

**MINUTES OF THE CITY COUNCIL
REGULAR MEETING
Wednesday, July 26, 2006**

CALL TO ORDER/ROLL CALL

Mayor Soares called the regular City Council meeting of July 26, 2006 to order at 6:31 p.m.

Present: Mayor Soares, Councilmembers Briggs, Cooper and Leary

Absent: Mayor Pro Tem Scherman

Note: Mayor Pro Tem Scherman was in attendance at the League of California Cities Conference.

Councilmember Briggs led the Pledge of Allegiance.

APPROVAL OF AGENDA

Motion: *M/S Briggs/Cooper to approve the July 26, 2006 City Council meeting agenda, with the removal of agenda item No. 7.1. The motion passed by the following vote: Ayes: 4; Noes: 0; Absent 1 (Scherman).*

PRESENTATIONS/ANNOUNCEMENTS

Report on the proposed SMUD service to parts of Yolo County, by SMUD Board President Genevieve Shiroma

Board President Shiroma provided an overview and history of the request by Yolo County City Councils to annex to the SMUD service area and questioned whether the Council might, from an economic development perspective support this effort. (Literature filed). She noted voters will have the opportunity to voice opposition to or support of the annexation at the November election. Board Member Susan Patterson was also in attendance.

PUBLIC COMMENT (Matters not on the Agenda)

Constance Conley provided a history on the adoption of the City's Code of Ethics and supported the Grand Jury's recommendation that the Code be amended to

include an enforcement policy. Ms. Conley requested a workshop be scheduled and presented a draft document for an Elk Grove Ethics Commission (filed).

Nikki Carpenter demanded the City Council and Councilmember Cooper, in conjunction with SACOG, move to implement Plan No. 5 provided by GRSEHA and SCA to save the Sheldon community. Ms. Carpenter complained that the air conditioning on the **e-trans** buses has not been operational for two and a half months, creating a dangerous situation for its riders. She proposed Mr. Tobar be released and that riders be given a month's free pass. Ms. Carpenter voiced that she was ashamed of the Council for not requiring Councilmember Leary's resignation from the Council.

Lynn Wheat addressed the Waterman Square project. Referring to Agenda Item No. 7.4, she voiced her opinion that the project is growth inducing, infringing on the rural Sheldon area and relies on infrastructure of proposed projects for open land at Bond and Waterman Roads in defiance of the adopted growth management plan. Taxpayers' monies will be utilized to finance the project. She noted that at construction, Waterman Road will be widened only in front of the development and relies on a road not currently existing for entrance to the project. She requested the project be evaluated under the Growth Management Plan.

Linda Ford requested campaign finance reports and statements of economic interests of Councilmembers and candidates be posted on the City's website.

Michael Jones invited Councilmembers to attend the National Night Out event sponsored by the Laguna Greens neighborhood watch on Tuesday, August 1, 6:00 p.m. at Jeannie Womack Park (PowerPoint displayed).

Public Comment was closed.

Mayor Soares and **Councilmember Cooper** responded to concerns expressed regarding the **e-tran** buses and commented on the City's efforts to resolve the air conditioning malfunction.

CONSENT CALENDAR ITEMS

Mayor Soares announced that a revised agreement from the Elk Grove Community Services Department relative to the maintenance of landscape medians (Agenda Item No. 5.7) had been received for consideration.

In response to Councilmember Leary, **City Attorney Manzanetti** responded that there are no legal concerns regarding the agreement submitted by CSD, and adoption of the agreement is a policy decision. He also noted that the new Exhibit for attachment to the agreement is expanded to include street names.

Constance Conley requested a correction to the June 28, 2006 City Council minutes relative to Council's consideration of the excessive speed ordinance to recognize Patrick Hume as the fourth citizen contributing to the proposed citizen ordinance.

Kevin Winter requested clarification (Agenda Item No. 5.5) on what part of Calvine Road the work is proposed. (Calvine and Bradshaw intersection).

