

MINUTES OF THE CITY COUNCIL
REGULAR MEETING
Wednesday, January 11, 2006

CALL TO ORDER/ROLL CALL

Mayor Soares called the regular City Council meeting of January 11, 2006 to order at 6:31 p.m.

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

Absent: None

Councilmember Leary led the Pledge of Allegiance.

APPROVAL OF AGENDA

Motion: M/S **Briggs/Cooper** to approve the January 11, 2006 City Council meeting agenda, continuing Public Hearing Item No. 6.1, Agenda Item Nos. 7.3, 7.5 and 7.6; and continuing agenda item No. 3.4 to the February 22, 2006 Council meeting. ***The motion passed by the following vote: Ayes: 5; Noes: 0;***

PRESENTATIONS/ANNOUNCEMENTS

Agenda Item No. 3.1: Presentation of a Plaque to Councilmember Daniel Briggs in recognition of his service as Mayor during the period of January 1, 2005 through December 31, 2005. Councilmember Briggs received the plaque of recognition from the Council as presented by Mayor Soares.

Agenda Item No. 3.2: Accept recognition from the Elk Grove Chamber of Commerce as it relates to Experience Elk Grove. Mike Wortell, past chair of the Elk Grove Chamber presented a plaque to the Council, received by Mayor Soares. He explained that Experience Elk Grove is an event that showcases the City's amenities.

Agenda Item No. 3.3: GIS presentation regarding new web-based mapping tools for general information lookup and economic development opportunities with demographic information. Mark Dumford, GIS Manager, provided the overview of

the new web-based tool available to the public through the City's website at www.elkgrovecity.org.

Agenda Item No. 3.4: Pacific West Communities – Agave Apartment Homes presentation by Dane Hillyard, Principal (Beth Thompson). **This item was continued to February 22, 2006 at the approval of the agenda.**

PUBLIC COMMENT (MATTERS NOT ON THE AGENDA)

The following persons provided public comment opposing the Centex Vintara Park Project located at Bond and Waterman Roads: **Constance Conley, Tom Shine** (GRESHA), (read a letter from **Leo Fassler**), **Lynn Wheat, Steven Lee** (Quail Ranch Estates). Comments were related to a lack of public notice, lack of opportunity to meet with the developer, misinformation used to justify improvements, environmental impacts and adequate assessments, opposition to the rezoning application. (Received for filing: EGCAPP Growth Management Plan Proposal, Proposal for a Big-Box Ordinance, dated 01-11-06).

Craig Hoellwarth and **David Kretzman**, provided a history of Lutheran High School's efforts to locate in Elk Grove and requested the roadway fees quoted to them in January 2005 at \$7,000 and increased to over \$94,000 in December 2005, be reduced to half or deferred by use of a payment bond. It was also requested that the construction of a perimeter wall around the property be postponed until the site conditional use permit is approved. The 2006 fee increase was characterized as unreasonable and requested it be dropped.

Linda Ford, Bill Crowl (EGCAPP), advocated adoption of a big-box ordinance, requested a future agenda item (proposed big-box ordinance filed).

John Garcia, requested Elk Grove Creek, near his home, be cleaned up. He noted staff has not responded to past requests to clean up the creek at that location.

Steve Caruso, representing the Elk Grove Food Bank, announced a fundraising event scheduled for Monday, January 16, at Valley High School, "Hoops for the Hungry", a one-day showcase of local boys' basketball teams. Proceeds will benefit the following Food Bank programs: Elk Grove Food Bank, Elk Grove Clothes Closet, Community Garden, and Helping Hand.

CONSENT CALENDAR ITEMS

Councilmember Cooper requested Consent Calendar Item 5.12 be pulled for discussion.

Mayor Soares opened the public comment opportunity.

The following persons spoke in opposition to approval of Consent Calendar Item No. 5.12: **Richard M. Bisnett** (map filed), **Nancy Bagnati Helen Wells, Rick Wells, Sharon Lynes and Shirley Peters, Robert McClernon, Tom Shine.** Comments related to public comments being disregarded, staff misinformation to justify improvements, widening of Waterman should be to the east of the current infrastructure to minimize impacts to residents, requests to work with staff on the realignment, lack of notice and public meetings, inadequate environmental assessment and impacts, Swainson's Hawk mitigation, continuance of item, roadway fees expense to property owners, loss of driveway access to property.

Public Works Director Bob Lee responded to comments noting that the planned improvement is consistent with the adopted General Plan Traffic Circulation element. He reported staff efforts to meet with the rural community to assure the rural aspects of the community are protected.

Gary Grenwald, Public Works Department, reported meeting statutory public notice, meeting with property owners impacted by the public right of way.

