

MINUTES OF THE CITY COUNCIL
REGULAR MEETING
Wednesday, March 22, 2006

CALL TO ORDER/ROLL CALL

Mayor Soares called the regular City Council meeting of March 22, 2006 to order at 6:31 p.m.

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

Absent: None

Mayor Soares led the Pledge of Allegiance.

APPROVAL OF AGENDA

Motion: M/S ***Briggs/Cooper*** to approve the March 22, 2006 City Council meeting agenda. ***The motion passed by the following vote: Ayes: 5; Noes: 0***

PRESENTATIONS/ANNOUNCEMENTS

None.

PUBLIC COMMENT (Matters not on the Agenda)

Lynn Wheat read a letter sent to the Public Works Department regarding potential flooding in the Vintara Park and adjacent areas (Bond/Waterman). She questioned whether the storm water system can support additional residences and will downstream flooding result. She noted her request of the Public Works Department for assurances that her concerns are not valid.

Tom Shine questioned whether the notification for agenda item no. 7.2 was adequate in that the proposed ordinance was not available until the Tuesday afternoon (March 21).

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

CONSENT CALENDAR ITEMS

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. 5.10. The record should reflect both our recusals on the item and our abstention from participating in the matter. In addition to our recusal, and Mr. Cooper's recusal, we have not made, participated in making, or otherwise influenced or attempted to influence this decision.

Councilmember Cooper also noted their abstention on Public Hearing Agenda Item No. 6.1.

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

Motion: ***M/S Scherman/Briggs*** to approve the consent calendar with abstentions noted on Agenda Item No 5.10. ***The motion passed by the following vote: Ayes: 5; Noes: 0***

Agenda Item No. 5.1: ***Approve Monthly Treasurer's Report for January 2006***
Approved by Consent

Agenda Item No. 5.2: ***Approve General Warrant No. 018931 through 019371 dated February 13, 2006 through March 7, 2006, and Electronic Funds Transfer 200610-200611***
Approved by Consent

Agenda Item No. 5.3: ***Approve Minutes of the February 8, 2006 Regular and Adjourned (to February 22, 2006) City Council Meetings and of the March 8, 2006 Special City Council meeting***
Approved by Consent

Agenda Item No. 5.4: ***Adopt Ordinance No. 11-2006, an ordinance levying and apportioning the Special Tax in Community Facilities District No. 2005-1 (Laguna Ridge)***
Second Reading
Approved by Consent

Agenda Item No. 5.5: *Adopt Comprehensive Annual Financial report for fiscal year ended June 30, 2005*
Approved by Consent

Agenda Item No. 5.6: **Resolution No. 2006-64** *authorizing the City Engineer to call for bids for the Asphalt Concrete Overlay and Curb Ramp Improvements 2006 Project*
Approved by Consent

Agenda Item No. 5.7: **Resolution No. 2006-65** *approving Parcel Map No. 05-880-00; 3233 Dwight Road*
Approved by Consent

Agenda Item No. 5.8: **Resolution No. 2006-66** *authorizing the City Council to hear a future resolution of necessity for the Sheldon Road/State Route 99 Interchange Reconstruction Project*
Approved by Consent

Agenda Item No. 5.9: **Resolution No. 2006-67** *authorizing the City Engineer to call for bids for the Hull Property Modifications Project*
Approved by Consent

Agenda Item No. 5.10: **Resolution No. 2006-68** *approving a change order to contract no. C-06-001 between the City of Elk Grove and Jackson Properties for expansion of 8400 building to accommodate Elk Grove Police Department and amend fiscal year 2005-06 Police Department budget (Police Services)*
Approved by Consent with Councilmembers Leary and Cooper abstaining.
Approved by the following vote: Ayes: 3; Noes: 0; Abstentions: 2 (Cooper, Leary)

PUBLIC HEARINGS

Councilmember Leary read a statement of recusal into the record and noted his and Councilmember Cooper's abstention and non-participation in the matter.

Note: Prior to consideration of Agenda Item No. 6.1, Councilmembers Leary and Cooper left the Council dais and Chamber.

