

**MINUTES OF THE CITY COUNCIL
REGULAR MEETING
Wednesday, August 9, 2006**

CALL TO ORDER/ROLL CALL

Mayor Soares called the regular City Council meeting of August 9, 2006 to order at 6:30 p.m.

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

Absent: Councilmember Cooper

Mayor Soares led the Pledge of Allegiance.

APPROVAL OF AGENDA

Motion: M/S Briggs/Scherman to approve the August 9, 2006 City Council agenda. The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Cooper)

PRESENTATIONS/ANNOUNCEMENTS

Presentation on Municipal Services in the Elk Grove community, by Robert J. Waste, Ph.D. & Associates

City Manager Danielson prefaced Dr. Waste's presentation by noting the Sacramento Local Area Formation District Council (LAFCo) has requested a response from the City of Elk Grove in relation to the reorganization of the Elk Grove Community Services District and the Galt Fire Service District to the Cosumnes Community Services District. Dr. Waste was retained to review the technical aspects of the reorganization for the purpose of providing adequate information to the Council. Mr. Danielson reviewed Dr. Waste's credentials and extensive qualifications as an expert on governance.

Dr. Waste explained that he will be preparing an analysis of reports, public documents, applicable national trends, and will interview regional experts, key decision makers and managers and fire personnel of the affected fire districts.

Council provided consensus to proceed with the research.

Dr. Waste indicated his analysis should be completed within 30 days.

Dr. Waste also reported that preliminarily, there is an indication that the merger may improve fire protection services in the district. He additionally had questions relative to the fiscal consequences of Gann limit, ambulance fees, and governance of the newly formed district.

Mayor Soares opened the public comment opportunity.

John Ebner, Elk Grove Community Services Fire Department, read a letter noting the objective of the merger is to provide a higher level of service to both communities. Mr. Ebner questioned why the City has hired a consultant to assess the merger. Mr. Ebner noted that the CSD will cooperate to the extent possible and suggested that if the City has questions relative to the merger that the Municipal Services Review written by an independent consultant be read.

Ron Gangl withdrew his request to speak.

Mayor Soares closed the public comment opportunity.

Dr. Waste noted his appreciation for the cooperation expressed by CSD General Manager and acknowledged that he has read the report referenced by Mr. Ebner. He reiterated the areas of concern which he will be assessing.

PUBLIC COMMENT (Matters Not On The Agenda)

Tom Shine announced the establishment of a local Marine Corps League chapter, Detachment 1238. The Detachment is commanded by Commandant Terry Gustafson. Mr. Shine read the Mission Statement of the Marine Corps League. The local chapter League has 26 members. He encouraged membership for eligible participants. The contact phone number is 689-1963. Meetings are the first Thursday of each month. The next meeting will be held at Denny's at 7 p.m.

Aldo Innocenti, a resident in the Franklin Reserve area expressed his concern with increased vandalism, crime and speeding in the area. Mr. Innocenti commented that even with increased police contact. the crime is also increasing. He questioned what might be done to improve the situation.

Mayor Soares referred Mr. Innocenti to Police Chief Simmons.

Mayor Soares closed the public comment opportunity.

CONSENT CALENDAR ITEMS

Councilmember Leary made the following statement of recusal:

"I am employed by the Sacramento County Sheriff's Department. Therefore, I will not be participating in Consent Calendar item 5.8. The record should reflect my recusal on this item and my abstention from participating in this matter. In addition to my recusal here today, I have not made, participated I in making or otherwise influenced or attempted to influence this decision."

Mayor Soares opened the public comment opportunity.

Cathy Lee addressed Consent Calendar Item No. 5.1 and referenced the warrant authorizing payment of close to \$1 Million to Interwest over a two-week period. She questioned whether the money might be better expended on a City Public Works Department.

Tom Pooler commended Carlos Tobar and the transit staff for returning transit service to a basic level of service. In reference to Consent Calendar Item No. 5.14 Mr. Pooler stated there are hidden costs, including the purchase of a fuel station and CNG fueling modifications.

