

**MINUTES OF THE CITY COUNCIL  
REGULAR MEETINGS  
Wednesday, March 14, 2007**

**CALL TO ORDER/ROLL CALL**

**Mayor Cooper** called the regular City Council meeting of March 14, 2007 to order at 6:26 p.m.

Present: Mayor Cooper, Mayor Pro Tem Leary, Council Members Davis, Hume, and Scherman

Absent: None.

**Mayor Cooper** led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

***Motion: M/S Scherman/Leary to approve the agenda as submitted. The motion passed by the following vote: Ayes: 5; Noes: 0.***

**CLOSED SESSION**

None scheduled for this meeting.

Reportable action out of the February 16, 2007 closed session:

**Mayor Cooper** announced that on February 16, 2007 in closed session, the City Council approved a severance package in exchange for the mutual releases of the City and Anthony Manzanetti. The severance package called for Mr. Manzanetti to continue working until March 12, 2007, at which time he submitted his resignation effective on that day. Mr. Manzanetti received eight (8) months of severance pay.

The preceding announcement was made between consideration of Agenda Item No. 8.2 and 8.3, prior to recess.

## **PRESENTATIONS/ANNOUNCEMENTS**

### **Agenda Item No. 4.1:**

**Council Member Scherman** presented a Certificate of Appreciation to Bill Durant and Linda Deavens recognizing the service provided to the community by ParaTransit, Inc.

### **Agenda Item No. 4.2:**

**Mayor Cooper** presented a Certificate of Recognition to Karen R. Johnson representing the Jon Johnson Assist One Foundation. Ms. Johnson was accompanied by Foundation Board Members Duane Whitherspoon and Brian Peppers. Ms. Johnson announced a press conference on March 26 at 4 p.m. to pay tribute to Mr. Johnson.

### **Agenda Item No. 4.3:**

A presentation was given by **Robert Anderson**, California Committee of Employer Support of the Guard and Reserve, in recognition of the Elk Grove Police Department designation as a Patriotic Employer. An "Above and Beyond" award was presented to Chief Simmons and Mayor Cooper, recognizing the City and the Council for troop support. **Mayor Cooper** signed a non-binding agreement supporting Guardsmen.

**Mayor Pro Tem Leary** related the City's efforts to address the financial deficit faced by members of the armed services called to duty by making up the difference between the salary they would have received as an employee and that paid while deployed.

### **Agenda Item No. 4.4:**

Robert Waste Ph.D. detailed the proposed process regarding "Elk Grove 20/20' Citizen Outreach Project: A Roadmap for Community Visioning" (PowerPoint presentation filed).

**Council Member Scherman** noted that only one community workshop is planned for residents east of St. Rt. 99.

**Council Member Davis** suggested that the proposed Outreach project might be interfaced with the General Plan review in an effort to defer costs.

## **PUBLIC COMMENT**

**Joe Fabel** announced the Fine Arts Festival of Elk Grove to be held on Saturday, March 31, 2007, 10 a.m. to 6 p.m., at the Barbara Morse Wackford Center, featuring artists, performers and authors. The event is co-sponsored by the Elk

Grove Friends of the Library, the American Office Association, the Writer's Society of America, the Elk Grove Artists and the Cosumnes Community Services District.

**David Cano** spoke in support of an indoor mall that would provide protection from the weather, encouraging customers to park once and shop store to store. He also addressed youth crime, speaking in support of activities geared toward the young. He was in support of an R.C. Willey store locating in Elk Grove.

**Olga Batey** reiterated the Friends of the Library co-sponsorship of the Fine Arts Festival (See: Joe Fabel). Ms. Batey thanked **Council Member Davis** for joining the "Friends". **Council Member Hume** submitted his intention to join.

**Erin McCrory** encouraged the Council to make decisions that would encourage future generations to remain in the community, and to promote honor, respect, tradition and history. He noted that the Western Days Festival parade was not led by the American Flag this year, a tradition that the Council may be able to influence. He also questioned why the Elk Grove Christmas tree was moved. He referred to the book, *Echos of Yesterday*, and encouraged the Council to use it as a reference in planning the City's future.

In reference to Mr. McCrory's comments relative to the American Flag, **Council Member Hume** noted that at the last Council Meeting he requested staff look into creating a "Flag First" ordinance, requiring parades utilizing City streets be led by the Flag. Staff's response indicates imposing such a requirement would expose the City to liability for a Federal Civil Rights issue. He recommended talking to parade organizers, and if they are willing, encourage use of the flag.