Agenda Item No. 6.1: A Public Hearing and adoption of resolutions of the City Council calling an election and declaring results of the special election for annexation to Community Facilities District No. 2003-2 (Police Services) and first reading of an ordinance levying and apportioning the special tax to the annexing area (Annexation No. 10)

RECOMMENDATION: City staff recommends the following:

- 1) Adopt a resolution calling an election to submit the question of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2003-2 to the Qualified Electors (Police Services)
- 2) Adopt a resolution declaring the results of the special election held on March 22, 2006 for the tenth annexation to Community Facilities District 2003-2 (Police Services)
- 3) Introduce and waive the full reading, by substitution of title only, an ordinance levying and apportioning the special tax in territory annexed to Community Facilities District 2003-2 (Police Services) (Annexation No. 10)

Mayor Soares declared the public hearing open at 6:37 p.m.

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 and the public hearing closed at 6:40 p.m.

Motion: M/S Briggs/Scherman to adopt a resolution (Resolution No. 2006-69) calling an election to submit the question of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2003-2 to the Qualified Electors (Police Services). The motion passed by the following vote: Ayes: 3; Noes: 0; Abstentions: 2 (Cooper, Leary)

City Clerk Peggy Jackson announced that with all ballots received, the election was closed. The election results were announced as follows: Of a possible 84 votes, 84 votes were received in favor of levying the special tax. There were no "no" votes cast.

Motion: M/S Scherman/Briggs to adopt a resolution (Resolution No. 2006-70) declaring the results of the special election held on March 22, 2006 for the tenth annexation to Community Facilities District 2003-2 (Police Services) The motion passed by the following vote: Ayes: 3; Noes: 0; Abstentions: 2 (Cooper, Leary)

Motion: M/S Briggs/Scherman to introduce and waive the full reading, by substitution of title only, an ordinance (Ordinance No. 12-2006) levying and apportioning the special tax in territory annexed to Community Facilities District 2003-2 (Police Services) (Annexation No. 10). The motion passed by the following vote: Ayes: 3; Noes: 0; Abstentions: 2 (Cooper, Leary)

Councilmembers Cooper and Leary returned to the Council Chamber and dais prior to consideration of Agenda Item No. 6.2.

Agenda Item No. 6.2: A public hearing to consider the Duong Chung Project No. EG-04-565. The project includes a Specific Plan Amendment, a Rezone from AR-2 to RD-5, a Tentative Subdivision Map for 11 lots, and a Subdivision Design Review. Location: Stone Springs Drive, west of Bradshaw Road and south of Bond Road. (APN: 127-0140-024-0000)

PLANNING COMMISSION RECOMMENDATION:

- 1) Adopt a Mitigated Negative Declaration and MMRP for Duong Chung Project No. EG-04-565.
- 2) Introduce and waive the full reading, by substitution of title only, an Ordinance amending the City of Elk Grove Zoning Map from AR-2 to RD-5 for Duong Chung Project No. EG-04-565.
- 3) Adopt a Resolution approving a Specific Plan Amendment, Tentative Subdivision Map and Subdivision Design Review for Duong Chung Project No. EG-04-565, subject to the Findings and Conditions of Approval/MMRP.

Mayor Soares declared the public hearing open at 6:41p.m.

Eric Lee, Project Planner, provided an overview of the staff report and recommendation.

Kent Baker, representing the applicant, reported agreement with the Planning Commission’s recommendation at 10 units per parcel.

Mayor Soares opened the public comment opportunity.

Motion: M/S **Scherman/Briggs** to retain project density at nine lots per parcel. **The motion passed by the following vote: Ayes: 3; Noes: 2 (Cooper, Leary)**

Motion: M/S **Scherman/Briggs** to adopt a Mitigated Negative Declaration and MMRP for Duong Chung Project No. EG-04-565. **The motion passed by the following vote: Ayes: 5; Noes: 0**

Motion: M/S **Scherman/Briggs** to introduce and waive the full reading, by substitution of title only, an ordinance (**Ordinance No. 13-2006**) amending the City of Elk Grove Zoning Map from AR-2 to RD-5 for Duong Chung Project No. EG-04-565. **The motion passed by the following vote: Ayes: 5; Noes: 0**

Motion: M/S **Scherman/Briggs** to adopt a resolution (**Resolution No. 2006-71**) approving a Specific Plan Amendment, Tentative Subdivision Map and Subdivision Design Review for Duong Chung Project No. EG-04-565, subject to the Findings and amended Conditions of Approval/MMRP (9 units per parcel). **The motion passed by the following vote: Ayes: 5; Noes: 0; Abstentions: 0**

