

CITY OF ELK GROVE

Incorporated July 1, 2000

MINUTES OF THE CITY COUNCIL REGULAR AND SPECIAL MEETINGS Wednesday, November 3, 2004 CITY HALL COUNCIL CHAMBERS

CALL TO ORDER/ROLL CALL

Mayor Scherman called the November 3, 2004 regular and special meetings of the City Council to order at 6:30 p.m.

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

Absent: None

Motion: M/S **Briggs/Cooper** to consider and approve the special meeting item with the regular City Council meeting Consent Calendar. ***The motion passed by the following vote: Ayes: 5; Noes: 0***

Elk Grove Community Services District Fire Chief Keith Grueneberg led the Pledge of Allegiance.

PUBLIC COMMENT

The following persons provided public comment on items not on the agenda:

Milt Webb (Elk Grove Historical Society), thanked BFI for supporting the Society by donating a dumpster for their use (letter filed) during construction.

Jeff Ramos, EGCSO, congratulated the incumbents on their re-elections and stated the urgency of the Council taking action on the park development fee update in the Laguna South area (letter filed).

Mary Addi congratulated the incumbents on their re-election and questioned the motives behind accepting and accumulating large campaign contributions. She suggested perhaps the funds would have been better used as scholarship funds. She stated if any of the councilmembers are indicted, citizens would ask for a recall.

Pam Spittler asked that the issue of speeding in neighborhoods be re-addressed. She commented on how the votes were cast in the election, stating low voter participation in Council contests.

Dannetta Garcia addressed each of the Councilmembers and reported not voting for any.

Lisa Dixon agreed with and echoed the comments of the previous three speakers. She encouraged the newly re-elected Councilmembers reach out to those voters who did not cast their votes in favor of their re-election to find out why.

Constance Conley commented on the tuition reimbursement paid to Councilmember Cooper and suggested other uses where the tax dollars might have been better expended.

APPROVAL OF AGENDA

Motion: *M/S Cooper/Briggs to approve the agenda.*

Councilmember Briggs left the chambers, withdrawing his second. Mayor Scherman announced that Councilmember Briggs recused himself from participating on Public Hearing Item No. 6.1 due to a conflict of interest.

Motion amended: *M/S Cooper/Soares to approve the agenda, including granting the request of the applicant to continue public hearing item No. 6.1 (Elk Grove Park/Verizon Wireless Appeal, Project EG-04-665 to December 1, 2004. **The motion passed by the following vote: Ayes 4; Noes 0; Recusals: 1 (Briggs)***

PRESENTATIONS/ANNOUNCEMENTS

Agenda Item No. 4.1: Neighborhood Clean Up program Solid Waste Issues

Cedar Kehoe stated that the transition from Waste Management to BFI is completed. During transition and deployment of new carts, the neighborhood clean up program was postponed for safety purposes. BFI has launched the clean up program effective November 1. The program will be completed within an eight month period. An insert will be included with the next billing mapping the cleanup areas. A door hanger explaining the service will be delivered to each household one week prior to pickup. Greenwaste and trash pickup will be suspended on Thanksgiving Day with pickup the following Friday, November 26. Friday's regular pickup will be on Saturday, November 27.

Jerry Mayberry, BFI, noted that the West Laguna area has not received a pickup for an extended period of time and will receive cleanup service in December.

Agenda Item No. 4.2: Sacramento Area Council of Governments (SACOG) – Elk Grove - Rancho Cordova – El Dorado Connector; presentation by Ken Hough

Mr. Hough presented alternate connector proposals (report filed).

Public Comment was presented by the following persons: **Nadine Carpenter, June Coats, Jerald Drobesh** (plan submitted), **George Murphey, Sharon Lynes, Barbara Lemar, Shirley Peters, Constance Conley, Lisa Dixon, Tom Shine, Tom Pooler.**

After hearing community protests, concerns, and comments on the proposed plans, and impacts to the Sheldon area, and after considerable Council discussion, Council directed that the item on the consent calendar be continued.