**Council Member Scherman** offered that she felt that the absence of the American Flag at the Western Festival Parade was unintentional and an oversight. She encouraged better outreach to inform the public why changes are made. She noted changing the Christmas Tree was due to a safety issue and liability.

**Barbara Lemar** requested larger fonts be used for Council PowerPoint presentations to make them easier to see for the public. She voiced her support for an enclosed mall to provide protection and convenience to its customers.

**Nancy Mundt** suggested the subject matter of Council meetings be alternated between meetings for regular business and study sessions, where no action is taken. She also suggested this means to educate the community and provide an input opportunity on upcoming projects.

**Kathy Lee** addressed the following issues: Rite Aid Project (Agenda Item 7.1), opposed approval of the project and supported returning the project to the Planning Commission; 2) Civic Center, protested the process used to introduce the item and urged the Council to direct staff to involve citizens early in the

process; 3) Big Box Ordinance, thanked Pam Johns for the materials presented for consideration; public dialogue is needed to address the big box store issue.

**Mayor Cooper** closed public comment at 7:12 p.m.

### **CONSENT CALENDAR ITEMS**

There were no public requests to speak on Consent Calendar agenda items.

In response to **Mayor Cooper's** question on the availability of staff to write grants, **Troy Brown**, representing the Police Department, replied that while some grant writing is currently done by staff, the proposed contract is a means to be proactive in applying for grant funds for the Police Department. The contract has a provision whereby performance is measured quarterly. If the results are not satisfactory, the contract can be terminated with a seven-day notice.

In response to **Mayor Pro Tem Leary's** question on the amount expected to result from the contract, Mr. Brown replied that a specific amount has not been targeted. Strategically, the Police Department hopes to achieve 15% of the department budget [approximately \$3 – 4 million].

***Motion: M/S Scherman/Hume to approve the Consent Calendar, removing item 6.4. The motion passed by the following vote: Ayes: 5; Noes: 0.***

In response to **Council Member Scherman's** request for clarification on the type of literature planned, **Carlos Tobar**, Transit Manager, replied that only non-commercial information will be displayed.

***Motion: M/S Davis/Scherman to approve Agenda Item No. 6.4. The motion passed by the following vote: Ayes: 5; Noes: 0***

**Agenda Item No. 6.1: Ordinance 14-2007 adopted amending the Elk Grove Zoning Map from Light Industrial to General Commercial for the California Family Fitness General Plan Amendment and Rezone Project (EG-06-1014) APN 119-0120-075**

**(Second Reading)**

**Approve by Consent**

**Agenda Item No. 6.2: Ordinance 15-2007 adopted amending the Elk Grove Zoning Map for the Laguna Ridge Specific Plan Auto Mall Lot 13 Amendment Project (EG-06-1135) APN 132-1100-040 **(Second Reading)****

**Approved by Consent**

**Agenda Item No. 6.3:** Resolution No. 2007-57 adopted authorizing the City Manager, or his designee, to execute a professional services contract in an amount not to exceed \$46,000 with Blais & Associates for grant writing services and transferring \$18,000 from the General Fund contingency to the 2006-07 Police Department Budget

**Approved by Consent**

**Agenda Item No. 6.4:** Resolution No. 2007-58 adopted approving Transit Services Policy and Procedures for placement of Public Service Announcements inside City Transit vehicles

***This item was approved as follows: Ayes: 5; Noes: 0 (See Pg. 4)***

**Agenda Item No. 6.5:** Received the January 2007 Treasurer's Report

**Approved by Consent**

**Agenda Item No. 6.6:** Received report on City Manager approved purchases and contracts authorized by City Purchasing Ordinance, filed through March 2, 2007

**Approved by Consent**

**Agenda Item No. 6.7:** Authorize City Clerk to solicit applications for recruitment of Historic Preservation Committee members

**Approved by Consent**

**Agenda Item No. 6.8:** Approved minutes of the February 28, 2007 Regular City Council meeting as presented

**Approved by Consent**

## **PUBLIC HEARINGS**

**Agenda Item No. 7.1:** A *continued* public hearing to consider the Elk Grove Boulevard and Waterman Road Pharmacy application for a Design Review for two retail buildings and a Special Planning Area (SPA) amendment to amend the Old Town Elk Grove SPA to allow a drive-through on this site for Project No. EG-06-1022 located at the southwest corner of Elk Grove Boulevard and Waterman Road

### **RECOMMENDATION:**

The Planning Commission recommended denial of the project as presented to them. The project has been revised since the Planning Commission hearing. Staff recommends that the City Council deny the Design Review and Special Planning Area Amendment for the Elk Grove Boulevard and Waterman Road Pharmacy project (EG-06-1022), subject to the findings.

