

**MINUTES OF THE CITY COUNCIL
REGULAR MEETING
Wednesday, July 27, 2005**

CALL TO ORDER/ROLL CALL

Mayor Briggs called the regular City Council meeting of July 27, 2005 to order at 6:32 p.m.

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

Absent: Councilmember Leary
(Note: Councilmember Leary was in attendance at the League of California Cities Conference for Public Officials)

Frank Oviedo, Deputy City Manager, led the Pledge of Allegiance.

APPROVAL OF AGENDA

Motion: *M/S Scherman/Cooper to approve the agenda for the July 27, 2005 City Council meeting. The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: Leary*

PRESENTATIONS/ANNOUNCEMENTS

Agenda Item No. 3.1: Spare the Air Update by the Sacramento Air Quality Management District, Presentation by Jamie Arno and Lori Kobza-Lee

Ms. Kobza and Arno provided an overview of the Regional Spare the Air Program, and public outreach efforts conducted on behalf of the Sacramento region air districts (***presentation filed***).

PUBLIC COMMENT (MATTERS NOT ON THE AGENDA)

Leo Fassler, (complimented and thanked the Council and the public works department for the right-hand turn lanes on Sheldon Road at State Route 99, and for reducing the speed limit on Sheldon Road from 55 to 45 between Elk Grove Florin Road and Bradshaw); **Michael Jones**, President of the Laguna Greens Neighborhood Watch, (invited the Council to their National Night Out, 2005 celebration; congratulated the new police department and the appointments of

Chief Simmons and Assistant Chief Kelly; thanked Denise Costello, neighborhood watch coordinator); **Michael Brown** (voiced opposition to the decision of the Planning Commission of Sacramento County to close the Sunset Skye Ranch Airport south of Grant Line Road, supported city-intervention; **Robert Thomas** (supported retention of the Sunset Skye Ranch Airport); **Constance Conley** (supported community improvement through citizen participation, applauded the appointments of Police Chief Bob Simmons and Assistant Police Chief Ed Kelly); **Tom Shine** (requested repair of City Hall Lobby drinking fountain, welcomed new Police Chief); **Michael Aye** (opposed installation of the traffic light at School Street and Elk Grove Boulevard, stated it has not been brought to the public as a hearing item and has not had an environmental review, questioned funding source); **Sheldon Soho** (reported a rodent infestation in Laguna West adjacent to the nature reserve); **April Eales** (voiced opposition to traffic light installation at School Street); **Frank Maita**, Old Town Merchants Association and the Old Town Elk Grove Foundation, (thanked Reid Montgomery, Keith Forbes, and Carl Sloan for their assistance in the Old Town area during the Elk Grove Boulevard reconstruction, encouraged continued patronage of Old Town businesses during reconstruction, supported traffic signal installation at School Street); **Ron Sharpe** and **Linda Sharpe** (expressed concern that their son, Ron, has been stopped eight times in 15 months by the Elk Grove Police Department without being cited, speculating that he is a target because he is a teenager and African American); **Sara Bales** (mouse problem at nature reserve near Harbor Point, causing property damage; contacted vector control without satisfaction and has also talked with Frank Oviedo; problem has been ongoing for months); **Gyan Kalwani** (asserted his company has been harassed by the Police Department with commercial truck drivers being repeatedly cited; stated air and water quality monitors have been referred to his business, asked this be resolved without going to court).

Councilmember Cooper addressed the concerns of Ron and Linda Sharpe, stating that this is an excessive number of stops without being cited. He hoped this was not a case of racial profiling and asked for an explanation from the Police Department.

Staff was directed to look into the rodent infestation problem tomorrow as a health and safety problem.

Mayor Briggs closed the public comment opportunity.

CONSENT CALENDAR ITEMS

The City Clerk reported that the attached contract to Consent Calendar Item No. 5.10 was in error. The correct contract had been reviewed and approved by the City Attorney and distributed at the Council dais. The contract is available for review in the Clerk's Office.

The following persons submitted requests to speak cards on Consent Calendar Item No. 5.13, and withdrew their requests: Wallace, Peace.

