

## **CITY OF ELK GROVE**

*Incorporated July 1, 2000*

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### **MINUTES OF THE CITY COUNCIL REGULAR MEETING Wednesday, September 15, 2004 CITY HALL COUNCIL CHAMBERS**

#### **CALL TO ORDER/ROLL CALL**

Mayor Pro Tem Soares called the September 15, 2004 regular City Council meeting to order at 6:32 p.m.

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

Absent: None.

**Rita Velasquez**, General Manager of the Community Services District led the Pledge of Allegiance.

#### **PUBLIC COMMENT**

**Constance Conley** thanked and commended **Councilmember Cooper** for his comments regarding community activist **Dannetta Garcia** in *The Sacramento Bee*. Ms. Conley promoted the direct, at-large election of Mayor and urged accountability of Councilmembers and a code of ethics.

**Nancy Mundt**, a member of the League of Women Voters, referenced a recent article in *The Sacramento Bee* and proposed the League provide an orientation session with City representatives to review the League's objectives and policies. Ms. Mundt defended Ms. Garcia's voter outreach efforts on behalf of the League.

**Pam Spitler** commented on restrictions placed on Plantation Coffee relative to providing outside music. She hoped that something could be worked out to benefit Plantation Coffee. Ms. Spitler commented on empty buildings resulting from businesses moving to new locations and urged Council action to prevent business re-location unless someone will occupy the old building. Ms. Spitler commented on the posted speed limit at Grant Line Road at the railroad crossing, noting it is too high. Ms. Spitler stated that the attacks on Ms. Garcia demonstrates gross ignorance of Ms. Garcia.

**Tom Shine** spoke in support of Councilmembers Cooper and Leary and commented on the conflict of interest allegations against Councilmembers Leary and Cooper as employees of the Sacramento Sheriff's Office. He concluded that if the members'

effectiveness is diminished because of their employment as Sheriff's Deputies, the members could change occupations or step down from their elected office.

**June Coats** expressed her views relative to *The Sacramento Bee* article regarding Dannetta Garcia. Ms. Coats spoke in support of Ms. Garcia.

**Michael Monasky** commented on Councilmember Briggs' comments in *The Sacramento Bee* relative to the League of Women Voters and Ms. Garcia. Regarding privatization, Mr. Monasky commented on the production costs of the City's newsletter distributed to residents at the cost of supporting the library system.

**Barbara Lemar** spoke in support of Dannetta Garcia. Ms. Lemar, a resident of the Sheldon area, supported more information be provided to area residents on local construction, development and street improvements.

### **APPROVAL OF AGENDA**

***Motion:*** *M/S Leary/Cooper to approve the agenda, hearing the public hearings in the order of 6.1, 6.4, 6.2, 6.3, 6.5, 6.6. The motion passed by the following vote: Ayes: 5; Noes: 0*

The City Council considered approval of the Consent Calendar prior to Presentations / Announcements.

### **PRESENTATIONS/ANNOUNCEMENTS**

After approval of the consent calendar, a proclamation was presented to committee member Pat Brazille in recognition of October, 2004 as Citizen of the Year month. This is the 50<sup>th</sup> anniversary of the Citizen of the Year recognition.

**Agenda Item No. 4.1:** **Rita Velasquez**, General Manager of the Elk Grove Community Services District was presented with a proclamation on the Council's behalf by Councilmember Leary in recognition of her service to the District, in anticipation of her retirement.

**Agenda Item No. 4.2:** Mobility Strategies for City Corridors by Fehr & Peers

**City Engineer Bob Lee**, noted that last year eleven corridors were chosen to study in relation to improving roadway capacity, reliability and safety. He introduced Steve Brown of Fehr & Peers to give a presentation on findings on the study done on Elk Grove-Florin Road from Calvine Road south to Elk Grove Boulevard.

**Steve Brown**, Fehr & Peers, noted the purpose of the study was to identify and evaluate the most promising strategies to improve mobility within identified corridors,

and present data and evaluate performance for public discussion (presentation filed). The strategies considered vehicular capacity, pedestrian facilities, bicycling environment and public transit.

Mr. Brown noted that a hardcopy of the report would be made available to the Council.