The City Council can take the following actions:

- Adopt resolution denying the project.

- Remand the revised project back to the Planning Commission for review and recommendation.
- Continue the item indefinitely and direct staff to complete CEQA review and bring back findings and conditions for approval.

The City Clerk announced Mr. Petrovich's request to continue the public hearing.

Mr. Petrovich supported returning the revised project to the Planning Commission.

Following Council discussion and comments by Mr. Petrovich, Council took the following action:

***Motion:*** *M/S Scherman/Hume to remand the revised project to the Planning Commission for review and recommendation, excluding the drive-thru window from consideration. The motion passed by the following vote: Ayes: 4; Noes: 1 (Leary).*

**Public Comment:**

There were a number of public requests to speak on this item. **Mayor Cooper** afforded the public an opportunity to speak, wherein none indicated a continued interest in addressing the issue after Council indicated its intention to remand the project back to the Planning Commission.

Applicant Petrovich withdrew his application for the project.

**REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS**

**Agenda Item No. 8.1:** Authorize City Manager to execute agreements with Frontier Communications of America, Inc. to deploy a wireless network in the City of Elk Grove

**RECOMMENDATION:**

Adopt resolution authorizing the City Manager, or his designee, to execute the Wireless Network Deployment and Facilities Access Agreement and accompanying financial compensation agreement with Frontier Communications of America, Inc., to establish a wireless fidelity network within the City of Elk Grove.

**Frank Oviedo**, Deputy City Manager, provided an overview of the staff report and recommendation and introduced **Denise Baumbach**, Frontier Senior Vice President and General Manager of the West Region.

Ms. Baumbach reviewed Frontier's request to build a wireless network for Elk Grove to provide residents and business owners with access to the internet

(PowerPoint presentation filed). The two-phased project will be fully funded with no cost to the City.

Ms. Baumbach identified potential WiFi applications to benefit the community and potential users. The project will utilize no more than 10% of the City's light poles.

In response to **Council Member Davis'** question on the location of transmitters, **Kerry Haley**, Vice-President of Wireless for Frontier, said it is their intention to deploy a network utilizing 10% or less of the City's 9,000 poles. Typical spacing is a quarter of a mile, an eighth of a mile or half a mile.

**Mr. Oviedo** added that staff has been vigilant in avoiding a "de facto" provider situation with Frontier. The federal government requires the city to facilitate the coexistence of multiple service providers.

**Public Comment:**

The following persons spoke in support of the proposal: **Francisco Rodriguez**, current Chair of the Chamber of Commerce; **Veronica Knudson**, Chief Operating Officer of Methodist Hospital in Sacramento; **Dr. Steven Ladd**, Superintendent, Elk Grove Unified School District; **Chief Steven Foster**, Cosumnes Community Services District.

Speakers noted that the program will benefit the educational and medical communities, the economic development effort, and heighten public safety technological uses.

**John Ramos**, Executive Director of the Wireless Sacramento Regional Project, supported wireless technology but was critical that the City did not use the request for proposals procurement process to assure maximum service to residents and revenue to the City. He noted Elk Grove's representative to the Project left the City and was not replaced on the committee.

**Sharon Lynes** supported Mr. Ramos' statement.

**Mayor Pro Tem Leary**, Council-appointed representative to the Sacramento Metropolitan Cable Commission, asserted that the City is not limiting competitors or same/similar service providers.

Council discussion was positive toward approving the proposal.

**Motion:** **M/S Leary/Scherman** to adopt **Resolution No. 2007-59** authorizing the City Manager, or his designee, to execute the Wireless Network Deployment and Facilities Access Agreement and accompanying financial compensation agreement with Frontier Communications of America, Inc., to establish a wireless

fidelity network within the City of Elk Grove. *The motion passed by the following vote: Ayes: 5; Noes: 0.*

**Agenda Item No. 8.2:** Adoption of the City of Elk Grove's Americans with Disabilities Act, Title II, Self-Evaluation and Transition Plan

**RECOMMENDATION:**

Adopt the Americans with Disabilities Act, Title II, Self-Evaluation and Transition Plan as recommended by a unanimous vote of the Elk Grove Disability Advisory Committee.

