

MINUTES OF THE CITY COUNCIL
REGULAR MEETING
Wednesday, August 24, 2005
CITY HALL COUNCIL CHAMBERS

CALL TO ORDER/ROLL CALL

Mayor Briggs called the regular City Council meeting of August 24, 2005 to order at 6:31 p.m.

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

Absent: Councilmember Leary

Shirley Peters led the Pledge of Allegiance.

APPROVAL OF AGENDA

Motion: M/S **Cooper/Scherman** to approve the agenda, continuing Public Hearing Item 6.3 to September 14, 2005. ***The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: Leary***

PRESENTATIONS/ANNOUNCEMENTS

Councilmember Scherman presented a plaque from the Chamber of Commerce Red, White, and Blue Committee to the City in recognition of being a partner sponsor for the Red, White and Blue event.

PUBLIC COMMENT (Matters not on the Agenda)

Tom Shine noted dealing with various city department representatives. He noted concerns that in some cases, staff is citing non-existing requirements, creating a question of credibility. He stated it should be emphasized to staff that the utmost of integrity should be practiced in dealing with the public.

Beverly Adams, a resident of Fallbrook, expressed her objection to the Council's action to amend the Conditions of Approval for Bond 17 at the developer's request to allow early occupation of homes. She asserted that by doing so, traffic safety is at risk.

Shirley Peters encouraged public workshops on the revision of the City's zoning code.

CONSENT CALENDAR ITEMS

Mayor Briggs read the following statement into the record prior to the vote approving the consent calendar:

"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."

Councilmember Cooper recused himself from participating on Agenda Item No. 5.11 due to his employment with the Sacramento County Sheriff's Department.

Regarding Consent Calendar Item 5.7, **Tom Shine** stated that the traffic count numbers are inflated, causing invalid modeling projections. He questioned the accuracy of information resulting in the recommendation to widen Sheldon Road to four lanes. He recommended three lanes, one east, one west, one middle.

Motion: ***M/S Scherman/Soares*** to approve the consent calendar (noting Mayor Briggs and Mayor Pro Tem Cooper's abstentions). ***The motion passed by the following vote: Ayes: 3; Noes: 0; Absent: Leary***

Agenda Item No. 5.1: ***Approve General Warrant No. 014913 through 015154 dated August 10 and 11, 2005***

Approved by Consent, Ayes: 4; Noes: 0; Absent: Leary, Abstentions: 1 (Briggs, relative to Frontier Communications warrant only). (See Mayor Briggs' recusal above)

Agenda Item No. 5.2: ***Approve Minutes of the Regular City Council meeting of June 22, 2005 and the minutes of the Special City Council meeting of August 10, 2005***

Approved by Consent

Agenda Item No. 5.3: ***Adopt Ordinance No. 30-2005, an ordinance of the City Council of the City of Elk Grove amending the City of Elk Grove Zoning Map from AR-5 to SC for Calvine Pointe, Project No. EG-01-156 Second Reading***

Approved by Consent

Agenda Item No. 5.4: **Resolution No. 2005-242**, adopting a Disadvantaged Business Enterprise Program for use on projects receiving Federal financial assistance from the Department of Transportation during Federal fiscal year October 1, 2005 to September 30, 2006

Approved by Consent

Agenda Item No. 5.5: **Resolution No. 2005-243** adopted authorizing the City Manager to execute an agreement with CalTrans regarding operation and maintenance of ramps to State Route 99 in Elk Grove

Approved by Consent

Agenda Item No. 5.6: **Resolution No. 2005-244** adopted accepting the 2004 Slurry Seal Project as complete and authorizing the City Engineer to file a Notice of Completion with the County Recorder

Approved by Consent

Agenda Item No. 5.7: **Resolution No. 2005-245** adopted authorizing the City Manager to execute a professional services contract with Quincy Engineering, Inc., for the Sheldon Road Widening Project (Elk Grove-Florin Road to Bradshaw Road)

Approved by Consent

Agenda Item No. 5.8: **Resolution No. 2005-246** adopted authorizing the City Manager to execute a Memorandum of Understanding with the Sacramento Area Council of Governments (SACOG) to maintain federally-funded elements of STARNET within the City of Elk Grove