**Agenda Item No. 4.3:** *Presentation regarding the Sacramento County Voting System, by Registrar of Voters Jill Lavine*

Ms. Lavine, Sacramento County Registrar of Voters, joined by Diana Mojonier, Manager of Voter Outreach, reported that as a result of voting difficulties in Florida in 2000, legislation was passed to decertify election equipment. As a result, the Registrar's Office will utilize a new optical scan system for the November 2004 election. Ms. Lavine reported that a new bilingual sample ballot format will be provided to voters. Ballot cards will have a description of all the contests, (candidates and measures). Ms. Lavine demonstrated the scanning system.

**CONSENT CALENDAR ITEMS**

**Councilmember Briggs** abstained from voting on consent calendar agenda item 5.1 due to a conflict associated with payment of a warrant to Frontier Communications, in which he has a financial interest.

**Motion:** *M/S Cooper/Leary to approve the consent calendar items, except consent calendar items 5.1 and 5.17. The motion passed by the following vote: Ayes: 5; Noes: 0*

**Agenda Item 5.1:** *Approving Warrant Listing through August 31, 2004 (Warrants 009871 through 009968)*

**Motion:** *M/S Leary/Soares to approve consent calendar agenda item No. 5.1. The motion passed by the following vote: Ayes: 4; Noes: 0; abstentions: 1 (Briggs)*

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

**Agenda Item 5.3:** *Approving Minutes of the September 1, 2004 Regular City Council Meeting (correction made agenda item no. 7.1, to show Council vote as: Ayes: 3, Noes: 0; Absent: Scherman, Briggs)*  
**Approved by Consent**

**Agenda Item 5.4:** *Approving a proclamation of recognition celebrating the naming of the Roy Herburger Elementary School*  
**Approved by Consent**

**Agenda Item 5.5:** *Approving a proclamation of recognition celebrating the naming of the Arlene Hein Elementary School*  
**Approved by Consent**

**Agenda Item 5.6:** **Resolution 2004-225** *authorizing the City Engineer to submit to the Sacramento Transportation Authority (STA) in the name of the City of Elk Grove a request for the 2001-02 and 2002-03 Measure A Contingency funds to be applied to the Handicapped Access Program*  
**Approved by Consent**

**Agenda Item 5.7:** **Resolution 2004-226** *approving Parcel Map No. 03-471.00 Anderson/Alexander with Eugene R. and Teresa C. Anderson; and David N. and Sandra H. Alexander*  
**Approved by Consent**

**Agenda Item 5.8:** **Resolution 2004-227** *approving Parcel Map No. 03-557.00 U.C.D. Medical Center with Jackson-Laguna, a California General Partnership*  
**Approved by Consent**

**Agenda Item 5.9:** **Resolution 2004-228** *approving the final map for Laguna Business Park, Subdivision No. 02-305.00 with Pappas Gateway LP and Laguna Springs Corporate Center Buildings D&E, LLC*  
**Approved by Consent**

**Agenda Item 5.10:** **Resolution 2004-229** *adopting the revised Mitigated Monitoring Reporting Program (MMRP)/Conditions of Approval subject to a previously approved project consisting of an amendment to the Calvine 99 Special Planning Area, a Tentative Subdivision Map, and Design Review for Sheldon Place, Project No. EG-02-348*  
**Approved by Consent**

**Agenda Item 5.11:** **Resolution 2004-230** *authorizing the City Manager or his designee to execute a contract with M & M Electric, Inc. for construction of the Big Horn Boulevard/New Country Drive Traffic Signal System*  
**Approved by Consent**

**Agenda Item 5.12:** **Resolution 2004-231** *authorizing the City Manager or his designee to execute a Joint Funding Agreement with United States Geological Survey for the operation and maintenance of the stream gaging station on Laguna Creek*  
**Approved by Consent**

**Agenda Item 5.13:** **Resolution 2004-232** *approving the creation a special Swainson's Hawk Habitat Acquisition and Management Account*  
**Approved by Consent**

**Agenda Item 5.14:** *Honoring the 50<sup>th</sup> Anniversary of the Elk Grove Citizen of the Year Program*

**Approved by Consent**

**Agenda Item 5.15:** *Resolution 2004-233 authorizing the Mayor and City Manager or his designee to execute an agreement between Sacramento Regional Transit District and the City of Elk Grove for the transfer of services*