**Kara Myers**, Management Analyst, provided an overview of the staff report and recommendation.

Members of the Disability Advisory Committee were recognized by Ms. Myers: Dave Morgan, Robert E. Dayton, Bobbi Jordan, Les Treece-Sinclair, and David Simpson. Past members David Armendariz and Joseph Green were recognized as well.

**Public Comment:**

None.

**Motion:** *M/S Scherman/Davis to adopt Resolution No. 2007-60 approving the Americans with Disabilities Act, Title II, Self-Evaluation and Transition Plan. The motion passed by the following vote: Ayes: 5; Noes: 0.*

Reportable action from closed session made at this time (See: Closed Session, Pg. 1).

Council recessed from 8:26 to 8:33 p.m.

**Agenda Item No. 8.3:** Authorize the City Manager, or his designee, to negotiate a contract with Zaha Hadid Architects and subcontractors to undertake extensive public outreach and planning services for the Elk Grove Civic Center Master Plan

**RECOMMENDATION:**

Authorize the City Manager, or his designee, to negotiate a contract with Zaha Hadid Architects and subcontractors to undertake extensive public outreach and master planning for the Elk Grove Civic Center site.

**Christine Crawford**, Planning Director, provided an overview of the staff report and recommendation.

DaeWha Kang representing Zaha Hadid Architects, and Steve Burrows, Principal from ARUP Engineering, made introductory statements and were enthusiastic about the future civic center project.

**Public Comment:**

The following persons committed on this item for Council consideration: **Sarah Johnson, Rachill Reinwald, Barbara Lemar, and Sharon Lynes.**

Public speakers posed questions and stressed the importance for the public input opportunity, without limiting the creativity of the architects; public input should have been solicited during the initial stage as the public's expectation may impact projected costs; is the architectural firm vision congruent with the community's expectation of the project; does the scope of the architect include structural and/or interior design; is the contemporary/modern architectural style reflective of this community, preferring traditional design; quality design renderings should be made available for public review; how do the citizens fit into the planning and design process; investing the same amount of money into a "Cosumnes River Parkway" would attract tourism; is "world-class" reflective of Elk Grove; is there a duplication of services with CSD (Cosumnes Community Services District); is this project what the citizens want and need; concern about how the 5% - 10% reserve for arts would be expended.

**Mayor Cooper** closed the public comment opportunity.

Council Members voiced appreciation for the public comment, expressed support for the project potential, and recognized there will be a public process to gather input on the elements to be included in the civic center.

***Motion: M/S Scherman/Leary*** to authorize the City Manager, or his designee, to negotiate a contract with Zaha Hadid Architects and subcontractors to undertake extensive public outreach and master planning for the Elk Grove Civic Center site. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 8.4:** City Entrance Signs

**RECOMMENDATION:**

Should the Council wish to proceed with a City identification signage program, provide staff direction regarding:

1. Process for determining the design and text of City identification signage, and
2. The location of City identification signage.

**Christine Crawford**, Planning Director, provided an overview of the staff report and recommendation (PowerPoint presentation filed).

**Council Member Davis** recommended this effort be integrated with the City's "branding" outreach.

Addressing signage for the rural area, **Mayor Cooper** expressed that the sign should be somewhat consistent to support city cohesiveness.

**Council Member Hume** supported placement of the signs at key entry points, e.g., freeway entrances. He supported having a different sign to reflect rural Elk Grove. Council Member Hume cautioned against applying branding results to the entry monuments as branding is updated periodically. The entry monuments are more permanent.

**Council Member Scherman** supported a unique sign for rural Elk Grove.

**Council Member Leary** supported comments made by Council Member Hume and suggested revenue received from the wireless network agreement approved earlier this evening might be utilized to fund the monument project.

**Public Comment:**

The following persons provided public comment for Council consideration: **Sarah Johnson** (submitted updated monument proposal), **Leo Fassler**, **Shirley Peters**.

Mr. Fassler and Ms. Peters were supportive of having a unique monument recognizing and reflecting rural Elk Grove, at no cost to the City.

**Council Consensus:** *Utilize the Elk Grove "Branding" workshop as an opportunity to gather community input on signs/monuments.*

**Agenda Item No. 8.5:** Discussion of Big Box regulations

**RECOMMENDATION:**

Consider information relative to Big Box development and provide direction as deemed appropriate.