CONSENT CALENDAR ITEMS

Councilmember Briggs announced that due to an economic interest in Frontier Communication, an income source, he is recused 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.

Public Comment:

Lisa Dixon, regarding Consent Calendar Item No. 5.8, noted that consideration and notice needs to be made for and to those residents whose properties that will be impacted by the widening of Bradshaw Road to six lanes.

Dannetta Garcia, regarding Consent Calendar Item No. 5.1, requested a refund from BFI for the pickup cost of \$7.50 charged to her on a day that she forgot to put out her trash. She stated the company should be penalized for disposing the waste and recycled material. She asked for an explanation in writing from the City regarding the incident.

Councilmember Cooper asked for a response to be made to Ms. Garcia and to the Council.

Regarding Consent Calendar Item No. 5.8, she felt the stakeholders need additional time to grasp the issue. She felt it necessary for those Councilmembers sitting on regional board to report on issues and actions taken.

Ms. Garcia commented on Council's decision to forego rushing to a decision on Agenda No. 5.8 and regretted that Council had not taken the same avenue when approving the Council District map.

Shirley Peters noted attending the SACOG Blueprint meetings and stated that people in the Sheldon area are concerned that Bradshaw Road will be a six lane road to the devastation of the community.

Motion: M/S **Cooper/Leary** to approve the consent calendar items 5.1 – 5.7, 5.10 – 5.13, and special City Council meeting 2.1 (MOU with Regional Transit relative to Board membership)). **The motion passed by the following vote: Ayes: 5; Noes: 0 (See recusal statement by Councilmember Briggs. Councilmember Briggs affirmative vote on this item excludes approval of the warrant for Frontier Communications.)**

Councilmember Cooper announced that he and Councilmember Leary were recusing themselves from participating on Consent Calendar items 5.9 and 5.14 due to their employment with the Sacramento County Sheriff's Department.

Motion: M/S **Soares/Briggs** to approve Consent Calendar items 5.9, 5.14. **The motion passed by the following vote: Ayes: 3; Noes: 0; Recusals: 2 (Cooper, Leary)**

Motion: M/S **Leary/Cooper** to pull consideration of consent calendar item No. 5.8 until the December 1, 2004 Council meeting. **The motion passed by the following vote: Ayes: 5; Noes: 0**

Agenda Item 5.1: Approve Warrant Listing through October 19, 2004 (Warrants 10277 through 10567)

Approved by Consent; Note: Councilmember Briggs recused himself from voting to approve the warrant for Frontier Communications.

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

Agenda Item 5.3: Approve Minutes of the September 15, 2004 and October 20, 2004 Regular City Council Meetings; and the October 20, 2004 Special City Council Meeting Minutes

Approved by Consent

Agenda Item 5.4: Adopt **Ordinance No. 31-2004**, 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 (**Second Reading**)

Approved by Consent

Agenda Item 5.5: Adopt **Ordinance No. 32-2004**, 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 (**Second Reading**)

Agenda Item 5.6: **Resolution 2004-264** authorizing the Mayor to execute an agreement with the Elk Grove Community Services District to provide Fire Prevention Permit Services at the City Hall Permit Counter

Agenda Item 5.7: *Resolution 2004-265 authorizing the City Engineer to Call for Bids for the Laguna Boulevard and Laguna Springs Drive Intersection Improvement Project*
Schedules Bid opening for December 2, 2004
Approved by Consent

Agenda Item 5.8: *Approve the Draft Elk Grove – Rancho Cordova – El Dorado Connector Concept Plan, support the alignment of Alternative III and endorse the environmental evaluation of each alternative*
Pulled from consideration until the December 1, 2004 City Council meeting. (See vote above).