Approved by Consent

Agenda Item No. 5.9: **Resolution No. 2005-247** adopted approving Subdivision No. 04-733.5 Machado Unit 5 Final map

Approved by Consent

Agenda Item No. 5.10: **Resolution No. 2005-248** adopted approving and establishing a fee schedule regarding the provision of animal services by and for the City of Elk Grove

Approved by Consent

Agenda Item No. 5.11: **Resolution No. 2005-249** adopting a Resolution of Intention declaring the City's intention to levy assessments and to levy a special tax in Community Facilities District 2003-2 Police Services, Annexation No. 8

Approved by Consent: Ayes: 3; Noes: 0; Absent: Leary; Absentions: 1 (Cooper)
(See Mayor Pro Tem Cooper's Absention statement, above)

Agenda Item No. 5.12: **Resolution No. 2005-250** adopting a Resolution of Intention declaring the City's intention to levy street maintenance assessments for certain properties located in Laguna Ridge area, Street Maintenance District No. 1, Zone 5

Approved by Consent

PUBLIC HEARINGS

Agenda Item No. 6.1: Abandonment of a portion of a 40-foot wide irrevocable Offer of Dedication (IOD) for right-of-way and public purposes located on Laguna Main Street between Laguna Boulevard and Vaux Avenue, Laguna West Commercial

RECOMMENDATION: Adopt a resolution approving the abandonment of a portion of a 40-foot wide Irrevocable Offer of Dedication (I.O.D.) for right-of-way and public purposes at APN 119-1110-095 and 119-1110-096

Jon Crawford, Public Works Department, provided an overview of the staff report and recommendation.

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

Motion: M/S **Cooper/Soares** to adopt a resolution (**Resolution No. 2005-251**) approving the abandonment of a portion of a 40-foot wide Irrevocable Offer of Dedication (I.O.D.) for right-of-way and public purposes at APN 119-1110-095 and 119-1110-096. **The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: Leary**

Agenda Item No. 6.2: Appeal to July 21, 2005 City Planning Commission decision, by the City of Elk Grove, City Attorney, to consider approval of the tentative map and conditions of approval for EG-04-493, Allen Ranch Tentative Subdivision Map

RECOMMENDATION:

1. Consider all of the materials presented in this agenda packet and the testimony at the public hearing; and
2. Adopt a resolution of the City Council of the City of Elk Grove approving a tentative subdivision map and design review for the Allen Ranch project EG-03-493, subject to the findings and conditions of approval as deemed appropriate by the City Council

Steve Flint, Development Services, provided an overview of the staff report.

Mayor Briggs provided the applicant with a presentation opportunity.

Ed Gillam, representing the applicant, Jackson Properties, stated that the applicant is in agreement with the revisions to the conditions of approval contained in the staff report.

Tom Shine lauded the efforts of the Planning Commission. He stated he felt the Planning staff was incapable of keeping up with the tempo of the meeting activities and

the detail of information that was required, and how the desires of the applicant correlated with City requirements or policy guidance.

Councilmember Soares commented he felt it is time for the Council to provide direction for Council and Council-appointed committees that if any developer presents last-minute, additional conditions, the item is referred back to staff for consideration at a future meeting, one or two months out. There was Council consensus to support Councilmember Soares' suggestion.

Mayor Pro Tem Cooper expressed there should be some opportunity for Council to have the latitude to consider some information and was opposed to an all encompassing provision to automatically deny consideration.

Councilmember Soares suggested, and there was Council consensus, that the applicants should work with staff to present information, particularly those that are complex, prior to the item coming to the Council.

Motion: M/S Scherman/Cooper to adopt a resolution (Resolution No. 2005-252) of the City Council of the City of Elk Grove approving a tentative subdivision map and design review for the Allen Ranch project EG-03-493, subject to the findings and conditions of approval to include the five conditions modified as represented in the staff report. The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: Leary

The following item was continued to the September 14, 2005 Council meeting at the approval of the agenda.

