

CITY OF ELK GROVE

Incorporated July 1, 2000

**MINUTES OF THE CITY COUNCIL
REGULAR MEETING
Wednesday, October 20, 2004
CITY HALL COUNCIL CHAMBERS**

CALL TO ORDER/ROLL CALL

Mayor Scherman called the October 20, 2004 regular City Council meeting to order at 6:43 p.m.

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

Absent: Councilmember Cooper,
Councilmember Leary (arrived at 7:02p.m.)

Cub Scout Troop 176 led the led the Pledge of Allegiance.

PUBLIC COMMENT

Tom Shine noted that campaign signs for Councilmember candidates are disappearing, while signs for candidates for the Community Services District Board of Directors remain. Mr. Shine questioned whether there is selective removal. He also asked that candidates maintain their signs. He also complemented on the City's new **e-tran** and hoped that there will be enough riders to sustain and maintain the system. He encouraged appropriate shelters for riders.

Constance Conley criticized Councilmembers Cooper and Leary for their absence from the last Council meeting prior to election. She referred to her prior request for Council's help to increase the safety at the Sheldon / Waterman intersection, with no response from the Council. After contact with Public Works employee Joe Semon, the stop sign was relocated to increase visibility and speed limits are now being monitored.

Dannetta Garcia criticized the incumbents for not participating in citizen-driven election debates.

Lisa Dixon criticized the Council on budget allocations to community organizations in comparison to the policy on educational reimbursement, particularly funds paid to Councilmember Cooper. She requested that the City Manager have a special meeting to allow citizens to review the perks and benefits given to elected and appointed officials.

APPROVAL OF AGENDA

Motion: *M/S Briggs/Soares to approve the agenda. The motion passed by the following vote: Ayes: 3; Noes: 0; Absent: Cooper, Leary*

PRESENTATIONS/ANNOUNCEMENTS

None.

CONSENT CALENDAR ITEMS

Councilmember Leary arrived at 7:02 p.m. prior to consideration of consent calendar items.

Prior to action on the Consent Calendar, the City Clerk announced that there was an amendment to the contract presented with Agenda Item No. 5.20, changing the professional liability insurance provision to \$1,000,000.

Councilmember Briggs announced that due to an economic interest in Frontier Communication, an income source, he recused himself from participating in the vote on Item 5.1, approval of warrants, to the extent that it addresses the payment of money to Frontier Communications.

Councilmember Leary recused himself from participating on approval of Consent Items 5.5 and 5.6.

Motion: *M/S Soares/Scherman to approve the consent calendar items, except 5.1, 5.5, 5.6. The motion passed by the following vote: Ayes: 4, (Councilmember Briggs recused himself from approval of 5.1 to the extent it applies to payment to Frontier Communications); Noes: 0; Absent: Cooper.*

Agenda Item 5.1: *Approve Warrant Listing through September 23, 2004 (Warrants 09969 through 10166) and a Approve Warrant Listing through October 5, 2004 (Warrants 10167 through 10276)*

Motion: *M/S Soares/Leary to approve 5.1, the warrant listing. The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: Cooper. (Councilmember Briggs recused from approving payment to Frontier Communications. See recusal statement at beginning of Consent Calendar.)*

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

Agenda Item 5.3: Adopt **Resolution 2004-243** accepting subdivision improvements for Tributary Pointe Unit A Village 2B and Windsor Glen
Approved by Consent

Agenda Item 5.4: Adopt **Ordinance No. 27-2004**, 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 (**Second Reading**)
Approved by Consent

Agenda Item 5.5: Adopt **Ordinance No. 28-2004**, 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 (**Second Reading**)

Agenda Item 5.6: Adopt **Ordinance No. 29-2004**, 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 (**Second Reading**)

Motion: M/S Soares/Briggs to approve Agenda Items 5.5, 5.6. **The motion passed by the following vote: Ayes: 3; Noes: 0; Absent: Cooper; Recusal: 1** (See recusal statement by Councilmember Leary at beginning of Consent Calendar).