Motion: *M/S Briggs/Scherman to approve the consent calendar items, noting Councilmember Leary's abstention on Consent Calendar Item No. 5.8. The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Cooper)*

Agenda Item No. 5.1: General Warrant Nos. 21927 through 22459 dated July 14, 2006 through July 28, 2006 and Electronic Fund Transfers 2007001 and 2007002 approved

Approved by Consent

Agenda Item No. 5.2: Minutes of the June 28, 2006 and July 24, 2006 Regular City Council Meetings approved

Approved by Consent

Agenda Item No. 5.3: Ordinance No. 35-2006 of the City Council of the City of Elk Grove adopted relating to public nuisances and abatement, appeals, penalties, and other remedies ***Second Reading***

Approved by Consent

Agenda Item No. 5.4: Resolution No. 2006-203 adopted accepting subdivision improvements for Hoffman Meadows

Approved by Consent

Agenda Item No. 5.5: Resolution No. 2006-204 adopted approving a Final Map for Subdivision No. 05-855.00 Castellino Villas

Approved by Consent

Agenda Item No. 5.6: Resolution No. 2006-205 adopted authorizing the City Manager to execute a professional services contract with PSOMAS for the

*Waterman Road Improvements Project (Grant Line Road to Elk Grove Boulevard)
for an amount not to exceed \$995,701*

Approved by Consent

Agenda Item No. 5.7: *Resolution No. 2006-206 adopted authorizing the City Manager to execute a joint powers agreement to establish the Central Sacramento Groundwater Authority and Resolution No. 2006-207 adopted to appoint representatives to the Central Sacramento Groundwater Authority Board*

Approved by Consent

Agenda Item No. 5.8: *Resolution No. 2006-208 adopted declaring the City Council's intention to annex territory to Community Facilities District No. 2003-2 (Police Services) and to levy a special tax to pay for police services (Annexation 12), scheduling a public hearing for September 27, 2006.*

Approved by Consent by the following vote: Ayes: 3; Noes: 0; Abstentions: 1 (Leary); Absent: Cooper

Agenda Item No. 5.9: *Resolution No. 2006-209 adopted declaring the City Council's intention to annex territory to Community Facilities District No. 2006-1 (Maintenance Services) and to levy a special tax to pay for maintenance services (Annexation 3), scheduling a public hearing for September 27, 2006*

Approved by Consent

Agenda Item No. 5.10: *Resolution No. 2006-210 adopted declaring the City Council's intention to levy street maintenance assessments for certain properties located in the Laguna area which represent annexation No. 4 onto Street Maintenance District No. 1, Zone 2, scheduling a public hearing to be held on September 27, 2006 (Resolution)*

Approved by Consent

Agenda Item No. 5.11: *Resolution No. 2006-211 adopted declaring the City Council's intention to levy street maintenance assessments for certain properties located in the eastern area which represents annexation No. 10 into Street Maintenance District No. 1, Zone 3, scheduling a public hearing to be held on September 27, 2006*

Approved by Consent

Agenda Item No. 5.12: *Resolution No. 2006-212 adopted declaring the City Council's intention to levy street maintenance assessments for certain properties located in the Northeast Franklin area which represents annexation No. 2 into Street Maintenance District No. 1, Zone 4, scheduling a public hearing for September 27, 2006*

Approved by Consent

Agenda Item No. 5.13: *Resolution No. 2006-213 adopted authorizing the City Manager to exercise up to twelve options of the Washington Metropolitan Area Transportation Authority contract to purchase compressed natural gas (CNG)-powered 40-foot low-floor buses from Orion Industries*

Approved by Consent

Agenda Item No. 5.14: Resolution No. 2006-214 adopted authorizing the City Manager or his designee to enter into an agreement with Orion Bus Industries for the purchase of ten Orion CNG-powered 40-foot low-floor buses

Approved by Consent

PUBLIC HEARINGS

Agenda Item No. 6.1: A public hearing to consider the abandonment of a portion of an Irrevocable Offer of Dedication (I.O.D.) and a portion of an easement for drainage purposes over a portion of Vista Creek Village Unit 3 [p. 1-6]

RECOMMENDATION: Adopt a resolution approving the abandonment of a portion of an Irrevocable Offer of Dedication (IOD) and a portion of an easement for drainage purposes over a portion of Vista Creek Village Unit 3

Mayor Soares declared the public hearing open at 6:55 p.m.