Agenda Item No. 6.3: Resolution of the City Council of the City of Elk Grove Declaring the Necessity and Authorizing the Commencement of Eminent Domain Proceedings to Secure Real Property Interests for the Construction of the Grant Line Road State Route 99 Interchange Project

RECOMMENDATION: Approve resolutions authorizing and directing the City Attorney to prepare, commence and prosecute proceedings in eminent domain for the purpose of acquiring necessary rights-of-way and real property interests for the Grant Line Road/State Route 99 Interchange Reconstruction Project, various properties

REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

Agenda Item No. 7.1: Designation of a Voting Delegate and Alternate Delegate for the 2005-06 League of California Cities Annual Conference

RECOMMENDATION: Appoint a voting delegate and alternate delegate to represent the City of Elk Grove at the 2005-06 League of California Cities Annual Conference business meeting

Peggy Jackson, City Clerk, requested Council's direction on appointment.

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

Motion: *M/S **Scherman/Soares** to appoint Mayor Pro Cooper as the voting delegate and Mayor Briggs as the alternate delegate to represent the City of Elk Grove at the 2005-06 League of California Cities Annual Conference business meeting. **The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: Leary***

GENERAL ADMINISTRATION INFORMATION

Deputy City Manager Frank Oviedo announced that there would be a public workshop on August 25, 6:30 p.m., to receive public input on the City's zoning code revision. An additional meeting will be held on September 1.

COUNCIL COMMENTS/FUTURE AGENDA ITEMS

Councilmember Scherman

- **Elk Grove Senior Center Board** - reported attending meeting on August 23. Councilmember Scherman was seated as an ex-officio until the full membership votes on the by-law changes in approximately sixty days. She reported the repair of the walk-in refrigerator by the Lion's Club. A flag pole will be installed and paid for by the Lion's Club. A light will be installed to enable the flag to be flown 24/7. A donated electronic bingo board was installed.
- **Sacramento County Regional Sanitation Board** - reported that at the 8/24/05 meeting, it was requested that information on the low-income and senior citizens life-line program be continued. The Board is instituting a new budget system for the 2006-07 budget year. She has asked that Joe Chinn accompany her for a briefing on the system.
- **Old Town Revitalization weekly update** – reported that construction is moving along with details being worked out. Reid Montgomery and other staff members are available on site to resolve problems during construction. Forms for curbs, gutters and sidewalks are set. The last open-air street faire will be on Thursday, September 1, 5:00 – 9:00 p.m. The first two hundred bricks are completed and will be used in the sidewalks. Bricks may be purchased for \$100 each.

- Requested a review of Council appointments to various Boards and Committees at the next City Council meeting. (Council consensus)
- In reference to correspondence related to a “quiet zone” for trains, referred to the Public Works Department for response (Bob Lee).
- Requested the Council meeting be adjourned in the memory of a gentleman.

CLOSED SESSION

With no public requests to speak on closed session items, and after the City Clerk announced the items, the City Council adjourned the open meeting to closed session at 7:12 p.m.

A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to GC 54956.9(a)
One (1) Case

Elk Grove Community Services District vs. City of Elk Grove, Sacramento Superior Court Case No. 05AS00612

B) CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation

Pursuant to GC Section 54956.9 (b)
One (1) Potential Case

C) CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to GC Section 54596.8
Two (2) Cases

Property APN:	125-0142-005
Agency Negotiators:	John Danielson, Anthony Manzanetti, Frank Oviedo and Julie Cline
Negotiating Parties:	County of Sacramento (Courthouse)
Under Negotiation:	Price and Terms of Payment

Real Property:	146-040-39, 146-040-40
Agency Negotiators:	John Danielson, Anthony Manzanetti, Frank Oviedo and Julie Cline
Negotiating Parties:	Delta Breeze Vineyards
Under Negotiation:	Price and Terms of Payment


Motion: M/S **Scherman/Soares** to direct and authorize an appropriation of \$100,000 for ADA and other rehabilitation costs necessary to make the property (APN 125-0142-

005) operational to close the purchase. Should the cost to bring the property into ADA compliance exceed \$100,000, staff is not to close the purchase, but will return to the Council at the next regular meeting for further direction. If less than \$100,000 staff is directed to close the purchase, if possible. **The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: Leary**

The Mayor reported that no additional reportable action was taken during closed session.

ADJOURNMENT

With no additional business to conduct, the meeting was adjourned at 7:32 p.m.



PEGGY JACKSON, CITY CLERK

ATTEST:



**DANIEL BRIGGS, MAYOR
CITY OF ELK GROVE**