**Approved by Consent**

**Agenda Item 5.16:** *Resolution 2004-234 authorizing the Mayor to execute an agreement for the transfer certain fund balances between the County of Sacramento, Sacramento Regional Transit District and the City of Elk Grove for Development Impact Fees*

**Approved by Consent**

**Agenda Item 5.17:** *Resolution 2004-235 authorizing the City Manager or his designee to execute an agreement with MV Transportation, Inc. to operate the City's fixed route public transit services until June 30, 2009, and execute a lease agreement with MV Transportation, Inc. for conducting transit operations at the City's Corporation Yard*

**Michael Monasky** opposed privatization of the transit system and approval of the proposed agreements.

**City Attorney Manzanetti** noted that since the Council packet materials were distributed, minor changes were made to the agreement. He asked that the Council grant he and the City Manager the authority to sign contracts with MV if they are substantially in the form presented to the Council. Mr. Manzanetti noted that wording applicable to leasing and service provisions have been modified, although substantially similar to the document presented to the Council for consideration.

**Councilmember Cooper** stated he would like to have information on compensation and medical and health benefits paid to MV's employees.

**Motion:** *M/S Leary/Soares to authorize the City Manager or his designee, and City Attorney to execute an agreement with MV Transportation, Inc. to operate the City's fixed route public transit services until June 30, 2009, and execute a lease agreement with MV Transportation, Inc. for conducting transit operations at the City's Corporation Yard substantially in the form presented for Council's consideration. **The motion was passed by the following vote: Ayes: 5; Noes: 0***

**Agenda Item 5.18:** *Authorizing the City Manager or his designee to execute a contract with Escudero Web Services for website services*

**Approved by Consent**

***Agenda Item 5.19:*** *Approving a proclamation recognizing October 2004 as Disability Awareness Month 2004*  
**Approved by Consent**

## **PUBLIC HEARINGS**

***Agenda Item 6.1:*** *Continued Public Hearing: Elk Meadows, Project EG-03-457: to consider a Rezone of approximately 5 acres from AR-5 to RD-5, Tentative Subdivision Map to create 23 single family lots and 2 landscape lots, and Design Review for subdivision layout*

*Location: West side of Elk Grove-Florin Road, 100 yards north of the intersection of Elk Grove-Florin and Sheldon Roads*

**RECOMMENDATION:** Staff recommends the following actions:

1. Adopt a Mitigated Negative Declaration for Elk Meadows, Project No. EG-03-457
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 RD-5 for Elk Meadows, Project No. EG-03-457
3. Adopt a resolution approving the Tentative Subdivision Map and Design Review; and adopting the Mitigated Monitoring and Reporting Program (MMRP), for Elk Meadows, Project No. EG-03-457, subject to the Findings and Conditions of Approval/MMRP

**Sarah Kirchgessner** provided the staff report overview (presentation filed).

**Mayor Scherman** declared the public hearing open at 7:37 p.m.

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

**Constance Conley** addressed the heavy traffic on Sheldon Road between Elk Grove-Florin Road and Waterman Road. Ms. Conley recounted an accident at Sheldon and Waterman Roads wherein a death occurred resulting in the installation of four-way stop signs. She asked Council take action to improve the intersection safety.

**Mayor Scherman** closed the public comment opportunity at 7:40 p.m.

**Motion 1:** *M/S Cooper/Briggs to adopt a Mitigated Negative Declaration for Elk Meadows, Project No. EG-03-457. **The motion was 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 27-2004** of the City Council of the City of Elk Grove amending the Elk Grove Zoning Map from AR-5 to RD-5 for Elk Meadows, Project No. EG-03-457 **The motion was passed by the following vote: Ayes:5; Noes: 0***

**Motion 3:** *M/S Cooper/Briggs to adopt Resolution 2004-236 approving the Tentative Subdivision Map and Design Review; and adopting the Mitigated Monitoring and Reporting Program (MMRP), for Elk Meadows, Project No. EG-03-457, subject to the Findings and Conditions of Approval/MMRP. The motion was passed by the following vote: Ayes: 5; Noes: 0*