**Pam Johns**, Development Services, provided an overview of the staff report and addressed regulations adopted by other cities restricting various elements of big box or super stores. Ms. Johns displayed a map identifying sites which could accommodate a 50,000 square foot or larger retail establishment.

**Public Comment:**

The following persons made statements supporting the adoption of a big box ordinance: **Steve Detrick**, **Gail Rossi**, **Jan Detrick**, **Steven Lee**, **Connie Conley**, **Barbara Lemar**, **Linda Ford**.

Comments from persons in support of adopting the big box ordinance attributed big box stores with negative economic impacts to smaller retail businesses, increased demand on public safety services due to crime, and a decline in worker wages and benefits.

The Council was urged to focus economic development efforts on locally owned, existing businesses to retain profits within the community.

**Council Member Hume** asked Ms. Rossi to provide data to support statements relative to draining vs. generating tax revenue. *(Note: Linda Ford indicated during public comment that she has the data requested by Council Member Hume.)*

**Kevin Loscotoff**, Public Affairs Manager for WalMart in Northern California, opposed any ordinance that would discriminate against one type of retailer. He supported the use of Community Planning Advisory Committees as a means of public input on these types of developments.

In response to **Council Member Davis'** question, Mr. Loscotoff answered that WalMart would be in support of preparing an "impacts" report to identify various economic, criminal, and environmental impacts cause by its stores.

**Janet Toppenberg, Chief Executive Officer**, Elk Grove Chamber of Commerce, expressed that the Council ought to consider with caution, and carefully frame the ordinance, considering the impacts to avoid impinging on free enterprise.

**Miriam Montesinos**, Steefel, Levitt & Weiss, land use attorneys representing WalMart, submitted a letter (filed). She stated that from a land-use perspective, trying to deal with this complex issue "in one fell swoop" is not likely the best approach. She complimented and recognized the Elk Grove Zoning Code as "outstanding", adequately imposing restrictions on big box development. She felt adoption of an ordinance specifically addressing big box stores sends the wrong message to the business community.

Ms. Montesinos felt the analysis, referred to by Council Member Davis, is in place by means of environmental impact report processes.

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

***Motion:*** *M/S Hume/Scherman to waive the Council rule of procedure restricting the consideration of new business after 10 p.m. **The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Council Consensus: Utilize the City of Turlock Ordinance on Big Box store regulation to prepare an ordinance restricting or regulating Big Box stores for Council consideration.**

NOTE: Mayor Pro Tem Leary left the meeting at 10:24 p.m.

**Agenda Item No. 8.6:** Adopt a resolution authorizing the Mayor, or his designee, to execute a Joint Exercise of Powers Agreement for the Sacramento Public Library Authority and appoint a representative and alternate to serve on the governing board

**Cody Tubbs**, Director of Communications, provided an overview of the staff report and recommendation.

Anne Marie Gold, Director of the Sacramento Public Library was in attendance and available for Council questions (no questions presented).

**Public Comment:**

None.

**Motion amended: M/S Hume/Scherman to adopt Resolution No. 2007-61 authorizing the Mayor, or his designee, to execute a Joint Exercise of Powers Agreement for the Sacramento Public Library Authority to take effect on July 1, 2007 and appoint Council Member Scherman as representative and Council Member Davis as the alternate to serve on the governing board. ***The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: Leary*****

**Agenda Item No. 8.7:** Appointment of a member to the Elk Grove Trails Committee

**RECOMMENDATION:**

Receive information from Council Member Davis on his appointment to the Elk Grove Trails Committee. Council confirmation of appointee is not required.

**Public Comment:**

None.

**Council Member Davis** announced his selection of Timothy Jordan to serve on the Elk Grove Trails Committee. He recognized Merwin Rose for his past service to the committee and community.

**Agenda Item No. 8.8:** Authorize the City Manager, or his designee, to execute a professional services contract with Group 4 Architecture Research and Planning,

Inc. for the design of the Elk Grove Community Library Improvements (8900 Elk Grove Boulevard) for an amount not to exceed \$854,721 and amending the project budget by \$3,150,000

**RECOMMENDATION:**

Adopt resolution authorizing the City Manager, or his designee, to execute a professional services contract with Group 4 Architecture Research and Planning, Inc. for the design of the Elk Grove Community Library improvements for an amount not to exceed \$854,721 and to amend the previous project budget of \$3.8 million for acquisition costs by an additional \$3.15 million for a total project budget of \$6.95 million.