Mayor Soares closed the public comment opportunity.

Motion: ***M/S Leary/Briggs*** to approve the consent calendar items with the removal of the June 28, 2006 minutes for approval (Agenda Item No. 5.3) and with the replacement of a new agreement and exhibit for Agenda Item No. 5.7. ***The motion passed by the following vote: Ayes: 4; Noes: 0; Absent 1 (Scherman)***

Agenda Item No. 5.1: Approve Warrant General Warrant Nos. 21531 through 21926 dated June 21, 2006 through July 3, 2006 and electronic fund transfers 2006015 and 2006019
Approved by Consent

Agenda Item No. 5.2: Approve Treasurer's Report for May 2006
Approved by Consent

Agenda Item No. 5.3: Approve Minutes of the ~~June 28, 2006~~ and (removed for review) July 12, 2006 Regular City Council Meeting
Approved by Consent

Agenda Item No. 5.4: ***Resolution No. 2006-198*** adopted directing the City Clerk to make a clerical correction to Ordinance 27-2006, an Ordinance of the City Council of the City of Elk Grove levying and apportioning the special tax in Community Facilities District No. 2006-1 (Maintenance Services)
Approved by Consent

Agenda Item No. 5.5: ***Resolution No. 2006-199*** adopted approving the Cooperative Funding Agreement with the County of Sacramento for the Calvine Road Widening Project
Approved by Consent

Agenda Item No. 5.6: ***Resolution No. 2006-200*** adopted authorizing the City Manager, or his designee, to execute a construction contract with Bobo Construction, Inc. for the Old Courthouse renovation project and increase the fiscal year 2006/07 budget by \$160,000
Approved by Consent

Agenda Item No. 5.7: ***Resolution No. 2006-201*** adopted accepting the Elk Grove Community Service District's request for an agreement authorizing

maintenance of certain landscaped medians within street rights of way in the City of Elk Grove
Approved by Consent

PUBLIC HEARINGS

Agenda Item No. 6.1: Report of delinquent utility charges and their collection on the tax roll

RECOMMENDATION: Staff recommends the City Council adopt a resolution approving and confirming the report of delinquent utility charges and requesting Sacramento County to collect such charges on the tax roll

Mayor Soares declared the public hearing open at 7:06 p.m.

Bonnie Puleo, Utility Billing Manager, provided an overview of the staff report and recommendation.

With no public requests to speak, **Mayor Soares** closed the public comment opportunity at 7:09 p.m.

Motion: *M/S Cooper/Briggs* to adopt a resolution (***Resolution No. 2006-202***) approving and confirming the report of delinquent utility charges and requesting Sacramento County to collect such charges on the tax roll. ***The motion passed by the following vote: Ayes: 4; Noes: 0; Absent 1 (Scherman)***

REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

Agenda Item No. 7.1: Master Planning for the Area South of Elk Grove ***THIS ITEM WAS REMOVED FROM THE AGENDA AT THE APPROVAL OF THE AGENDA.***

RECOMMENDATION: Staff recommends that the City Council direct staff to begin the process to accomplish the comprehensive master planning for the two future study areas identified in the adopted General Plan, which would include open space and habitat preservation, environmental analysis, as well as potential urban uses and (if desired) annexation of lands south of the current city limits

Agenda Item No. 7.2: Rural Road Policy

RECOMMENDATION:

- 1) Direct staff to proceed with the public participation process to create a roadway improvement policy unique to the rural Sheldon area
- 2) Direct staff to move forward with the Capital Improvement Project for the widening of Bond Road from Bradshaw Road to Grant Line Road with curb, gutter, and sidewalk improvements on the south side and improvements with limited curbs and no sidewalks on the north side of Bond Road

Mayor Soares opened public comment opportunity at 7:08 p.m.

Pam Johns, Project Planner provided an overview of the staff report and recommendation.