In response to a question by Councilmember Leary, **Mr. Lee** responded that it is a hazard to allow a driveway within 100 feet of the intersection.

Mayor Pro Tem Scherman favored continuing the item for 30 days.

Motion: M/S Cooper/Scherman to continue Consent Calendar Item No. 5.12 for approximately one month. The motion passed by the following vote: Ayes: 5; Noes: 0

Prior to action on the consent calendar items approval, **Councilmember Leary** read the following statement of recusal on behalf of himself and Councilmember Cooper into the record:

Myself and Mr. Cooper are employed by the Sacramento County Sheriff's Department; therefore, we will not be participating in agenda item no. 5.4. The record should reflect both our recusals on the item and our abstention from participating in the matter. In addition to our recusal, we have not made, participated in making, or otherwise influenced or attempted to influence this decision. Thank you.

Motion: M/S Briggs/Scherman to approve the consent calendar (5.12 excluded). The motion passed by the following vote: Ayes: 5; Noes: 0

Agenda Item No. 5.1: Approve Monthly Treasurer's Report for October and November 2005
Approved by Consent

Agenda Item No. 5.2: Approve Minutes of the December 14, 2005 Special and Regular City Council Meetings
Approved by Consent

Agenda Item No. 5.3: ***Resolution No. 2006-1*** adopted authorizing the City Manager or his designee to execute the Joint Community Facilities Agreements with the Sacramento County Water Agency and County Sanitation District No. 1
Approved by Consent

Agenda Item No. 5.4: Adopt ***Ordinance No. 43-2005***, an ordinance of the City Council of the City of Elk Grove levying and apportioning the Special Tax in the ninth annexation to Community Facilities District 2003-2 (Police Services) ***Second Reading***
Approved by Consent
The motion was approved by the following vote: Ayes: 3; Noes: 0; Abstentions: 2 (Cooper, Leary)

Agenda Item No. 5.5: Adopt ***Ordinance No. 44-2005***, an ordinance repealing Ordinance 23-2003, and adding Article 6 commercial solid waste handling requirements of Chapter 6.20 relating to the setting, charging, collecting and enforcement of commercial refuse hauler fees and establishing commercial hauler registration requirements ***Second Reading***
Approved by Consent

Agenda Item No. 5.6: ***Resolution No. 2006-2*** adopted approving an application fee to cover the costs associated with the formation of and future annexations to Community Facilities District No. 2006-1
Approved by Consent

Agenda Item No. 5.7: ***Resolution No. 2006-3*** adopted accepting subdivision improvements for Bell South Creekside and Cresleigh Ranch F2
Approved by Consent

Agenda Item No. 5.8: ***Resolution No. 2006-4*** adopted approving the Final Map and authorizing the Mayor to execute the subdivision improvement agreement with Boulder Glen Investors for Subdivision No. 03-551 for Heritage Estates
Approved by Consent

Agenda Item No. 5.9: ***Resolution No. 2006-5*** adopted authorizing the City Engineer to sign and submit project applications for the Sacramento Area Council of Governments' Community Design Grant Program on behalf of the City of Elk Grove
Approved by Consent

Agenda Item No. 5.10: ***Resolution No. 2006-6*** adopted accepting the Grantline Road at Bond Road Signal Project as complete and authorizing the City Engineer

to file a Notice of Completion with the Sacramento County Recorder and authorizing an additional appropriation for the project
Approved by Consent

Agenda Item No. 5.11: Resolution No. 2006-7 adopted accepting the Bond Road Widening Segment 2A Project as complete and authorizing the City Engineer to file a Notice of Completion with the Sacramento County Recorder
Approved by Consent

Agenda Item No. 5.12: Adopt the Mitigated Negative Declaration, adopt the Mitigation Monitoring Reporting Program, and approve the proposed Sheldon Road/Waterman Road Intersection Improvement Project
(Continued by motion for approximately one month). See motion above.

Agenda Item No. 5.13: Resolution No. 2006-8 adopted authorizing the City Manager or his designee to sign, submit, and execute applications, agreements, and related documents required to receive Federal Transit Administration funding and to directing staff to begin working with the Sacramento Area Council of Governments (SACOG) to obtain Federal Transit Administration (FTA) funding to support public transit services within the City of Elk Grove
Approved by Consent

Agenda Item No. 5.14: Resolution No. 2006-9 adopted amending year 2006 annual leave for employees, and to amend the leave cash-out policy allowing employees to buy up to 40 hours of leave in May and November of each year
Approved by Consent

PUBLIC HEARINGS

Agenda Item No. 6.1 was continued indefinitely at the approval of the agenda.

