Councilmember Cooper shared Mr. Leary's concerns with regard to Mr. Mulberg's voting record.

### **Mayor Scherman**

- Reported that the at this evening's meeting at LAFCo, one item was continued to the August 4 meeting. Relative to the Regional Transit outside legal review there was a unanimous vote.
- Mayor Scherman requested the meeting be adjourned in memory of her mother.

### **CLOSED SESSION**

Prior to recessing to Closed Session, **City Attorney Manzanetti** announced that no report would be provided on item 10A.1, Statewide Storage Partners v. City of Elk Grove.

City Attorney Manzanetti, during open session and prior to recessing to Closed Session, addressed the Conference with Real Property Negotiators pursuant to Government Code Section 54956.8 and identified the properties as shown on the agenda attachment and also identified by APN in Agenda No. 10.B. Agency negotiators were identified as John Danielson, Anthony Manzanetti, Christine Crawford, David Storer and Julie Cline. The property negotiators were unknown at the time of consideration. The items under negotiation are the purchase price and terms of payment of sale, lease or exchange of real property.

**Public Comment:** There were no public requests to speak.

The Council recessed to closed session 8:14 p.m.

#### **A) CONFERENCE WITH LEGAL COUNSEL – Existing Litigation (2 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)

**B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to GC Sec. 54956.8

Property: Any or all of those parcels of property located within the crosshatched areas as shown on the map attached, which is incorporated by this reference and including without limitation parcels 134-0280-065, 134-0250-001, 134-0250-015, 134-0250-033, 134-0230-007, 134-0230-008, and 134-0230-009

Agency Negotiators: John Danielson, Anthony Manzanetti, Christine Crawford, David Storer, Julie Cline

Negotiating parties: Various and unknown at this time

Under negotiation: Price and terms of payment for purchase, sale, exchange or lease

**ADJOURNMENT**

With no other business for the Council to consider, and after observing a moment of silence in recognition of the passing of Mayor Scherman's mother, Ruth Chavez Hobbs, the City Council meeting was adjourned at 8:35 p.m.

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**PEGGY JACKSON, CITY CLERK**

**ATTEST:**

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