Agenda Item No. 6.3: A public hearing on an application for Waterman Park, EG-05 928; requesting an amendment to the General Plan Land Use Policy Map, East Elk Grove Policy Area Land Use Map and East Elk Grove Specific Plan, and large lot tentative subdivision map

Location: South of Mosher Road between Waterman and Grant Line Road

PLANNING COMMISSION RECOMMENDATION:

- 1) Adopt a Mitigated Negative Declaration and MMRP for Waterman Park 75, Project No. EG-05-928;
- 2) Direct staff to prepare an amendment to the City General Plan Land Use Policy Map, East Elk Grove Policy Area Land Use Map and East Elk Grove Specific Plan incorporating the land use categories and configurations approved for Waterman Park 75, Project No. EG-05-928
- 3) Introduce and waive the full reading, by substitution of title only, an ordinance amending the City of Elk Grove Zoning Map from AG-20 Permanent Agricultural Zoning District to LC Limited Commercial, MP Industrial-Office Park, M-1 Light Industrial and "O" Recreation/Open Space Zoning Districts, increasing the open space area to a minimum of 10.8 acres for Waterman Park 75, Project No. EG-05-928; and
- 4) Adopt a resolution approving a Large Lot Tentative Subdivision Map for Waterman Park 75, Project No. EG-05-928 subject to the findings and conditions of approval.

Mayor Soares declared the public hearing open at 6:57 p.m.

Steve Flint, Sr. Project Planner, provided an overview of the staff report and recommendation.

John Hodgeson, representing Syncon Homes, made a statement in support of the project and introduced **Mike Harlan**, who also made a presentation in support of the project (filed).

Speakers opposing project: **Steve Foster**, EGCSO Deputy Fire Chief, (letter filed); **John Fletcher**, Fletcher, White & Adair, (representing Suburban Propane); **Janet Toppenberg** (CEO, Elk Grove Chamber of Commerce); **Gary Peterson**, (General Manager, Weyerhaeuser Company); **Larry and Mrs. Castles, Mary Brockmire**.

Speakers supporting project: **Rod Blonien**.

Mr. Harlan reported a substantial effort to balance the jobs/homes balance by including office/industrial zoning. Mr. Harlan requested project approval.

Mayor Soares declared the public hearing closed at 7:48 p.m.

Several Councilmembers voiced their opposition to the residential component presented by the applicant for this location.

Planning Director **Christine Crawford** confirmed that the Planning Commission recommendations do not include the residential portion of the project.

Gwen Owens, Public Works, provided information on the proposed realignment of Waterman Road.

Motion: M/S Briggs/Scherman to adopt a Mitigated Negative Declaration and MMRP for Waterman Park 75, Project No. EG-05-928. The motion passed by the following vote: Ayes: 5; Noes: 0; Abstentions: 0

Motion: M/S Briggs/Scherman directing staff to prepare an amendment to the City General Plan Land Use Policy Map, East Elk Grove Policy Area Land Use Map and East Elk Grove Specific Plan incorporating the land use categories and configurations approved for Waterman Park 75, Project No. EG-05-928. The motion passed by the following vote: Ayes: 5; Noes: 0; Abstentions: 0

Motion: M/S Scherman/Briggs to introduce and waive the full reading, by substitution of title only, an ordinance (Ordinance No. 14-2006) amending the City of Elk Grove Zoning Map from AG-20 Permanent Agricultural Zoning District to LC Limited Commercial, MP Industrial-Office Park, M-1 Light Industrial and "O" Recreation/Open Space Zoning Districts, increasing the open space area to a minimum of 10.8 acres for Waterman Park 75, Project No. EG-05-928. The motion passed by the following vote: Ayes: 5; Noes: 0; Abstentions: 0

Motion: M/S Scherman/Briggs to adopt a resolution (Resolution No. 2006-72) approving a Large Lot Tentative Subdivision Map for Waterman Park 75, Project No. EG-05-928 subject to the findings and conditions of approval. The motion passed by the following vote: Ayes: 5; Noes: 0; Abstentions: 0

Agenda Item No. 6.4: A public hearing to consider establishing Community Facilities District No. 2006-1 (Maintenance Services), calling an election and declaring the results, levying and apportioning said special tax

RECOMMENDATION:

- 1) Establish Community Facilities District No. 2006-1 (Maintenance Services) and call an election for the purpose of submitting the levy of a special tax, and establish an appropriations limit to the qualified electors of the district;
- 2) Declare the results of the special election held March 22, 2006 in Community Facilities District No. 2006-1

- 3) Introduce and waive the full reading by substitution of title only, an ordinance levying and apportioning the special tax in Community Facilities District No. 2006-1 (Maintenance Services)

Mayor Soares declared the public hearing open at 8:05 p.m.