Agenda Item 5.9: *Resolution 2004-266 approving an application and authorizing implementation of the Office of Traffic Safety (OTS) programs “Avoid the 12 DUI Campaign” and the “Vehicle Impound” program grants*
Approved concurrently with agenda item No. 5.14; See vote above; Councilmembers Cooper, Leary recused themselves from participation.

Agenda Item 5.10: *Resolution 2004-267 authorizing the City Manager or his designee to execute a Memorandum of Understanding with Sacramento Transportation Authority (STA) for a pro rata share of funding required to implement the Sacramento Transportation and Air Quality Collaborative during Fiscal Year 2004-05*
Approved by Consent

Agenda Item 5.11: *Resolution 2004-268 approving the Emergency Repair Loan Program guidelines and authorize staff to begin implementation of the program*
Approved by Consent

Agenda Item 5.12: *Resolution 2004-269 authorizing the City Manager or his designee to execute an agreement and subsequent amendments with the County of Sacramento to provide emergency hazardous materials response services to the City of Elk Grove*
Approved by Consent

Agenda Item 5.13: *Resolution 2004-270 adopting a resolution declaring the City Council’s intention to levy street maintenance assessments by annexing certain properties in Street Maintenance District No.1, Zone 3 Annexation 3*
Schedules a Public Hearing for January 5, 2005
Approved by Consent

Agenda Item 5.14: *Resolution 2004-271 adopting a resolution declaring the City Council’s intention to levy assessments in Community Facilities District 2003-2 (Police Services) Annexation 4*
Schedules a Public Hearing for December 15, 2004
Approved concurrently with Agenda Item No. 5.9. Councilmembers Cooper, Leary recused themselves from participation.

Special City Council Meeting Agenda Item No. 2.1: *Approving execution of an agreement pursuant to AB 466 for appointment to Sacramento Regional Transit District Board.*

Approved with the Consent Calendar. See vote above.

PUBLIC HEARINGS

Agenda Item No. 6.1 was continued to 12-1-04 at the approval of the agenda.

Agenda Item 6.1: *Continued Public Hearing: Elk Grove Park/Verizon Wireless Appeal, Project EG-04-665: to consider the appeal of Project EG-04-611, which consists of a Conditional Use Permit to collocate 3 antennas (at a centerline height of 64 feet) on a new stadium light pole in Elk Grove Park*

Location: Elk Grove Park along East Stockton Boulevard, approximately 1,300 feet north of the intersection of East Stockton Boulevard and Elk Grove Florin-Road

Agenda Item 6.2: *Public Hearing: Update of Fire Protection Facilities Fee Update for the Laguna South Area*

RECOMMENDATION: Staff recommends that the City Council adopt a resolution increasing and levying a development impact fee for the provision of fire protection facilities in the entire Laguna South Area

Mayor Scherman declared the public hearing open at 8:31 p.m.

Joe Chinn, Finance Administrator, provided the staff report overview.

With no public requests to speak, **Mayor Scherman** closed the public comment opportunity at 8:33 p.m.

Motion: *M/S Briggs/Soares to adopt Resolution 2004-272 increasing and levying a development impact fee for the provision of fire protection facilities in the entire Laguna South Area. The motion was passed by the following vote: Ayes: 5; Noes: 0*

Agenda Item 6.3: *Public Hearing: Ermandarold Estates Project No. EG-02-340: to consider a Rezone of 40.0 acres from AG-80 and 32.9 acres of AR-5 to create 72.9 acres of AR-2, a Tentative Subdivision Map to create 35 residential lots intended for single family homes, and Design Review for subdivision layout*

Location: east side of Bader Road, south of Calvine Road and north of Sheldon Road

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

1. Adopt a Mitigated Negative Declaration of Ermandarold Estates Project No. EG-02-340
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 AG-80 and AR-5 to AR-2 for Ermandarold Estates Project No. EG-02-340
3. Adopt a resolution approving a Tentative Subdivision Map for Ermandarold Estates Project No. EG-02-340, subject to the Findings and MMRP/Conditions of Approval

Mayor Scherman declared the public hearing open at 8:55 p.m.