Agenda Item 5.7: Adopt **Ordinance No. 30-2004**, an ordinance of the City Council of the City of Elk Grove amending Chapter 15.10 of Elk Grove Municipal Code relating to storm drainage service fees (**Second Reading**)
Approved by Consent

Agenda Item 5.8: **Resolution 2004-244** approving the transfer of \$3,500,000 from the General Fund Reserve Account to the Internal Service-Facility Fund for future acquisition of capital facilities
Approved by Consent

Agenda Item 5.9: **Resolution 2004-245** authorizing the Mayor to execute Reimbursement Agreement No. RC2004-09 with Centex Homes for landscaping improvements along Drainage Shed B in the Laguna South Public Facilities Fee Program
Approved by Consent

Agenda Item 5.10: **Resolution 2004-246** authorizing the Mayor to execute three Joint Community Facilities District agreements with the County of Sacramento for the Laguna, the Laguna West and the Lakeside Community Facilities Districts
Approved by Consent

Agenda Item 5.11: *Resolution 2004-247 approving the final map for Fife Ranch Estates, Subdivision No. 02-380.00 and authorize the Mayor to execute a subdivision improvement agreement with KB Home North Bay, Inc.*

Approved by Consent

Agenda Item 5.12: *Resolution 2004-248 approving the final map for Newton Ranch Unit 2, Subdivision No. 02-370.02 and authorize the Mayor to execute a subdivision improvement agreement with Elk Grove Water Works, LLC*

Approved by Consent

Agenda Item 5.13: *Resolution 2004-249 authorizing the City Manager or his designee to execute an agreement with Wood Rodgers, Inc. for the Franklin Boulevard Widening Project*

Approved by Consent

Agenda Item 5.14: *Resolution 2004-250 authorizing the City Manager or his designee to execute an agreement with Biondi Paving, Inc. for the Grant Line Road at Sheldon Road Intersection Improvement Project*

Approved by Consent

Agenda Item 5.15: *Resolution 2004-251 authorizing the City Manager or his designee to execute an agreement with Pacific Excavation, Inc. for the Grant Line Road and East Stockton Boulevard Traffic Signal Project*

Approved by Consent

Agenda Item 5.16: *Resolution 2004-252 authorizing the City Manager or his designee to execute an agreement with Martin General Engineering, Inc. for the East Stockton Boulevard and Sheldon Road Interim Improvement Project*

Approved by Consent

Agenda Item 5.17: *Resolution 2004-253 authorizing the City Manager or his designee to cast the City's ballot in favor of levying a stormwater drainage fee on City-owned properties: Assessor Parcel Numbers 132-002-0151-0000, 132-003-0063-0000, 132-003-0062-0000, 132-003-0072-0000, and 132-150-0099-0000*

Approved by Consent

Agenda Item 5.18: *Resolution 2004-254 approving traffic calming measures for the Camden /Eagle Point /Sheldon North Neighborhood Livability Pilot Program and construction of Phase A Traffic Calming Plan*

Approved by Consent

Agenda Item 5.19: *Resolution 2004-255 authorizing the City Manager or his designee to execute an agreement with Elk Grove Unified School District for use of an Emergency Services Wireless Communications System and purchase equipment*

Approved by Consent

Agenda Item 5.20: *Resolution 2004-256 authorizing the City Manager or his designee to execute an amended agreement with Network Design Associates (NDA) for information technology consulting services*

Approved by Consent

Agenda Item 5.21: *Resolution 2004-257 authorizing the City Manager or his designee to execute an amended agreement with Transit Marketing, LLC for development of branding and identity of transit system and ridership promotion*

Approved by Consent

Agenda Item 5.22: *Resolution 2004-258 authorizing the City Manager or his designee to execute an amended agreement with Ameritrans Service Corporation for engineering support / bus remanufacturing inspection services*

Approved by Consent

Agenda Item 5.23: *Resolution 2004-259 authorizing the City Manager or his designee to execute a Memorandum of Agreement with United States Army Corps of Engineers for the provision of dedicated Corps staff support for processing federal permits under Section 404 of the Federal Clean Water Act*

Approved by Consent

Agenda Item 5.24: *Resolution 2004-260 appointing Mayor Pro Tem Soares as the City's representative to the Sacramento Regional Transit District Board of Directors*