**Note:** *Council proceeded to Agenda Item No. 6.4 after hearing Agenda Item No. 6.1.*

**Agenda Item 6.2:** *Continued Public Hearing: Tobacco retail licensing ordinance and resolution establishing and setting fees*

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

1. Introduce and waive the full reading, by substitution of title only, an ordinance of the City Council of the City of Elk Grove adding Chapter 4.62 to Elk Grove Municipal Code requiring the Licensing of Tobacco Retailers and adding Chapter 1.11 to Elk Grove Municipal Code concerning Administrative Hearings
2. Adopt a resolution establishing a Tobacco Retailers License Fee

**Mayor Scherman** declared the public hearing open at 7:45 p.m.

**Police Chief Bob Simmons** provided the staff report overview.

**Mayor Scherman** opened the public comment opportunity at 7:50 p.m.

The following persons offered public comment in support of passage of the ordinance: **Dr. Glennah Trochet (County Health Officer), Carolyn Martin and Lorrie Comstock (Sacramento Lung Association on the County Tobacco Control Coalition); Brittany and Tonya**, under-aged decoys;

**Mayor Scherman** closed the public comment opportunity at 8:02 p.m.

**Motion 1:** *M/S Soares/Briggs to introduce and waive the full reading, by substitution of title only, Ordinance 28-2004 of the City Council of the City of Elk Grove adding Chapter 4.62 to Elk Grove Municipal Code requiring the Licensing of Tobacco Retailers and adding Chapter 1.11 to Elk Grove Municipal Code concerning Administrative Hearings. The motion was passed by the following vote: Ayes: 3; Noes: 0; Recusals: 2*

**Motion 2:** *M/S Soares/Briggs to adopt Resolution 2004-238 establishing a Tobacco Retailers License Fee. The motion was passed by the following vote: Ayes: 3; Noes: 0; Recusals: 2 (Leary, Cooper)*

**Note: Councilmembers returned to Agenda Item No. 6.4 at the conclusion of Agenda Item No. 6.2.**

**Agenda Item 6.3:** *Public Hearing: Consider and approve the Fiscal Year 2003-04 Consolidated Annual Performance and Evaluation Report for the use of Community Development Block Grant (CDBG) Funds*

**RECOMMENDATION:** Adopt a resolution approving the Fiscal Year 2003-04 Consolidated Annual Performance and Evaluation Report (CAPER) for the use of Community Development Block Grant (CDBG) Funds

**Mayor Scherman** declared the public hearing open at 8:21 p.m.

**Pamela Speciale** provided the staff report overview (presentation filed).

With no public requests to speak, **Mayor Scherman** closed the public comment opportunity at 8:27 p.m.

**Motion:** *M/S Leary/Cooper to adopt Resolution 2004-240 approving the Fiscal Year 2003-04 Consolidated Annual Performance and Evaluation Report (CAPER) for the use of Community Development Block Grant (CDBG) Funds. The motion was passed by the following vote: Ayes: 5; Noes: 0*

**Note: After concluding Agenda Item No. 6.3, Council proceeded to Agenda Item No. 6.5.**

**Agenda Item 6.4:** *Public Hearing: Call an election and declare the results of the special election for annexation to the Community Facilities District (CFD) No. 2003-2 (Police Services) Annexation No. 3; and levy and apportion the special tax to pay for police services*

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

1. Adopt a resolution calling an election to submit the question of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2003-2 (Police Services), Annexation No. 3 to the qualified electors
2. Direct the City Clerk to tabulate the votes cast and certify the election results to the Council
3. Adopt a resolution declaring the results of the special election for the Community Facilities District 2003-2 (Police Services) Annexation No. 3
4. Introduce and waive the full reading, by substitution of title only, an

ordinance of the City Council of the City of Elk Grove levying and apportioning the special tax in territory annexed into the Community Facilities District (CFD) 2003-2 (Police Services) Annexation No. 3

**Councilmember Cooper** announced that he and **Councilmember Leary** were recusing themselves from participation on Agenda Item Nos. 6.4 and 6.2 due to a conflict resulting from their employment with the Sacramento County Sheriff's Department. Both Councilmembers left the Council Chamber at 7:42 p.m.