Prior to a vote on the consent calendar, **Mayor Briggs** read the following statement into the record:

I have an economic interest in Frontier Communications which is a source of income to me. Therefore, I will not be participating in Consent Item 5.1 to the extent it addresses the payment of money to Frontier Communications. So the record should reflect my recusal on the item in the warrant list regarding Frontier Communications and my vote of "abstention" on the warrant request by Frontier Communications. In addition to my recusal here today, I have not made, participated in making, or otherwise influenced or attempted to influence this decision."

Prior to a vote on the consent calendar, **Mayor Pro Tem Cooper** stated that he would not participate in Consent Calendar Item No. 5.3, due to his employment with the Sacramento County Sheriff's Office, nor has he influenced, or attempted to influence the decision.

In response to a question from **Mayor Pro Tem Cooper** whether there were any other items on the agenda from which he should recuse himself, **City Attorney Manzanetti** responded that from the City's perspective, there were not.

Motion: *M/S Scherman/Cooper to approve the consent calendar, recognizing abstentions by Mayor Briggs (5.1-Frontier) and Mayor Pro Tem Cooper (5.3). The motion was approved by the following vote: Ayes: 4; Noes: 0; Absent: Leary*

Agenda Item No. 5.1: *Approve Warrant General Warrant No. 013974 through 014332 dated June 30, 2005*

Approved by Consent (Mayor Briggs abstained from voting on the Frontier Communications warrant.)

Agenda Item No. 5.2: *Approve Minutes of the Regular and Special City Council Meetings of May 25, 2005*

Approved by Consent

Agenda Item No. 5.3: *Adopt **Ordinance No. 25-2005**, an ordinance of the City Council of the City of Elk Grove levying and apportioning the special tax in territory annexed to Community Facilities District No. 2003-2 (Police Services) Annexation No. 6 **Second Reading***

Approved by Consent Vote (Note: Vote for this item was Ayes 3; Noes: 0; Abstention: 1 (Cooper); Absent: Leary

Agenda Item No. 5.4: Adopt **Ordinance No. 26-2005**, an ordinance of the City Council of the City of Elk Grove amending the City of Elk Grove Zoning Map from Industrial Office Park (MP) to Limited Commercial (LC) for Pappas Gateway Commercial Center, Project EG-04-774.

**Approved by Consent
Second Reading**

Agenda Item No. 5.5: Adopt **Ordinance No. 27-2005**, an ordinance of the City Council of the City of Elk Grove amending the City of Elk Grove Zoning Map from SC to RD-20 for a portion of Monterey Village Project No. EG-04-784 (**Second Reading**)

Approved by Consent

Agenda Item No. 5.6: Adopt **Ordinance No. 28-2005**, an ordinance of the City Council of the City of Elk Grove amending the City of Elk Grove Zoning Map from AR-10 to RD-10 for Moradi Project No. EG-04-782 (**Second Reading**)

Approved by Consent

Agenda Item No. 5.7: **Resolution No. 2005-217** Accepting Subdivision Improvements for Gilliam Meadows Unit 2B

Approved by Consent

Agenda Item No. 5.8: **Resolution No. 2005-218** authorizing the City Manager or his designee to execute a contract with Quincy Engineering, Inc. for professional design services for the Elk Grove Boulevard at State Route 99 Interchange Improvement Project

Approved by Consent

Agenda Item No. 5.9: **Resolution No. 2005-219** approving Subdivision No. 03-552.00 Laguna West Business Center

Approved by Consent

Agenda Item No. 5.10: **Resolution No. 2005-220** authorizing the City Manager or his designee to execute a contract for the expenditure of FY 2005-06 Measure A Allocation between the City of Elk Grove and the Sacramento Transportation Authority

Approved by Consent

Agenda Item No. 5.11: **Resolution No. 2005-221** awarding a contract to and authorizing the City Manager or his designee to execute a contract with Martin General Engineering, Inc., for the Laguna Boulevard Rehabilitation Project

Approved by Consent

Agenda Item No. 5.12: Resolution No. 2005-222 adopted authorizing the City Engineer to execute a work order with Psomas, Inc. for Professional Consultant Services for the Lewis Stein Road Extension Project
Approved by Consent

Agenda Item No. 5.13: Resolution No. 2005-223 adopted approving the guidelines for the use of Economic Development Capacity Bank Credits
Approved by Consent

Agenda Item No. 5.14: Resolution No. 2005-224 adopted amending the guidelines for the owner-occupied housing rehabilitation loan program adopted March 3, 2004
Approved by Consent