Approved by Consent

Agenda Item 5.25: *Approve a Proclamation of Recognition honoring Stanley Carrothers as the Elk Grove 2004 Citizen of the Year*

Approved by Consent

PUBLIC HEARINGS

Agenda Item 6.1: *Public Hearing: Determining to levy assessments in Street Maintenance District No. 1, Zone 3 Annexation No. 2 for certain properties in the Eastern Area*

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 Supplement No. 2 to the Engineer's Report, and levy the assessments within Street Maintenance District No. 1, Zone 3 Annexation No. 2 for certain properties in the Eastern

Mayor Scherman declared the public hearing open at 7:04 p.m.

Joe Chinn provided the staff report overview.

With no public requests to speak, **Mayor Scherman** closed the public comment opportunity at 7:05 p.m.

Motion: *M/S Briggs/Leary to direct the City Clerk to tabulate the ballots. The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: Cooper*

The City Clerk requested a brief recess to confer with the City Attorney and Mr. Chinn.

After reconvening from a short recess, the Clerk announced that a majority vote was received in favor of levying the assessments.

Motion: *M/S Soares/Leary adopting Resolution 2004-261 approving Supplement No. 2 to the Engineer's Report, and levy the assessments within Street Maintenance District No. 1, Zone 3 Annexation No. 2 for certain properties in the Eastern Area. The motion was passed by the following vote: Ayes: 4; Noes: 0; Absent: Cooper*

Agenda Item 6.2: *Public Hearing: Tax Equity and Fiscal Responsibility Act (TEFRA): to consider the issuance of bonds by the California Statewide Communities Development Authority for the Crossings at Elk Grove on behalf of Urban Housing communities (UHC) Elk Grove, LP*

RECOMMENDATION: Adopt a resolution approving the issuance of multifamily revenue bonds by the California Statewide Communities Development Authority for the Crossings at Elk Grove on behalf of UHC Elk Grove LP

Mayor Scherman declared the public hearing open at 7:10 p.m.

Beth Thompson provided the staff report overview.

With no public requests to speak, **Mayor Scherman** closed the public comment opportunity at 7:11 p.m.

Motion: *M/S Leary/Briggs adopting Resolution 2004-262 approving the issuance of multifamily revenue bonds by the California Statewide Communities Development Authority for the Crossings at Elk Grove on behalf of UHC Elk Grove LP. The motion was passed by the following vote: Ayes: 4; Noes: 0; Absent: Cooper*

Agenda Item 6.3: *Public Hearing: Amend Chapter 1.11 of Elk Grove Municipal Code relating to Appeal Procedures and adding Chapter 1.12 to Elk Grove Municipal Code relating to Administrative Citations; and adopt a resolution establishing procedures for, and a \$1,000 fee to recover the costs of, conducting administrative hearings, and repeal the resolution which created a \$1,000 hearing officer fee specifically for stormwater related appeals*

RECOMMENDATION: Staff recommends the City Council take the following actions:

1. 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 1.11 of Elk Grove Municipal Code relating to appeal procedures and adding Chapter 1.12 to Elk Grove Municipal Code relating to administrative citations
2. Adopt a resolution establishing procedures for, and a \$1,000 fee to recover the cost of, conducting administrative hearings for all purposes
3. Repeal Resolution 2004-150 which created an administrative fee to pay for the cost of conducting administrative hearings related only to the enforcement of the City's stormwater ordinance.

Mayor Scherman declared the public hearing open at 7:13 p.m.

Anthony Manzanetti provided the staff report overview.

With no public requests to speak, **Mayor Scherman** closed the public comment opportunity at 7:14 p.m.