**Joe Chinn** provided the staff report overview.

**Mayor Scherman** declared the public hearing open at 7:42 p.m.

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

**Motion 1:** *M/S Briggs/Soares to adopt Resolution 2004-237 calling an election to submit the question of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2003-2 (Police Services), Annexation No. 3 to the qualified electors. The motion was passed by the following vote: Ayes: 3; Noes: 0; Recusals: 2 (Leary, Cooper)*

**Motion 2:** *M/S Briggs/Soares to direct the City Clerk to tabulate the votes cast and certify the election results to the Council. The motion was passed by the following vote: Ayes: 3; Noes: 0; Recusals (Leary, Cooper)*

**Note:** *Council proceeded to Agenda Item No. 6.2 during the tabulation of the votes. After concluding Agenda Item No. 6.2, Council returned to Agenda Item No. 6.4 at 8:04 p.m. to consider the following:*

**Peggy Jackson**, City Clerk announced of five possible votes, five affirmative votes were cast in favor of levying and apportioning the special tax in territory annexed into the Community Facilities District (CFD) 2003-2 (Police Services) Annexation No. 3.

**Motion 3:** *M/S Briggs/Soares to adopt Resolution 2004-239 declaring the results of the special election for the Community Facilities District 2003-2 (Police Services) Annexation No. 3. The motion was passed by the following vote: Ayes:3; Noes: 0; Recusals: 2 (Leary, Cooper)*

**Motion 4:** *M/S Briggs/Soares to introduce and waive the full reading, by substitution of title only, Ordinance 29-2004 of the City Council of the City of Elk Grove levying and apportioning the special tax in territory annexed into the Community Facilities District (CFD) 2003-2 (Police Services) Annexation No. 3. The motion was passed by the following vote: Ayes: 3; Noes: 0; Recusals: 2 (Leary, Cooper)*

**Note: Council recessed at 8:12 p.m. and reconvened at 8:20 with all Councilmembers present. The Council proceeded to Agenda Item No. 6.3.**

**Agenda Item 6.5:** *Public Hearing: Levy Storm Drainage Fees on additional properties within the City limits and authorize the election*

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

1. Adopt a resolution calling an election regarding storm drainage fees on all remaining properties within the City limits that are not subject to a storm drainage levy
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 Chapter 15.10 of the Elk Grove Municipal Code relating to storm drainage service fees

**Mayor Scherman** declared the public hearing open at 8:29 p.m.

**Bob Lee** provided the staff report overview.

**Mayor Scherman** opened the public comment opportunity at 8:31 p.m.

**Greg Hardesty** questioned what services would be provided and what costs would be assessed to his property.

**Jim Miller** responded that the intent of the fee is to provide for the maintenance of future storm drain facilities. No fees would be assessed to existing farm land until such time permits were pulled to develop.

**Mayor Scherman** closed the public comment opportunity at 8:34 p.m.

**Motion 1:** *M/S Cooper/Briggs to adopt Resolution 2004-241 calling an election regarding storm drainage fees on all remaining properties within the City limits that are not subject to a storm drainage levy. The motion was passed by the following vote: Ayes: 5; Noes: 0*

**Motion 2:** *M/S Cooper/Briggs to introducing and waive the full reading, by substitution of title only, Ordinance 30-2004 of the City Council of the City of Elk Grove amending Chapter 15.10 of the Elk Grove Municipal Code relating to storm drainage service fees. The motion was passed by the following vote: Ayes: 5; Noes: 0*

**Agenda Item 6.6:** *Public Hearing: Sheldon Crossing, Project No. EG-03-560: to consider Rescinding Zoning Agreement 86-4728 and Design Review for 5 buildings totaling 36,615 square feet with site improvements*

*Location: northwest corner of Sheldon Road and Elk Grove-Florin Road*

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

1. Adopt a Mitigated Negative Declaration for Sheldon Crossing, Project No. EG-03-560
2. Adopt a resolution approving a Rescission of Zoning Agreement 86-4728 and Design Review, for Sheldon Crossing, Project No. EG-03-560, subject to the Findings and MMRP/Conditions of Approval

**Mayor Scherman** declared the public hearing open at 8:35 p.m.

**Craig Hoffman** provided the staff report overview (presentation filed).

**Dean Taise**, project architect, representing his Client, Mr. Cho, in response to **Councilmember Briggs'** confirmed that he would work with staff on the location of the bicycle racks.