Steve Flint, project planner, provided the staff report overview.

There was discussion addressing the speed bump on Cherrington Lane, concluding that the City does not have authority to impose a condition on a private property owner not part of this application.

Mayor Scherman opened the public comment opportunity at 9:05 p.m.

The following persons provided public comment for Council consideration: **Tom Pooler** (applicant's inability to mitigate acre for acre habitat for Swainson's Hawk); **Gary English** (speeding on Bader Road between Sheldon and Calvine); **Buren Houser** (fencing between project and private properties); **Sharon Lynes** (Sheldon Community Association letter of support for project).

Motion 1: M/S **Cooper/Leary** adopting a Mitigated Negative Declaration of Ermandarold Estates Project No. EG-02-340. **The motion was passed by the following vote: Ayes: 5; Noes: 0**

Motion 2: M/S **Cooper/Leary** to introduce and waive the full reading, by substitution of title only, **Ordinance 33-2004** of the City Council of the City of Elk Grove amending the Elk Grove Zoning Map from AG-80 and AR-5 to AR-2 for Ermandarold Estates Project No. EG-02-340. **The motion was passed by the following vote: Ayes: 5; Noes: 0**

Motion 3: M/S **Cooper/Leary** adopting **Resolution 2004-273** approving a Tentative Subdivision Map for Ermandarold Estates Project No. EG-02-340, subject to the Findings and MMRP/Conditions of Approval. **The motion was passed by the following vote: Ayes: 5; Noes: 0**

The City Council proceeded to Council Comments and Future Agenda Items prior to considering Agenda Item Nos. 6.4, 7.1, and 7.2

Councilmember Cooper announced that he and Councilmember Leary were recusing themselves from participating on agenda item Nos. 6.4, 7.1, and 7.2 due

to their employment relationship with the Sacramento County Sheriff's Department.

Councilmembers Cooper and Leary left the Council Chambers at 9:39 p.m.

Agenda Item 6.4: *Public Hearing: Approve the Supplemental Law Enforcement Services Fund (SLESF), 2004-05 Allocation*

RECOMMENDATION: Adopt a resolution authorizing the City of Elk Grove to utilize the annual State Supplemental Law Enforcement Services Fund (SLESF) appropriations for front-line police operations and services for the Elk Grove Police Department and amend Fund 218 (State COPS Grant) Revenue and Expense Budget

Mayor Scherman declared the public hearing open at 9:40 p.m.

Police Chief Simmons provided the staff report overview.

With no public requests to speak, **Mayor Scherman** closed the public comment opportunity at 9:42 p.m.

Motion: *M/S Soares/Briggs adopting Resolution 2004-274 authorizing the City of Elk Grove to utilize the annual State Supplemental Law Enforcement Services Fund (SLESF) appropriations for front-line police operations and services for the Elk Grove Police Department and amend Fund 218 (State COPS Grant) Revenue and Expense Budget. The motion was passed by the following vote: Ayes: 3; Noes: 0; Recusals: 2 (Cooper, Leary)*

REGULAR ACTION ITEMS/RECOMMENDATIONS

Agenda Item 7.1: *Parking of specified vehicles in public rights-of-way, such as oversized vehicles, large recreational vehicles, semi-trucks and trailers, detached commercial trailers and similar vehicles, in the public right-of-way*

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 Elk Grove Municipal Code by creating §10.24.075, entitled "Prohibition of Parking Specified Vehicles in the Public Right-of-Way"

Police Chief Simmons provided an overview of the staff report and staff's recommendation to adopt the proposed ordinance.

Mayor Scherman opened the public comment opportunity.

Pam Spitler questioned whether this parking ordinance is applicable to the industrial area near Grant Line Road. She stated that visibility is a concern in that area. She stated there is also a traffic flow problem with cars trying to leave the parking lots.