Agenda Item No. 5.15: Proclamation of Recognition of Lisa Predovich, Youth Ambassador to Vienna
Approved by Consent

Agenda Item No. 5.16: Resolution No. 2005-225 adopted authorizing the City Manager to execute a contract with May-Han-Electric for construction of Phase 1A of the City's Intelligent Transportation System (Field Elements) project
Approved by Consent

PUBLIC HEARINGS

Agenda Item No. 6.1: Continued Public Hearing to consider a General Plan and Zoning Land Use Map Amendments; adoption of an updated Special Planning Area (SPA) for Old Town Elk Grove
Location: Along Elk Grove Boulevard between Elk Grove-Florin Road and Waterman Road

RECOMMENDATION:

- 1) Adopt the negative declaration prepared for the proposed Old Town Elk Grove Special Planning Area;
- 2) Consider the alternatives and make recommendations on the Old Town SPA, subject to a future General Plan Amendment.
- 3) Introduce and waive the full reading, by substitution of title only, an ordinance of the City Council of the City of Elk Grove Repealing Ordinances SZC 85-23, SZC 89-0022, SZC 91-0063, SZC 94-0046, SZC 97-0010 and adopting the Elk Grove Old Town Special Planning Area design standards and guidelines dated May 2005

Mayor Briggs opened the public hearing at 7:34 p.m.

Mark Schnauer, Project Planner, provided an overview of the staff report, Planning Commission's recommendation, and the community consensus gathered from the July 14, 2005 public workshop.

Mayor Briggs opened the public comment opportunity at 7:34 p.m.

Discussions were relative to: restricting the hours of operation to 7 a.m. to 7 p.m., non-confirming uses, defining temporary sign allowances, and the design of the School Street/Elk Grove Boulevard intersection.

The following persons provided public comment for Council consideration: **Phillip Stark** (nothing was discussed at the July 14 meeting relative to boundaries, which should be revisited; the temporary use of signage was define as "indefinitely" by staff with a one-time application approval; he felt the request to convert residential properties to commercial should go through the regular process rather than as part of this project--should this be offered to all residential owners), **Gregg Mason**, President-elect of the Elk Grove Chamber of Commerce (supports inclusion of revised language relative to non-confirming uses resulting from the July 14 meeting to provide additional protection to Old Town businesses; felt a 12-month allowance vs. 6—month allowance regarding the provision for non-occupation of a building before losing designation was more appropriate); **Frank Maita**, Old Town Merchants and Old Town Elk Grove Foundation (appreciated and requested Council's consideration of Mr. Mason's comments; supported the provision relative to hours of operation, suggested a conditional use permit and design review for sidewalk signs; supported the design of the Elk Grove Boulevard/School Street intersection); **Michael Aye** (appreciated the Planning Department's inclusion of the Old Town residents' input; stated the item can not be voted on because there has been no public hearing on the School Street/Elk Grove Boulevard intersection).

Mayor Briggs closed the public comment opportunity at 8:10 p.m.

Steve Flint, Planning Department, addressed concerns presented by public speakers:

1. Discussion relative to boundaries was deferred until such time that the Old Town Merchants' Association could respond.
2. With regard to signs, staff is recommending specific conditions. Violation of the conditions would result in removal.

There was Council consensus to further study expansion of the boundaries and to notify residential owners concerning the conversion of their properties to commercial, and to address signage restrictions with the Old Town Merchants Association.

Motion 1: M/S **Scherman/Cooper** to adopt the negative declaration prepared for the proposed Old Town Elk Grove Special Planning Area. **The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: Leary**

Motion 2: M/S **Scherman/Cooper** to introduce and waive the full reading, by substitution of title only, an ordinance (**Ord. 29-2005**) of the City Council of the City of Elk Grove Repealing Ordinances SZC 85-23, SZC 89-0022, SZC 91-0063, SZC 94-0046, SZC 97-0010 and adopting the Elk Grove Old Town Special Planning Area design standards and guidelines dated May 2005, accepting the Planning Commission's recommendations as amended to restrict hours of operation for RC uses to 7 a.m. to 7 p.m. hours, allowing gasoline and other retail sales to operate outside those hours, provide flexibility to other RC customers to limit work outside of the time restriction to office work-- no customers, restrict the permitted use of temporary signs to periodic use with a lapse time between permitted uses, and that the Planning Commission be the body designated to judge whether the "same use" is established when a business is passed to another person or group. **The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: Leary**