Motion 1: *M/S Leary/Soares to introduce and waive the full reading, by substitution of title only, **Ordinance 31-2004** of the City Council of the City of Elk Grove amending Chapter 1.11 of Elk Grove Municipal Code relating to appeal procedures and adding Chapter 1.12 to Elk Grove Municipal Code relating to administrative citations. **The motion was passed by the following vote: Ayes: 4; Noes: 0; Absent: Cooper***

Motion 2: *M/S Leary/Soares adopting **Resolution 2004-263** establishing procedures for, and a \$1,000 fee to recover the cost of, conducting administrative hearings for all purposes and repealing **Resolution 2004-150** which created an administrative fee to pay for the cost of conducting administrative hearings related only to the enforcement of the City's stormwater ordinance. **The motion was passed by the following vote: Ayes: 4; Noes: 0; Absent: Cooper***

REGULAR ACTION ITEMS/RECOMMENDATIONS

Agenda Item 7.1: *Approve an agreement with Elk Grove Community Garden for improvements to the City of Elk Grove's property in Hampton Village*

RECOMMENDATION: Authorize the Mayor to execute an agreement with Elk Grove Food Bank Service dba Elk Grove Community Garden for improvements to the City's property in Hampton Village

Motion: *M/S Briggs/Soares to approve and authorize the Mayor to execute an agreement with Elk Grove Community Food Bank Service dba Elk Grove Community Garden and Learning Center and approve the Improvement Plan for the Community Garden Site on City-owned land. **The motion was passed by the following vote: Ayes: 4; Noes: 0; Absent: Cooper***

Agenda Item 7.2: *Adopt an ordinance of the City Council of the City of Elk Grove amending the provisions for the appointment of Planning Commissioners*

RECOMMENDATION: Introduce and waive the full reading, by substitution of title only, an ordinance of the City Council of the City of Elk Grove amending Ordinance No. 2000-2, Section 4 relating to the establishment of the City of Elk Grove Planning Commission as the Planning Agency of the City

City Attorney Manzanetti provided the staff report overview. The amendment addresses changing appointment of Planning Commissioners from even-numbered years to odd-numbered years following the general municipal election.

Motion: *M/S Briggs/Leary to introduce and waive the full reading, by substitution of title only **Ordinance 32-2004** of the City Council of the City of Elk Grove amending Ordinance No. 2000-2, Section 4 relating to the establishment of the City of Elk Grove Planning Commission as the Planning Agency of the City. **The motion was passed by the following vote: Ayes: 4; Noes: 0; Absent: Cooper***

GENERAL ADMINISTRATION INFORMATION

City Attorney Manzanetti provided the following chronology of events relative to Council's direction on negotiating a memorandum of understanding between the City and the Sheriff's Department.

Mr. Manzanetti noted to Councilmember Leary that this was a matter in which he should not participate, but believed it unnecessary for him to leave the dais.

On July 26, 2004, Mr. Manzanetti and Glenn Powell, legal counsel for the Sacramento County Sheriff's Department exchanged correspondence, resulting in a first draft MOU from Mr. Powell.

Thereafter, Mr. Manzanetti, Mr. Danielson, Mr. Powell and John McGiness to discuss the purpose of the MOU, to bring the contractual parties to an understanding in the event that the Sheriff's contract were to become voided, as a stop-gap measure.

On August 9, 2004, on inquiry, Mr. Manzanetti was informed that when Sheriff Blanas returned from Greece, he would be able to provide additional information. After his return, Mr. Manzanetti was told that it was the preference of the Sheriff's Office to reserve the MOU until such time as the contract may be vitiated. Further, it was suggested that from a political perspective, the MOU suggests that the contract is suspect, which at this time, there is no evidence in that regard.

As a result, Mr. Danielson and Mr. Blanas had additional communication and on September 22, correspondence was received indicating that Sheriff Blanas and Mr. Danielson wanted to renew the draft MOU with amended language. Mr. Manzanetti

reported reviewing the draft MOU and returned a signed original to the Sheriff's Department.

On October 5, Mr. Manzanetti inquired on the MOU status and was told that everything was on hold until some other matters are taken care of.

Mayor Pro Tem Soares commented that he had been tasked by the Council to follow-up on this item and to get the MOU negotiated.

Staff was directed to return this as an action item at the November 3, 2004 Council meeting.