Chief Simmons responded that if the area that she is addressing is on the street and the public right-of-way, this ordinance does address that issue.

Motion: *M/S Briggs/Soares to introduce and waive the full reading, by substitution of title only, an Ordinance 34-2004 of the City Council of the City of Elk Grove amending Elk Grove Municipal Code by creating §10.24.075, entitled "Prohibition of Parking Specified Vehicles in the Public Right-of-Way." The motion was passed by the following vote: Ayes: 3; Noes: 0; Recusals: 2 (Cooper, Leary)*

Agenda Item 7.2: *Memorandum of Understanding with Sacramento County Sheriff's Department*

RECOMMENDATION: Review chronology of negotiations regarding the Memorandum of Understanding and provide direction to staff

City Attorney Manzanetti referred to the memorandum of understanding negotiated by City of Elk Grove staff and Sheriff's Department staff. He noted that the Sheriff's Department has not signed the agreement, noting that the Sheriff's Department comment that for its own reasons, wanted to wait on the matter. He requested direction from the Council on how staff is to proceed.

There were no public requests to speak.

After discussion, Council provided the following direction:

Motion: *M/S Briggs/Soares to send a letter to Sheriff Blanas and County Counsel to initiate a meeting between Mayor Pro Tem Soares and City Manager Danielson to discuss the Memorandum of Understanding and return a report to the December 1, 2004 Council meeting. The motion was passed by the following vote: Ayes: 3; Noes: 0; Recusals: 2 (Cooper, Leary)*

GENERAL ADMINISTRATION INFORMATION

City Manager Danielson introduced new employee **Troy Brown, Assistant to the City Manager.**

COUNCIL COMMENTS/FUTURE AGENDA ITEMS

Councilmember Leary

- ? In reference to comments made during Public Comment by Jeff Ramos, Elk Grove Community Services District, relative to **East Franklin Specific Plan** parks financing update, Councilmember Leary questioned staff when the report would be coming before the City Council for consideration.

City Attorney Manzanetti responded that staff is working to meet with CSD staff to discuss. After that meeting information will come back to the staff. In references to bringing the item back for Council action on December 1, Mr. Manzanetti responded that there are serious considerations relative to the methodology of the study and staff wishes to be sure the information is correct.

- ? Requested information on those projects to be “grandfathered” in for the Swainson’s Hawk exemptions. He requested a date specific when the item will return to the Council.

Phil Carter responded that the item will be brought to the Council the first meeting in December.

Councilmember Briggs

- ? Requested a study to identify how many residences have garbage receptacles that do not fit through their side gates. What will it cost to provide the more narrow European style cans to allow storage in the back or side yards. Would like to see a report on the cost.

Mayor Scherman

- ? Requested staff bring back a status on development of a Historical Preservation Commission at the next Council meeting. Mayor Scherman noted this was in relation to the preservation of historical buildings in the Old Town area.
- ? Announced that the Sacramento Superior Court granted the City’s motion for a judgment determining that the City has complied with the Court of Appeals order on CEQA compliance on the Lent Ranch Marketplace. The City has received a final judgment and the litigation on the merits of the Lent Ranch Mall is over and the City has prevailed. She thanked KMTG, in particular, Eric Robinson, City Attorney Manzanetti and Planning staff for their efforts.

- ? Requested that the meeting be adjourned in the memory of Barbara Grueneberg, who passed away after a lengthy illness. A moment of silence was observed in her honor.

Councilmember Cooper

- ? Requested the 2 x 2 committee on establishing open space between Galt and Elk Grove be revived. He asked that staff provide a status report on the first meeting in December.

The Council returned to Agenda Item 6.4

CLOSED SESSION

None.

ADJOURNMENT

With no other business scheduled for the Council to consider, the regular and special City Council meetings were adjourned in the memory of Barbara Grueneberg, wife of Fire Chief Keith Grueneberg at 9:26 p.m.

PEGGY JACKSON, CITY CLERK

ATTEST:

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