Agenda Item No. 6.1: Abandonment of an Irrevocable Offer of Dedication (I.O.D.) together with Landscape, Pedestrian and Public Utility Easements over Portions of the Elk Grove Auto Mall

RECOMMENDATION: Staff recommends the City Council of the City of Elk Grove adopt a resolution approving the abandonment of an Irrevocable Offer of Dedication (I.O.D.) together with Landscape, Pedestrian, and Public Utility Easements over portions of the Elk Grove Auto Mall

Agenda Item No. 6.2: Abandonment of a Portion of Elk Grove-Florin Road Located Adjacent to "The Crossing at Elk Grove" Project

RECOMMENDATION: Staff recommends the City Council adopt a resolution approving the abandonment of a portion of Elk Grove-Florin Road located adjacent to "The Crossing at Elk Grove" project

Mayor Soares declared the public hearing open at 7:59 p.m.

Bob Lee, Development Services, provided an overview of the staff report and recommendation.

With no public requests to speak, the public comment opportunity was closed at 8:00 p.m.

Motion: *M/S Leary/Scherman to adopt a Resolution No. 2006-10 approving the abandonment of a portion of Elk Grove-Florin Road located adjacent to "The Crossing at Elk Grove" project. The motion was approved by the following vote: Ayes: 4; Noes: 0; Absent: (Briggs)*

Note: *Councilmember Briggs was absent from the dais at the time the vote was taken. He returned prior to consideration of Agenda Item No. 7.1.*

REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

Agenda Item No. 7.1: Repeal Chapters 16.82, 16.85 and 16.87 of the Elk Grove Municipal Code superseded by other municipal code sections related to development impact fees

RECOMMENDATION: Introduce and waive the full reading, by substitution of title only, an ordinance of the City Council of the City of Elk Grove Repealing Chapters 16.82, 16.85 and 16.87 of the Elk Grove Municipal Code relating to development impact fees

Joe Chinn, Finance Director, provided an overview of the staff report and recommendation.

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

Motion: *M/S Cooper/Leary to Introduce and waive the full reading, by substitution of title only, Ordinance No. 1-2006, an ordinance of the City Council of the City of Elk Grove Repealing Chapters 16.82, 16.85 and 16.87 of the Elk Grove Municipal Code relating to development impact fees. The motion passed by the following vote: Ayes: 5; Noes: 0*

Agenda Item No. 7.2: Quality of Life Task Force Appointment
This item was continued from the December 14, 2005 City Council meeting.

RECOMMENDATION: Staff recommends that Councilmember Cooper appoint a member to the Quality of Life Task Force

There being no public requests to speak, **Mayor Soares** closed the public comment opportunity.

Councilmember Cooper named Felicia Byrd to fill the vacancy on the Quality of Life Task Force.

Agenda Item No. 7.3 was continued indefinitely at the approval of the agenda.

Agenda Item No. 7.3: Adoption of resolutions establishing Community Facilities District No. 2005-1 (Laguna Ridge), determining the necessity to incur bond indebtedness, calling a special election; and declaring results of the special election; and first reading of an ordinance levying and apportioning the special tax [p. 1-33]

RECOMMENDATION: City staff recommends that the City Council adopt a resolution:

- Establishing Community Facilities District No. 2005-1 (Laguna Ridge) and calling an election for the purpose of submitting the levy of the special tax and the establishment of an appropriations limit to the qualified electors of the District (the "Resolution of Formation"); and determining the necessity to incur a bonded indebtedness for Community Facilities District No. 2005-1 (Laguna Ridge) and ordering a special election

After the City Clerk has announced the results of the election called by the first resolution, City staff recommends that City Council adopt a resolution:

- Declaring the results of the special election held on January 11, 2006 in Community Facilities District No. 2005-1 (Laguna Ridge)

If the two preceding resolutions are approved by City Council, staff recommends that City Council conduct the first reading of the ordinance:

- 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 Community Facilities District No. 2005-1 (Laguna Ridge)

Agenda Item No. 7.4: Appointment of a Planning Commissioner

RECOMMENDATION: Staff recommends that Councilmember Briggs appoint a member to the Planning Commission

Mayor Soares opened the public comment opportunity.

Paul Holland, M.D., questioned whether this appointment is an additional appointment to the Planning Commission or whether it is to replace Paul Lindsey. He commented that he hopes the new appointee will be thoughtful of the residents of this community and not just the developers.

Mayor Soares responded the appointment is to fill the vacancy of Planning Commissioner Dan Kramer, who resigned his appointment.

Councilmember Briggs appointed Joseph DosReis to the Planning Commission to fill the vacancy created by the resignation of Planning Commissioner Dan Kramer.