The following persons provided public comment in support of staff's recommendation: **June Coats** (Sheldon Community Association); **Shirley Peters** (GSREHA).

Mayor Soares closed the public comment opportunity at 7:16 p.m.

Motion: M/S **Briggs/Cooper** to direct staff to proceed with the public participation process to create a roadway improvement policy unique to the rural Sheldon area. ***The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Scherman)***

Motion: M/S **Briggs/Cooper** to direct staff to move forward with the Capital Improvement Project for the widening of Bond Road from Bradshaw Road to Grant Line Road with curb, gutter, and sidewalk improvements on the south side and improvements with limited curbs and no sidewalks on the north side of Bond Road. ***The motion passed by the following vote: Ayes: 4; Noes: 0; Absent 1 (Scherman)***

Agenda Item No. 7.3: Repeal and replace the existing public nuisance ordinance, with a new public nuisance code, Chapter 16.18 of the Elk Grove Municipal Code; and amend Chapters 1.11 and 1.12 of the Elk Grove Municipal Code as they relate to the administrative citation and appeal process

RECOMMENDATION: Introduce and waive the full reading by substitution of title only, an ordinance of the City Council of the City of Elk Grove relating to public nuisances, and administrative appeals and citations

Chris Daste, Director of Community Services, introduced **Miguel Aguirre**, Senior Field Inspector, who provided staff report and recommendation, and **Christine Wiggins**, Code enforcement.

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

Motion: **M/S Leary/Briggs** to introduce and waive the full reading, by substitution of title only, an ordinance (**Ordinance No. 35-2006**) of the City Council of the City of Elk Grove relating to public nuisances and abatement, appeals, penalties, and other remedies. **The motion passed by the following vote: Ayes: 4; Noes: 0; Absent 1 (Scherman)**

Agenda Item No. 7.4: 2005 Annual Growth Report

RECOMMENDATION: Consistent with the City's adopted Growth Management Policy, review the 2005 Annual Growth Report and provide direction as deemed appropriate

Jim Estep, Assistant City Manager - Development Services, provided an overview of the staff report and recommendation.

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

The report was received and filed with no Council action required.

GENERAL ADMINISTRATION INFORMATION

Police Chief Robert Simmons acknowledged and thanked the community for its robust attendance at the Elk Grove Police Department open house.

Chief Simmons also introduced the new Police Public Information Officer **Chris Trim**.

COUNCIL COMMENTS/FUTURE AGENDA ITEMS

Councilmember Briggs

- Announced he will be attending two meetings tomorrow: 1) The Sacramento Air Quality Management Board meeting to discuss a request by Roseville Electric for credits; 2) The Sacramento Transit

Authority will meet to discuss Measure A bond financing to expedite projects by as much as 10 – 15 years. Emergency freeway workers will also be recognized by presenting a plaque to a selected driver.

Councilmember Leary

- Noted receiving a call from Poplar Hollow Homeowner Association with regard to damage related to the Bond Road Improvement Project.

Bob Lee, City Engineer, replied that a couple of health and safety issues have been resolved as well as installation of a street name sign, and taking care of the drainage problem. Staff is looking to replace trees, repairing the sprinkler system and sidewalks. He projected that the work should be completed within the next 30 days.

Mayor Soares

Reported he would be providing an update at the next meeting related to the Arena project funding.

CLOSED SESSION

With no public comment offered, the Council recessed to closed session at 7:38 p.m. to consider the following announced item:

- A) EXISTING LITIGATION**
Pursuant to GC 54596.9(a)
One (1) case

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

The City Council returned to the regular open session at 7:54 p.m. Mayor Soares announced no reportable action was taken during closed session.

ADJOURNMENT

With no additional business to conduct, the City Council meeting adjourned at 7:54 p.m.



PEGGY JACKSON, CITY CLERK

ATTEST:



RICK SOARES, MAYOR
CITY OF ELK GROVE