Per City Manager Danielson, **Intergovernmental Relations Officer Cody Tubbs** provided the following report on California State Department of Parks grants:

Mr. Tubbs recounted Councilmember Leary's comments at the last Council meeting regarding the Old Town Merchant's Association Bike Path Grant conveyed to the City of Elk Grove. The State of California Controller, following media reports of grant funding improperly used by the City and County of San Francisco, launched an investigation reviewing grants, including the Old Town Bike Path grant. The Controller directed the State Department of Parks and Recreation to return a \$98,000 grant to the State General Fund previously designated for bike path improvements in Old Town.

It has been conveyed to the Controller's Office by a number of sources, that these funds would be used according to previously stated intentions. In response to continued requests from the Controller's Office, staff is providing documentation and will do all things necessary to retain the grant funds. No final determination has been made by the Controller and staff will continue to keep the Council informed on the status of the issue.

COUNCIL COMMENTS/FUTURE AGENDA ITEMS

Councilmember Leary

- **Widening of St. Rt. 99 north and southbound lanes between Elk Grove Boulevard and Grant Line Road.** Inquired what plans or funding is in place to expand Highway 99 from two to three lanes between Elk Grove Boulevard and Grant Line Road in conjunction with the improvement of the Grant Line/99 Interchange.
- **Sheldon Rd. / St. Rt. 99 Interchange funding.** Questioned whether funding is being withheld.

Michael Kashiwagi responded that as a result of the air quality conformity lapse, funding to the entire region is being reviewed, and the Sheldon Road /

St. Rt. 99 interchange project may be delayed by four to six months. Mr. Kashiwagi noted that additional information could be provided via a memo to the Council.

Councilmember Leary addressed improvements that the City of Elk Grove made to the southbound off-ramp at Sheldon Road without support from the City of Sacramento, even though that quadrant is in Sacramento's jurisdiction. He urged Public Works staff to consider improvements at the Sheldon Road / East Stockton Boulevard to provide eastbound turns from E. Stockton Boulevard onto Sheldon Road, and northbound turns from Sheldon Road onto eastbound E. Stockton Boulevard to Hwy. 99. He expressed that the Sheldon / 99 Interchange improvement project is a high priority for the City.

- **Update of Park and Fire Development Fees – East Franklin Specific Plan area.** Noted receiving a memorandum from Rita Velasquez, General Manager of the Community Service District on the significant increase to these fees. Questioned how the City is prepared to provide funding, such as through a landscape and lighting maintenance district and requested an update, particularly in relation to the Laguna Ridge project.
- **Trader Joe's Grand Opening.** Scheduled for Friday, October 22.

Mayor Pro Tem Soares

- **Update on the Waste Management Program** for 11/3/04 Council meeting.
- **Curb and gutter improvements on the west side of the Regional Park.** Improvements for ADA compliance and other reasons have been made. He requested an update on the status of the improvements and would like an update to be provided to the media how various areas will be impacted, what interruption to services might be effected.
- **Elk Grove Boulevard Overlay.** Due to inclement weather, asked whether the overlay will be completed prior to the new year.

Councilmember Briggs

- **Truck deliveries to Waterman area.** Questioned whether the delivery of goods and services are being limited to ingress and egress from Waterman due to restrictions on Bond and Elk Grove Boulevard. Truck traffic is limited to Grant Line Road. He questioned whether Mosher Road is going to be widened and a traffic signal installed and inquired whether the schedule for increasing Mosher Road from a two-lane to four-lane road might be hastened. Requested a report from staff on the time line for improvement to Grant Line and Waterman.

Mayor Scherman

- **Appointment to Regional Transit Board.** Recognized Mayor Pro Tem Soares' appointment to the Board representing Elk Grove (consent calendar).
- **Storm Drainage / Street Sweeping.** Requested assistance to Renwick Square seniors in cleaning drains and gutters due to recent storms.
- **Status Report on Elk Grove Boulevard Overlay.** Requested.
- **Damage to newly poured concrete.** Received photographs from a constituent on Ranch Park Drive reporting damage to newly poured concrete by neighborhood children. The police department was notified and their parents were notified. Mayor Scherman provided materials to Chief Simmons.

CLOSED SESSION

None.

ADJOURNMENT

With no other business for the Council to consider, the City Council meeting was adjourned at 7:44 p.m.

PEGGY JACKSON, CITY CLERK

ATTEST:

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