Agenda Item No. 6.2: Adoption of a resolution for Series 2005 Bonds authorizing the execution and delivery of fiscal agent agreements, a bond purchase agreement, and a continuing disclosure certificate; authorizing the issuance of bonds; authorizing other related actions; approving the issuance by the Elk Grove Finance Authority of its bonds

RECOMMENDATION: After taking public comment and closing the public hearing:

- 1) Adopt a resolution authorizing the execution and delivery of fiscal agent agreements, a bond purchase agreement, and a continuing disclosure certificate; authorizing the issuance of bonds, and authorizing other actions related thereto;
- 2) Adopt a resolution approving the issuance by the Elk Grove Finance Authority of its Elk Grove Finance Authority Special Tax Revenue Bonds, Series 2005; authorizing related actions

Mayor Briggs opened the public hearing at 8:28 p.m.

Joe Chinn, Finance Director, provided an overview of the staff report and recommendation. Mr. Chinn explained the refunding of these bonds will generate debt savings of several million dollars should interest rates stay down.

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

Motion: M/S Cooper/Scherman to adopt Resolution No. 2005-226 approving the execution and delivery of fiscal agent agreements, a bond purchase agreement, and a continuing disclosure certificate; authorizing the issuance of bonds, and authorizing other actions related thereto. The motion passed by the following vote: Ayes: 4; Noes: 0

Motion: M/S Cooper/Scherman to adopt Resolution No. 2005-227 approving the issuance by the Elk Grove Finance Authority of its Elk Grove Finance Authority Special Tax Revenue Bonds, Series 2005; authorizing related actions. The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: Leary

REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

Agenda Item No. 7.1: Certify the final EIR/EA for the Sheldon Road / State Route 99 Interchange Improvement Project; adopt the mitigation monitoring and reporting program and approve Alternative 2A, Option 1 as the preferred Alternative to carry forward to final design

RECOMMENDATION:

- 1) Adopt a resolution certifying the Sheldon Road/SR 99 Interchange Improvement Project Final Environmental Impact Report/Environmental Assessment (consisting of the Revised Draft Environmental Assessment and Environmental Assessment and responses to comments received on the Revised Draft EIR/EA) and make the required findings as set forth in the resolution;
- 2) Adopt a resolution approving the mitigation monitoring and reporting program (MMRP) prepared for the project as set forth in the resolution
- 3) Approve Alternative 2A, Option 1 as the preferred Alternative to carry forward to final design

Bob Lee, City Engineer, **Pat Angel**, Planning Department, **Allen Glenn**, Quincy Engineering, and **Fritz Buchman**, Public Works Capital Projects Manager, provided an overview of the staff report and recommendation.

Mr. Buchman discussed the project schedule, noting that approval of the Federal environmental documents will be delayed until March, 2006. The delay results from a lapse in approval of projects due to the declaration of non-conformity with Federal air quality regulations of the SACOG region. Mr. Buchman reported that SACOG has projected the lapse is expected to be lifted in March.

Staff has evaluated alternatives to bring the schedule back to its original track, with a construction contract award in September 2006. Alternatives will be returned to Council for consideration in August or September.

Mayor Briggs opened the public comment opportunity at 8:57 p.m.

Angelo G. Tsakopoulos supported adoption of the environmental document and of staff's preferred 2A design selection.

Mayor Briggs closed the public comment opportunity at 8:59 p.m.

Motion 1: *M/S Cooper/Scherman to adopt Resolution No. 2005-228 certifying the Sheldon Road/SR 99 Interchange Improvement Project Final Environmental Impact Report/Environmental Assessment (consisting of the Revised Draft Environmental Assessment and Environmental Assessment and responses to comments received on the Revised Draft EIR/EA) and making the required findings as set forth in the resolution.;*

Motion 2: *M/S Cooper/Scherman to approve the mitigation monitoring and reporting program (MMRP) prepared for the project as set forth in the resolution (Resolution No. 2005-228). **The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: Leary***

Motion 3: *M/S Cooper/Scherman to adopt Resolution No. 2005-229, a resolution approving Alternative 2A, Option 1 as the preferred Alternative to carry forward to final design. **The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: Leary***

Agenda Item No. 7.2: ***Review Bond Road (Fife Ranch Estates) Condition of Approval No. 58 as it relates to occupancy timing***

RECOMMENDATION: Review and consider Condition of Approval No. 58 for the Fife Ranch Estates subdivision, which ties occupancy within the subdivision to completion of improvements to Bond Road and take action or give staff direction as the City Council desires.