**Mayor Scherman** opened the public comment opportunity at 8:45 p.m.

The following persons provided public comment in support of the project: **Leo Faesler** (representing GRESHA), **Tom Shine**.

**City Attorney Manzanetti** confirmed that rescission of the zoning agreement would allow the property to revert to General Commercial, which is a very permissive zoning category. To the extent Council is trying to avoid recurrence of the Bell South project, he stated that General Commercial does not provide those types of restrictions. He noted Council's alternatives to rescinding the agreement: 1) amend the zoning agreement; 2) initiate a rezone of the property to limited commercial.

In response to Councilmember discussion and concerns expressed, **Mr. Hoffman**, replied that the Council can modify the site plan.

**Christine Crawford** stated that a specific site plan is being considered for approval at this hearing. If the applicant at a future time wants to amend the site plan, they would be required to come back for approval, but approval would be limited to the architecture and site planning. The City can not deny based on use; use must be restricted through the zoning process as identified earlier by the City Attorney.

After some discussion, Mr. Taise offered that a condition be placed against the property that a drive-thru business would not be allowed.

**Mayor Scherman** closed the public comment opportunity at 8:50 p.m.

**Motion 1:** *M/S Leary/Cooper to adopt the Mitigated Negative Declaration for Sheldon Crossing, Project No. EG-03-560 and at the request of the applicant include a condition*

*that prohibits drive-thru businesses from the property. **The motion was passed by the following vote: Ayes: 5; Noes: 0***

**Motion 2:** *M/S Leary/Soares to adopt Resolution 2004-242 approving a Rescission of Zoning Agreement 86-4728 and Design Review, for Sheldon Crossing, Project No. EG-03-560, subject to the Findings and MMRP, and amended Conditions of Approval to include, at the request of the applicant, a condition prohibiting drive-thru operations as part of the property. **The motion was passed by the following vote: Ayes: 5; Noes: 0***

## **REGULAR ACTION ITEMS/RECOMMENDATIONS**

**Agenda Item 7.1:** Laguna West Zoning - discuss the existing Travel Commercial zoning compatibility with the adjoining residential development

**RECOMMENDATION:** Provide direction to staff regarding Council's wishes to amend the existing Travel Commercial (TC) zoning in Laguna West to a different zoning designation

**Bill Pable** provided the staff report review (presentation filed). Mr. Pable stated that due to the recent annexation of Laguna West, should the Council proceed with a city-initiated rezone, a finding would be necessary at a subsequent public hearing that there is a substantial change in circumstances since the annexation.

In response to **Mayor Pro Tem Soares'** question on imposing a moratorium until the rezoning is possible, **City Attorney Manzanetti** responded that while it is an option, it would be necessary to support with substantial findings, including a study to support the moratorium.

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

**Fedolia Harris** requested the City consider rezoning part, if not all, of the Travel Commercial sites to a less intense zone.

**Jackson Fong** encouraged the Council to proceed with rezoning for businesses to serve the immediate area.

**Dannetta Garcia** thanked Councilmember Cooper for his supportive comments in the newspaper relative to her voter outreach efforts. She also thanked Councilmember Leary for his support.

Relative to the length of time for the study, Ms. Garcia asked that the Council support two to three community meetings to deliberate the issue and to provide adequate public notice.

**Mayor Scherman** read a communication (filed) from **Mr. Vince Lena** in support of rezoning the property in question.

**Mayor Pro Tem Soares** read a letter (filed) received from Debbie Cunningham.

**Councilmember Briggs** read a statement (filed) from **Ed Klinenberg**, President of Lakeside Community Homeowner's Association, supporting a revision of the existing travel commercial zoning in the Laguna West area.

In response to **Councilmember Leary's** inquiry to the City Attorney relative to the ease of succeeding in this effort, **Mr. Manzanetti** answered that he did not know whether it would be easy, and the research will determine whether the necessary findings will substantiate the rezoning. If the research shows that substantial change has occurred, he felt the City could make the findings and change, and the City should be able to prevail in a court of law.