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

Mayor Soares opened the public comment opportunity.

The following persons provided comment for Council consideration: **Janet Toppenberg** (CEO, Elk Grove Chamber of Commerce); **Ardie Zahedani** (Building Industry Association).

In response to Mr. Zahedani's comments, Mr. Chinn noted that staff would support participation by property owners not in the initial annexation via a memorandum of understanding, allowing the property owners' maps to move forward.

Mayor Soares closed the public comment opportunity and the public hearing at 8:14 p.m.

Motion: M/S Leary/Scherman to adopt a resolution (Resolution No. 2006-73) establishing Community Facilities District No. 2006-1 (Maintenance Services) and call an election for the purpose of submitting the levy of a special tax, and establish an appropriations limit to the qualified electors of the district. The motion passed by the following vote: Ayes: 5; Noes: 0

The City Council proceeded to Agenda Item Nos. 7.1 and 7.2 during the ballot tabulation. After the conclusion of Agenda Item No. 7.2, the Council returned to Agenda Item No. 6.4

With all ballots received, **City Clerk Peggy Jackson** announced that of a possible 188 votes, 188 votes were cast affirmatively in favor of levying the special tax [No "no" votes were received].

Motion: M/S Leary/Cooper to adopt a resolution (Resolution No. 2006-75) declaring the results of the special election held March 22, 2006 in Community Facilities District No. 2006-1. The motion passed by the following vote: Ayes: 5; Noes: 0

Motion: M/S Leary/Scherman to introduce and waive the full reading, by substitution of title only, an ordinance (Ordinance No. 15-2006) levying and apportioning the special tax in Community Facilities District No. 2006-1 (Maintenance Services). The motion passed by the following vote: Ayes: 5; Noes: 0

REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

Agenda Item No. 7.1: Approve Final Map for Subdivision No. 04-644.00 Coventry

RECOMMENDATION: Staff recommends approval of the Final Map for Subdivision No. 04-644.00 Coventry

Bob Lee, Development Services, presented the item for Council approval.

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

Motion: *M/S Cooper/Scherman to adopt a resolution (**Resolution No. 2006-74**) approving the Final Map for Subdivision No. 04-644.00 Coventry. **The motion passed by the following vote: Ayes: 4; Noes: 0; Absent from the dais: 1 (Leary)***

Agenda Item No. 7.2: Consider an interim urgency ordinance to establish certain in-lieu payments for the deferment and construction of street improvements within the rural residential area of the city.

RECOMMENDATION: To adopt an interim urgency ordinance to establish certain in-lieu payments for the deferment and construction of street improvements within the rural residential areas of the City.

City Attorney Tony Manzanetti read the following statement of recusal into the record:

"I need to disclose that I may have a financial interest in this item. Therefore, I will not be participating in this item. The record should reflect my recusal on this item and my abstention from participation in this matter. In addition to the recusal here today, I have not made, participated in making nor otherwise influenced or attempted to influence this decision."

Mr. Manzanetti vacated the Council Chamber during item consideration.

Public Works Director Michael Kashiwagi, provided the staff report overview.

Mayor Soares opened the public comment opportunity at 8:17 p.m.

The following persons provided public comment for Council consideration: **Constance Conley, William Myers, June Coats, Tom Shine, Shirley Peters.**

Mayor Soares closed the public comment opportunity at 8:30 p.m.

Mark Wasser, legal counsel representing the City, confirmed that the ordinance is presented as an urgency ordinance, without an interim provision.

Motion: M/S Leary/Briggs to adopt an urgency ordinance (Ordinance No. 16-2006) to establish certain in-lieu payments for the deferment and construction of street improvements within the rural residential areas of the City. The motion passed by the following vote: Ayes: 5; Noes: 0

Note: City Attorney Manzanetti returned to the Council Chambers prior to consideration of item 7.3.

Agenda Item No. 7.3: Consider an ordinance amending Section 22.40.000 regarding the application of Chapter 22.40 covering parks fees and dedications

RECOMMENDATION: To introduce and waive the full reading by substitution of title only, an ordinance amending section 22.40.000 regarding the application of Chapter 22.40 covering parks fees and dedications

Anthony Manzanetti, City Attorney, provided an overview of the staff report and recommendation. He noted this item exempts Vintara Park from the Quimby ordinance process.