NOTE: AGENDA ITEM NO. 7.5 WAS CONTINUED AT THE APPROVAL OF THE AGENDA.

Agenda Item No. 7.5: Review and possible amendment of ordinance(s) of the City Council relating to the appointment and/or removal of a City of Elk Grove Planning Commissioner

RECOMMENDATION: Review and provide direction to staff

NOTE: AGENDA ITEM NO. 7.6 WAS CONTINUED AT THE APPROVAL OF THE AGENDA.

Agenda Item No. 7.6: Review Council representation/appointments to Regional Boards, Commissions and Committees
This item was continued from the September 14, 2005 and December 14, 2005 City Council meetings.

RECOMMENDATION: Review appointments and provide direction

GENERAL ADMINISTRATION INFORMATION

Envision Elk Grove Update

Public Information Officer **Michelle Smira**, provided an overview of the initial Envision Elk Grove held in 2002, and staff's preparation for Envision Elk Grove II.

In addition to the full-day workshop projected for April, four focus groups were held in December. To enhance public opportunities for participation, an on-line survey will be available on the City's website (www.elkgrovecity.org) mid-February and a phone survey will also be conducted in February. Additional information will be available on Envision Elk Grove II on the City's website and in the newsletter.

COUNCIL COMMENTS/FUTURE AGENDA ITEMS

Councilmember Briggs welcomed the new year.

Mayor Pro Tem Scherman

- Requested information on the dollar amount of the bus tickets donated by City staff to a family resulting from the Katrina disaster. She noted the Elk Grove community's donation equating \$350,000 plus to victims of the Katrina hurricane. Mayor Pro Tem Scherman requested Council consider reimbursement to a local church to assist in their efforts toward the Katrina relief. After discussion, there was Council consensus to return the item on a future agenda.
- Recognized Public Works' efforts during the weekend storm. She questioned the possibility of imposing a fine against illegally removing manhole covers.

Councilmember Leary

- Commended Director Bob Lee and the Public Works staff for their pre-emptive planning to prevent flooding on Wilton Road east of Grant Line Road by installing drainage under Wilton Road.
- Reported being approached by firefighters who are upset about the potential merger between the Community Service District fire services and Galt fire services. He noted a meeting will be held on January 12 in Galt, to discuss the merger. He opposed the merger proposal, which included extending ambulance service to Galt. He expressed concern over the financial status, and personnel, facilities, equipment status and training standards of Galt fire. He also expressed that this merger may eventually result in a merger with the Sacramento Metropolitan Fire Department.

He also reported that the CSD has removed reference to "Elk Grove" from fire equipment. He stated that firefighters are afraid to voice their opinions on the merger.

He requested the City create a focused committee to study the possibility of an advisory vote for the November, 2006 election wherein the CSD and City of Elk Grove merge. He projected that the advisory vote would be presented to LAFCO for consideration.

Councilmembers Cooper and Briggs opposed considering the item.

Mayor Pro Tem Scherman was in favor of hearing the item.

Mayor Soares recommended waiting until after the outcome of the meeting is known to determine whether there is support for the merger. He would like to know what the public opinion is if the two agencies vote to go forward with the merger. If there is a major public outcry, he supported revisiting the issue in approximately one month.

Mayor Soares

- Congratulated Bob Lee and Public Works staff on their efforts relative to the storm and flood prevention. The Mayor noted that the rainfall during the storm was 3.43 inches in approximately 24 hours. The rainfall was equivalent to a 40-year flood. While residents experienced flooding, no major property damage was suffered. Public Works crews were attending to waterways through the weekend. Three thousand phone calls were received and 4,000 sandbags were dispensed.
- Mayor Soares recognized Cedar Kehoe's interviews over television networks and radio to promote recycling.

Councilmember Cooper

- Requested and received Council consensus to hear information on a big box ordinance.

CLOSED SESSION

Mayor Soares announced the closed session item. The Council adjourned to closed session at 8:26 p.m.

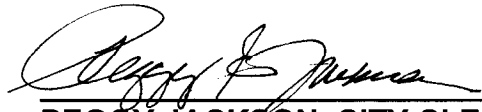
A) CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation

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

The Council reconvened the open session of the regular meeting of January 11, 2006 at 8:55 p.m. **Mayor Soares** announced no reportable action was taken during closed session.


ADJOURNMENT

With no additional business to conduct, the regular City Council meeting of January 11, 2006 adjourned at 8:56 p.m.



PEGGY JACKSON, CITY CLERK

ATTEST:



RICK SOARES, MAYOR
CITY OF ELK GROVE