Bob Lee, City Engineer, provided an overview of staff's report and requested Council direction. The railroad has been unable to install the necessary wiring to complete the crossing improvements.

Randi Knott, representing the applicant, KB Homes, supported amending the Condition to allow occupancy prior to the completion of the street improvements.

Mayor Briggs opened the public comment opportunity.

The following persons provided public comment for Council consideration: **Don Somers**, President of Fallbrook Neighborhood Association, **Shirley Peters**, Sheldon Road Homeowners Association, **Doreen Rogers**, Elk Grove Matters,

Michael Aye, Tom Shine, Angee Wangsgara (opposed amendment of the condition, most citing traffic safety concerns).

Mayor Briggs closed the public comment opportunity.

Motion: *M/S Scherman/Cooper to amend Fife Ranch Estates Subdivision Condition of Approval No. 58 to allow for occupancy of 10 homes in the month of August, 10 in the month of September, revisit the issue in October, and to obligate KB Homes to install temporary traffic control measures to enforce right hand turns out of the subdivision and to hold the developer financially responsible for the installation and removal of the temporary traffic measures. The motion passed by the following vote: Ayes: 3; Noes; 1 (Soares); Absent: Leary*

GENERAL ADMINISTRATION INFORMATION

a) **Police Activities Update (Assistant Chief Kelly)**

Mayor Pro Tem Cooper vacated the Council Chambers during the report on this item.

Assistant Chief Kelly expressed his and the Chief's appreciation for appointment to the two positions. Staff is working on the transition of police departments and will bring forward reports as appropriate.

b) **Library Workshop Update (Myers)**

Ms. Myers reported there will be two public workshops on library services—August 9 and August 23. Findings will be returned to the Council at the first meeting in September.

City Attorney Manzanetti reported at its last meeting, the Planning Commission approved a project which encompassed wholesale change to staff's recommendations, including a voluminous amount of changes to conditions of approval without providing adequate review by staff. The City Attorney alerted the Council that he may be filing an appeal, pursuant to Code, to bring the project forward for Council consideration.

City Manager Danielson requested the Council schedule a special meeting prior to its next regular meeting to consider a closed session item. Council concurred with City Manager Danielson's request.

COUNCIL COMMENTS/FUTURE AGENDA ITEMS

Regional Commissions, Committees, Boards update

Councilmember Scherman

- reported attending the SRCSD meeting on 7/27 wherein rate increases of \$1.40 were discussed. She will return information when a final decision is made. There were 198 comments relative to support and opposition to the increase.
- Attended the Elk Grove Senior Center board meeting on 7/26 at which time new services and upcoming events were discussed, e.g., homeowners' and renters' exemption, health fair, computer classes, Dial-A-Ride credit, pancake breakfast on August 6. The Board will consider on appointing a voting member to the Board soon.
- Attended the Old Town Elk Grove Foundation meeting on 7/26 at which time the SPA was approved with a couple of changes.

Mayor Pro Tem Cooper

- There will be a SACOG connector meeting next month in Folsom.

Councilmember Soares

- Reported attending a recent Regional Transit Board meeting recently, at which little was discussed.

Mayor Briggs

- will attend the Air Quality Management Board and STA Board on 7/28 and will report anything relative to Elk Grove.

The regular City Council meeting was recessed at 9:22 p.m. to convene the July 27, 2005 special meeting of the Elk Grove Finance Authority.

The regular City Council meeting of July 27 was reconvened at 9:50 p.m.

CLOSED SESSION

With no public requests to speak, the City Council recessed to closed session to consider the following matter announced by the City Clerk:

- A) **CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation**
Pursuant to GC Section 54956.9 (b)
One (1) Potential Case

The open session of the regular meeting reconvened at 10:15 p.m. The Mayor announced there were no reportable actions taken during closed session.

ADJOURNMENT

With no additional business to consider, the City Council meeting adjourned at 10:15 p.m.



PEGGY JACKSON, CITY CLERK

ATTEST:



DANIEL BRIGGS, MAYOR
CITY OF ELK GROVE