City Attorney Manzanetti clarified that the two-year imposition of no rezoning and the exception for change in a newly annexed area is by State statute, not agreement with the County.

In response to **Mayor Scherman** relative to existing development agreements impacting the findings, **Mr. Manzanetti** acknowledged that development agreements would have to be taken into consideration in the process.

**Motion:** *M/S Briggs/Cooper to direct staff to proceed with a City-initiated rezone of the Travel Commercial (TC) zoning in Laguna West, a market analysis, community meetings, returning revised zoning maps for Council's consideration. **The motion was passed by the following vote: Ayes: 5; Noes: 0***

**Agenda Item 7.2:** *Old Town Sheldon Design Guidelines: a work session to discuss whether design guidelines are needed in the Old Town Sheldon area and provide direction to staff regarding how the City Council may wish to respond to this issue*

**RECOMMENDATION:** Provide direction on establishing design guidelines for Old Town Sheldon by directing staff to implement one of the following options:

1. Adopt the Sheldon Community Association (SCA) guidelines as submitted; **or**
2. Adopt the SCA guidelines as submitted but as an interim measure pending finalization of more thorough standards; **or**
3. Prepare a new Special Planning Area for Sheldon Old Town

**Bill Pable**, project planner, provided the staff report overview (presentation filed).

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

**William Meyers** (Sheldon Community Association) spoke in support of the Specific Plan Amendment if that is the only practical manner of controlling with land-use issues and to use the interim guidelines until such time that the SPA is adopted.

**George Murphy** spoke in favor of adopting the SCA plan as an interim measure pending finalization of an SPA.

**Leo Fassler** supported Council take action to support the Sheldon Community Association's cause and preserving the Old Town Sheldon area.

***Motion:*** *M/S Cooper/Leary to adopt the guidelines submitted by the Sheldon Community Association for Old Town Sheldon as an interim measure and direct staff to prepare a new Special Planning Area (SPA) for Sheldon Old Town. The motion was passed by the following vote: Ayes: 5; Noes: 0*

## **GENERAL ADMINISTRATION INFORMATION**

- a. Notice provided on the necessity to amend the City's Conflict of Interest Code
- b. The October 6 City Council meeting is cancelled.

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

### **Councilmember Leary**

- Requested an update on the status of grants to the City for trails in reference to the article in the Sacramento Bee.
- The Laguna Oaks Apartments at Laguna Oaks Drive and Laguna Boulevard is in the process of being sold. He questioned whether the apartments, if converted to condominiums, could be considered as affordable housing stock.
- The City met with the Elk Grove Water Work today. He requested a report, and noted that the Water Subcommittee is eager to meet with them. He suggested a meeting with the Board or representatives.

### **Mayor Pro Tem Soares**

- Requested the City Attorney return a report to the next Council meeting on the status of the interim law enforcement contract.

- Requested Assistant City Manager Fitzwater provide information on returning the Policy and Code of Ethics document that he has been working on for several months.

**Mr. Fitzwater** responded that the document should be returned for Council consideration the first part of December.

### **Councilmember Briggs**

- In reference to recent storm calamities in Florida, requested an update on Public Works readiness for the approaching season.

### **Mayor Scherman**

- Announced that the Regional Sanitation District is in the process of notifying senior citizens relative to Senior Lifeline Rebate information. She asked that the literature be distributed and notice be put on the City's website. Applications will also be mailed in the November/December Regional Sanitation District's utility billing.
- Noted that as adopted on this evenings consent calendar, October is declared Disability Awareness Month.
- Requested a report on the Old Town revitalization project status.
- Elk Grove Boulevard is under contract for resurfacing and should be completed before the temperature drops.
- Requested a report on signs and banners hanging on buildings for months relative to "grand openings", real estate, etc.

**Christine Crawford**, Planning Director, responded that staff is addressing the issue through the revision of the Planning Code.

### **CLOSED SESSION**

None.

**ADJOURNMENT**

With no other business for the Council to consider, the City Council meeting was adjourned at 10:05 p.m.

**\_\_\_\_\_  
PEGGY JACKSON, CITY CLERK**

**ATTEST:**

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