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

With no public requests to speak, Mayor Soares closed the public comment opportunity and public hearing at 8:56 p.m.

Motion: M/S **Scherman/Briggs** moved staff's recommendation [to adopt a resolution (**Resolution No. 2006-215**) approving the abandonment of a portion of an Irrevocable Offer of Dedication (IOD) and a portion of an easement for drainage purposes over a portion of Vista Creek Village Unit No. 3]. **The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Cooper)**

REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

Agenda Item No. 7.1: Adopt an ordinance repealing Sections 2.61.021 and 2.61.022 of the Elk Grove Municipal Code relating to the conveyance and sale of City property

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 sections 2.61.021 and 2.61.022 of the Elk Grove Municipal Code

Anthony Manzanetti, City Attorney, provided an overview of the staff report and recommendation.

With no public requests to speak, **Mayor Soares** closed the public comment opportunity at 6:58 p.m.

Motion: *M/S Briggs/Leary to introduce and waive the full reading, by substitution of title only, an ordinance (Ordinance No. 36-2006) of the City Council of the City of Elk Grove repealing sections 2.61.021 and 2.61.022 of the Elk Grove Municipal Code. The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Cooper)*

Agenda Item No. 7.2: *Designation of a voting delegate and alternate to the 2006-07 League of California Cities Annual Conference*

RECOMMENDATION: Appoint a voting delegate and alternate delegate to represent the City of Elk Grove at the 2006-07 League of California Cities Annual Conference business meeting

Peggy Jackson, City Clerk, provided a brief overview of the recommendation.

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

Motion: *M/S Leary/Scherman to appoint Councilmember Leary as delegate and Mayor Pro Tem Scherman as alternate to represent the City of Elk Grove at the League of California Cities annual conference business meeting. The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Cooper)*

Agenda Item No. 7.3: *Retail Development Opportunities for the City of Elk Grove*

RECOMMENDATION: Receive the report prepared by Gregory Stoffel & Associates and direct staff to implement the study's recommendations regarding existing/potential retail sites within the city

Christine Crawford, Planning Director, introduced **Greg Stoffel,** who provided an overview of the report and recommendations (report filed).

Ms. Crawford identified steps to increase the city's retail opportunities: 1) Site 1 – Sheldon/SR 99: recommend Council direct staff to initiate a rezone application once the site acquisition process is complete; 2) Site 3--SE corner Sheldon/Bruceville: request Council direct staff to work with the applicant to incorporate 37 to 45 acres of retail uses into the project; 3) Site 7 – north part of Laguna Ridge Specific Plan: requests Council direct staff to initiate prepare Town Center Design Guidelines; 4) Site 10 – SE area Specific Plan request Council direct staff to work with the developers to incorporate retail development in the plan area. There is no additional Council direction requested on the other sites listed in the staff report.

Mayor Soares opened the public comment opportunity.

The following persons provided comment for Council to consider: **Steve Detrick** (requested community forums be held to gather citizen input, questioned application of CEQA process); **David Temblador** (representing Law Offices of Gregory Thatch for DR Horton [Site 3] has retained a consultant to review retail demand for Site 3 and requested Council defer action to a later time); **Phillip Stark** (requested Council be prudent in proceeding, encouraged development of retail opportunities in, and urged caution in development that would detract from, Old Town Elk Grove); **George Tsakopoulos** (addressed Site 2, NE corner of Sheldon and Power Inn Roads, requested the zoning remain commercial); **Shirley Peters** (urged caution on the location of the retail centers and questioned what would happen to the site if it is rejected, will there be an overlay?)

Mayor Soares closed the public comment opportunity.

Christine Crawford responded to Ms. Peters' question and noted the only parcel considered for a change in designation is Site 3 (Sheldon/Bruceville). If it were not used as commercial, it would revert to rural residential.

In response to Mr. Detrick's recommendation for community forums, Ms. Crawford iterated staff's request for Council's direction to initiate the proposed processes. Thereafter, each project would require the standard public processes of environmental review and public hearings.