The verbal staff report was waived.

**Public Comment:**

None.

***Motion: M/S Scherman/Cooper*** to adopt **Resolution No. 2007-62** authorizing the City Manager, or his designee, to execute a professional services contract with Group 4 Architecture Research and Planning, Inc., for the design of the Elk Grove Community Library improvements for an amount not to exceed \$854,721 and to amend the previous project budget of \$3.8 million for acquisition costs by an additional \$3.15 million for a total project budget of \$6.95 million. ***The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: Leary***

**Agenda Item No. 8.9:** Provide direction on the recruitment of City Legal Counsel

**RECOMMENDATION:**

Staff requests Council consider options for the recruitment of City legal counsel and provide direction to staff:

1. Appoint Jonathan Hobbs, Esq., of Kronick, Moskovitz, Tiedemann & Girard as interim legal counsel;
- AND
2. Prepare and distribute a Request for Proposals to solicit corporate legal services; and/or
3. Direct the City Manager or his designee to negotiate and execute an agreement with an executive search firm for the recruitment of legal counsel; and/or
4. Not recruit for legal counsel at this time.

**John Danielson**, City Manager, introduced the item for Council consideration.

***Motion: Hume*** to appoint Jonathan Hobbs as interim legal counsel and prepare and distribute a Request for Proposals to solicit corporate legal services. ***The motion failed for lack of a second.***

**Public Comment:**

**Leo Fassler** commended Jonathan Hobbs for his outstanding performance as legal counsel for the Planning Commission, recognizing his integrity and intelligence and urged that he be appointed on an interim, trial basis, possibly making a permanent appointment.

***Motion: M/S Cooper/Scherman*** to appoint Jonathan Hobbs, Esq., of Kronick, Moskovitz, Tiedemann & Girard as interim legal counsel and to direct the City Manager or his designee to negotiate and execute an agreement with CPS executive search firm for the recruitment of legal counsel. ***The motion passed by the following vote: Ayes: 3; Noes: 1 (Hume); Absent: 1 (Leary)***

***NOTE: Item 8.10 was continued to the next regularly scheduled meeting of the City Council on March 28, 2007.***

**Agenda Item No. 8.10:** Discuss the timing of Swainson's Hawk mitigation

**RECOMMENDATION:**

Provide direction to staff as deemed appropriate. Should the City Council direct staff to change the timing of the mitigation, staff should be directed to make the appropriate modifications to the City's current ordinance and bring those modifications back for action at a future City Council meeting.

**GENERAL ADMINISTRATION INFORMATION**

None.

**COUNCIL COMMENTS/FUTURE AGENDA ITEMS**

**Mayor Cooper** made the following public announcements:

The Senate Public Safety Committee will hear SB 266, the City's Street Racing Legislation on Tuesday, March 27 at 9:30 a.m. at the State Capital.

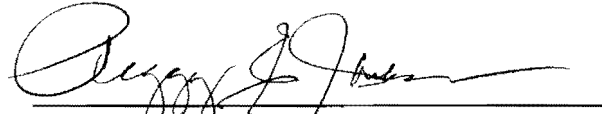
A workshop on the Review of City Services will be held on Monday, March 26, 6:00 p.m. in the City Council Chambers.

Reports on Regional Boards, Commissions, Committees – ***No reports made.***


Travel/Training Expenditures Disclosure (in accordance with Resolution 2006-295 and Government Code § 53232.3(d)) -- **No reports made**

**ADJOURNMENT**

With no additional business to conduct, the March 14, 2007 regular City Council meeting was adjourned after a moment of silence at 10:46 p.m. in memory of Jim Fales, long-term resident and teacher.

  
\_\_\_\_\_  
PEGGY E. JACKSON, CITY CLERK

ATTEST:

  
\_\_\_\_\_  
JAMES COOPER, MAYOR

**CITY OF ELK GROVE**  
*Incorporated July 1, 2000*

---

**MINUTES OF THE CITY COUNCIL  
SPECIAL MEETING  
Wednesday, March 14, 2007**

**CALL TO ORDER/ROLL CALL**

**Mayor Cooper** called the Special City Council meeting of March 14, 2007 to order at 5:01 p.m.

Present: Mayor Cooper, Mayor Pro Tem Leary, Council Members Davis, Hume, and Scherman

Absent: None.