Mayor Soares opened the public comment opportunity at 8:37 p.m.

The following persons provided public comment for Council consideration: **Lynn Wheat, Kathy Lee.**

Mayor Soares closed public comment at 8:40 p.m.

The City Attorney also noted that the Council has been provided with revised ordinance language removing language relative to the Laguna Ridge area. He noted typographical corrections needed (22.40.005 should read 22.40.000; amended should be followed to reflect "by adding the following text to . . ."

Motion: M/S Cooper/Scherman to introduce and waive the full reading, by substitution of title only, an ordinance (Ordinance No. 17-2006) amending section 22.40.000 regarding the application of Chapter 22.40 covering parks fees and dedications with corrections noted by the City Attorney. The motion passed by the following vote: Ayes: 5; Noes: 0

GENERAL ADMINISTRATION INFORMATION

Police activities report – Chief Simmons reported that the recruitment video produced by the transition team will be receiving an award from the Sacramento Public Relations Association.

COUNCIL COMMENTS/FUTURE AGENDA ITEMS

Reports on Regional Boards, Commissions, Committees

Mayor Soares noted that due to a lack of a quorum, the April 12, 2006 meeting will not be held. The next regular meeting will be held on April 26.

Councilmember Cooper

- Announced that the Metropolitan Transportation Plan and Air Quality Conformity Analysis was approved which takes the City closer to getting out of the conformity lapse. The Federal review is anticipated in mid-April.
- \$250,000 of grant funds has been received for bus stops and shelters. An additional \$300,000 has been received for bus rapid transit / light rail study.
- \$150,000 of grant funds have been received for environmental document of Phase II of the Old Town Elk Grove Improvement Project (School to Kent Sts.)
- a meeting is scheduled to consider the Elk Grove/Rancho Cordova/Folsom/El Dorado connector at Pleasant Grove Elementary School at 5:30 p.m. on March 29. Interested parties are encouraged to attend.

Councilmember Briggs

- Reported there will be an Air Quality Management Board meeting tomorrow (3/23/06).
- Reported he will be attending the Dublin, Ireland Study Mission organized by the Sacramento Metropolitan Chamber of Commerce. He noted he will use his personal funds for the trip.
- As a future agenda item, requested information on traffic / traffic enforcement, beefing up enforcement in neighborhoods.

Mayor Pro Tem Scherman

- Reported that today was Robert Shanks' last day as Director of the Sacramento Regional County Sanitation Board. He is replaced by Mary Snyder.
- Questioned whether the City has an ordinance about leaving garbage receptacles in view.

The City Attorney responded that the garbage receptacles are monitored only in those areas wherein CC&Rs are enforced.

- Mayor Pro Tem Scherman requested the meeting be adjourned in memory of the Mayor's father.
- Announced that March 31 is the deadline for Planning Commission applications.

Councilmember Leary

- Reported that he and Communications Director Cody Tubbs met with Dan Quigle and Ron Gangl resulting in good discussion.

Mayor Soares

- Reported that the City has passed the first review phase of the Preserve America program. Additional information should be forthcoming in four to five weeks.

CLOSED SESSION

Prior to adjourning to closed session, the Council observed a moment of silence to recognize the passing of Lee Soares, father of Mayor Rick Soares.

With no public requests to speak, the Council adjourned to closed session at 8:52 p.m. to consider the following items announced by Mayor Soares:

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

B) EXISTING LITIGATION

Pursuant to GC 54596.9(a)

Three (3) cases

1. Elk Grove Community Services District v. City of Elk Grove,
Sacramento Superior Court Case No. 05AS00612
2. Kalwani and Sheldon Business Park LTD v. City of Elk Grove, et. al.,
Sacramento County Court of Appeal No. C051246
3. Super Pallet Recycling Corporation, Gyan Kalwani v. City of Elk Grove City Council, City of Elk Grove
Sacramento County Superior Court Case No. 06CS00044

The open session of the regular city council meeting reconvened at 8:57 p.m. The Mayor announced no reportable action was taken during closed session.

ADJOURNMENT

The meeting was adjourned at 8:57 p.m. in memory of Lee Soares, father of Mayor Rick Soares,



PEGGY JACKSON, CITY CLERK

ATTEST:



RICK SOARES, MAYOR
CITY OF ELK GROVE