Motion: *M/S Briggs/Leary to receive the report and to direct staff to implement the study's recommendations regarding existing and potential retail sites within the city. The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Cooper)*

Agenda Item No. 7.4: *Mayor's response to the Findings and Recommendations of the June 30, 2006 Sacramento Grand Jury Report, City Council's Response and Other Action Deemed Appropriate by the City Council regarding matters discussed by the Grand Jury*

RECOMMENDATION: Receive the "Mayor's Response to the Grand Jury Report" and provide direction regarding the City Council's response to the Grand Jury Report and other action deemed appropriate by the City Council regarding matters discussed by the Grand Jury

City Attorney Anthony Manzanetti provided an analysis relative to the response to the Grand Jury Report.

The following persons provided public comment:

Linda Ford commented on the findings of the Grand Jury in relation to Council Member Leary's comments at the April 27, 2005 Council meeting, asserting a violation of "the color of law" in attempting to suppress First Amendment rights of Elk Grove citizens. Ms. Ford questioned what action the Council might take to address Council Member Leary's behavior and how it can be prevented in the future.

Constance Conley stated citizens have no alternative but to file a claim against Mayor Soares for failing to protect the citizens.

Sandy Russell urged the Council Members to exercise their First Amendment Rights by telling citizen whether or not they agree with the comments and intimidations of Council Member Leary.

Larry Cristostomo spoke in support of Council Member Leary and urged the Council continue on with its business. He noted that the information alleged to have been disclosed by Council Member Leary is available via the internet through the County Courthouse website.

Kathy Lee referred to the report prepared by City Attorney Manzanetti and questioned what can be done so that an incident such as this is not repeated. She asked the Council act to be sure each board member perform professionally, with honor and dignity. She requested the Council address the Grand Jury's concerns.

Council Member Leary made a statement reflecting on his community service and commitment to the City.

Council Members commented on their perspective of the Grand Jury's report and support for the Mayor's response.

Motion: *M/S Scherman/Briggs to accept the Mayor's Response to the Grand Jury Report (Res. No. 2006-216). The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Cooper)*

GENERAL ADMINISTRATION INFORMATION

No reports.

COUNCIL COMMENTS/FUTURE AGENDA ITEMS

Council Member Leary

- Requested information from Public Works on the transition of County to City street signs.

Bob Lee reported the City is currently in the process (Phase 3) for signage replacement. The project will be completed this year.

- Requested staff return an item to the Council supporting infrastructure bonds placed on the November ballot by the State Legislature.

Mayor Pro Tem Scherman

- Reported attending the League of California Cities conference for Elected Officials and received her certificate for training on Public Service Ethics, Laws and Principals. She also attended a session on Youth Commissions in government service and indicated an interest in forming a commission in Elk Grove.
- Reported attending the Senior Center western barbeque.
- Reported attending the SRCSD Board meeting – with no reportable Elk Grove related issues.
- Reported attending the Raley's/Bel Air grand opening at Elk Grove/Franklin Boulevards.
- Questioned how employment milestones would be recognized/celebrated.
- Reported receiving complaints about the display of pornographic materials at a local liquor store.

Chief Simmons replied that the matter is under investigation.

- Received a request from Phillip Stark to consider invocations at Council meetings.

There was Council consensus to return as an informational item.

Council Member Briggs

- Reported that the STA Board approved advancement of a bond for the new Measure A, of which the City would receive \$40 million to assist in financing the City's interchange projects.

- Reported the Air Quality District will hold a "smashing" of wood-burning stoves on August 23 to promote conversion to clean-burning stoves. More information may be attained at the District's website.
- Announced he would be attending his first Teen Center Board meeting this month.
- Announced the Elk Grove Youth Soccer League is sponsoring its annual "Sun Stroke" tournament. Forty-eight teams will be participating in the event at the new Pleasant Grove High School.

Mayor Soares

- Reporting attending a "Crime-Free Housing Seminar". A presentation is expected in September.
- Reported the August 23, 2006 regular City Council meeting will not be held.

CLOSED SESSION

None scheduled.

ADJOURNMENT

With no additional business to conduct, the August 9, 2006 City Council meeting was adjourned at 8:12 p.m.


PEGGY JACKSON, CITY CLERK

ATTEST:


RICK SOARES, MAYOR
CITY OF ELK GROVE