**CLOSED SESSION**

There were no public requests to speak.

The Council adjourned to closed session at 5:03 p.m. after the City Clerk announced the following items:

**A) CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation**

Pursuant to Government Code Section 54956.9(b)

Three (3) Cases

**B) EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9(a)

Twenty-two (22) cases

1. City of Elk Grove v. Stanley R. Bode, et al., Sacramento County Superior Court Case No. 05AS04323
2. City of Elk Grove v. Chevron USA, et al., Sacramento County Superior Court Case No. 05AS04326
3. City of Elk Grove v. Gurbaksh Singh Chocker, et al., Sacramento County Superior Court Case No. 05AS04327
4. City of Elk Grove v. Wallace King Farmer, et al., Sacramento County Superior Court Case No. 05AS04336
5. City of Elk Grove v. JKC3H8 L.P., et al., Sacramento County Superior Court Case No. 05AS04333

6. City of Elk Grove v. M&H Realty, et al., Sacramento County Superior Court Case No. 05AS04337
7. City of Elk Grove v. Marvin L. Oates, et al., Sacramento County Superior Court Case No. 05AS04338
8. City of Elk Grove v. Western Buyers, et al., Sacramento County Superior Court Case No. 05AS04344
9. City of Elk Grove v. Granton Investment Co., et al., Sacramento County Superior Court Case No. 05AS04329
10. City of Elk Grove v. Hershey Land Company Grantline Road, LLC, et al., Sacramento County Superior Court Case No. 05AS04334
11. City of Elk Grove v. Robert H. Lent, et al., Sacramento County Superior Court Case No. 05AS04453
12. City of Elk Grove v. Dennis E. Vollman, et al., Sacramento County Superior Court No. 05AS04343 (Lead case in consolidation with City of Elk Grove v. Murray M. Smith, Jr., et al., Case No. 05AS04342)
13. City of Elk Grove v. Lee G. Bates, et al., Sacramento County Superior Court Case No. 06AS00319
14. City of Elk Grove v. Cha-Dor Realty, et al., Sacramento County Superior Court Case No. 05AS04325
15. City of Elk Grove v. Elk Grove Town Center, L.P., et al., Sacramento County Superior Court Case No. 05AS04328
16. City of Elk Grove v. John M. Jackson, Jr., et al., Sacramento County Superior Court Case No. 05AS04331
17. City of Elk Grove v. James S. Hull, et al., Sacramento County Superior Court Case No. 06AS00318
18. City of Elk Grove v. Jackson El Dorado, et al., Sacramento County Superior Court Case No. 05AS04332
19. City of Elk Grove v. BP West Coast Products, LLC, et al., Sacramento County Superior Court Case No. 05AS04324
20. City of Elk Grove v. Georgia-Pacific Resins, Inc., et al., Sacramento County Superior Court Case No. 05AS04330
21. Estate of Lamarr Alexander, et al. v. County of Sacramento, et al., Sacramento County Superior Court Case No. 06AS05371
22. Elk Grove Community Services District v. City of Elk Grove, Sacramento Superior Court Case No. 05AS00612

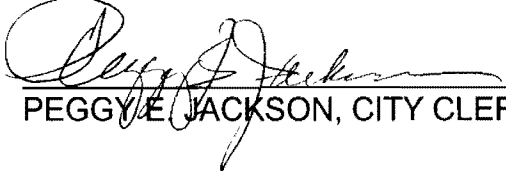
The City Council returned from closed session at 6:25 p.m. and reconvened the open meeting. Mayor Cooper announced the Council will return to the Special Council Meeting closed session after the conclusion of the regular City Council meeting of March 14, 2007.

The Special City Council Meeting was reconvened at 10:46 p.m. and Council adjourned to closed session at that time.

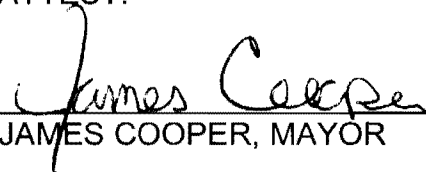
The Council reconvened the open session at 11:35 p.m. Mayor Cooper announced no reportable action was taken during closed session.

**ADJOURNMENT**

With no additional business to conduct, the Special City Council meeting of March 14, 2007 adjourned at 11:35 p.m.

  
PEGGY E. JACKSON, CITY CLERK

ATTEST:

  
JAMES COOPER, MAYOR