

MINUTES OF THE CITY COUNCIL
REGULAR MEETINGS
Wednesday, March 28, 2007

CALL TO ORDER/ROLL CALL

Mayor Cooper called the regular City Council meeting of March 28, 2007 to order at 6:35 p.m.

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

Absent: None.

Councilmember Scherman led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

CLOSED SESSION

None.

PRESENTATIONS/ANNOUNCEMENTS

Roy Herburger, President of the Elk Grove Citizen newspaper, presented Patrick Hume with the "Man of the Year" award.

PUBLIC COMMENT

Trisha Stanionis, representing the Sacramento County Children's Coalition, submitted the *Sacramento County 2006 Children's Report Card*. Ms. Stanionis urged the Council to consider how its actions will promote the health and well-being of the community's children.

Linda Beattie questioned when *e-tran* commuters will have the quality transit promised for two years.

Mayor Cooper responded that the buses have not been delivered and the City expects information on the delivery in the next week.

Robert Martinelli submitted a handout (Mitigated Negative Declaration/Initial Environmental Study) related to the Elk Grove Meadows Phase 3 project, located in the East Franklin Specific Plan area, and noted the report offers mitigation solutions for noise, perhaps by a soundwall. He noted that while a soundwall has been constructed for a portion of the area adjacent to Franklin Boulevard, it was not constructed for its entirety. Mr. Martinelli stated he believes this to be a CEQA violation. He requested the soundwall be extended.

Erin Grigat reiterated the need for a soundwall, as expressed by Mr. Martinelli.

Bobbie Singh-Allen, representing the Elk Grove Teen Center (EGTC) Board of Directors, announced that on Wednesday, June 6, the EGTC will host its third annual fundraiser at Elk Grove First Baptist Church. Mayor Cooper will be the emcee and event host.

Jan Williams, accompanied by daughter **Erika Thomas**, reported her efforts to build a fence in conformance with City standards by working through the Planning Department staff. After the fence (pictures filed) was built, she was contacted by Neighborhood Enhancement staff as a result of a complaint. After initially being told by Neighborhood Enhancement that the fence was in compliance, the inspector made a third visit indicating the decision was reversed and she was told to reduce the height of the fence to three feet. Ms. Williams felt she took the appropriate measures to make sure the fence was built according to directions provided by City staff. She noted she is being charged a \$480 fee for reinspection. She asked the Council to consider acceptance of the fence as has been done for other homeowners.

Staff was directed to meet with Ms. Williams and report back to the Council.

Dan Davis, owner of Plantation Coffee, reported drug activity, vandalism, loitering, and fighting by under-aged youth in the parking lots serving his business as well as those of River City Bank and the Shell Gas Station (Elk Grove-Florin Road/Elk Grove Boulevard). Mr. Davis stated little response has resulted by contacting the City and School District police. He asked for Council's assistance.

In response to Council Member Scherman, Mr. Davis identified times of heightened activity as school days between 8 a.m. to 9 a.m., on minimum days after noon, and after 3 p.m.

Council Member Scherman requested a meeting be scheduled with the three businesses.

Interim City Attorney Jon Hobbs announced, at the Mayor's prompting, that public speakers do not have the right to use City equipment to transmit messages and welcomed Mr. Monasky's public comment.

Michael Monasky protested the policy and insisted he be allowed to use the equipment, as used by developers, to display vandalism on and the malfunction of **e-tran** buses in a public forum.

Council Member Scherman and **Mayor Pro Tem Leary** welcomed Mr. Monasky to submit pictures for Council to review and to make public comment.

Ivonne Herrera, accompanied by her son, Christopher Parker, thanked and expressed her gratitude to the Council for enacting an ordinance in memory of her son, Anthony Mondragon, who was fatally injured in an illegal street racing contest on June 2, 2006. At the request and behalf of Ms. Herrera, **Linda Ford** read a prepared statement thanking the Council, Police Chief Simmons, and the community for the ordinance and for initiating the proposed state legislation.

Christopher Parker, who suffered severe injuries in the same accident, thanked the Council for passing the ordinance.

CONSENT CALENDAR ITEMS

Council Member Scherman requested Agenda Item No. 6.2 be removed for discussion.

The following persons provided public comment on Council Comments:

Phillip Stark, representing the Old Town Elk Grove Foundation, spoke in support of approval of Agenda Item No. 6.2, and commented that the Foundation acknowledges that approval of this item is part of a process and that there is additional work to be done to complete the project.

Michael Monasky, addressing Agenda Item No. 6.7, opposed the product recommended and noted that the materials used should be cooler in the summer. The fixtures are expensive and the bus schedules are not available. He recommended charging for the schedules. He asked the item be pulled and that the Council not approve the item.

Phillip Stark commented that the Old Town Elk Grove Foundation approved the bus stops design.

Motion: M/S Leary/Scherman to approve the Consent Calendar. The motion passed by the following vote: Ayes: 5; Noes: 0.

Agenda Item No. 6.1: Approved Community Request and/or External Link Website Policy
Approved by Consent

Agenda Item No. 6.2: **Resolution No. 2007-63** adopted accepting the Old Town Elk Grove Improvement Project as complete and authorizing the City Engineer to prepare a Notice of Completion and the City Clerk to file the Notice of Completion with the Sacramento County Recorder and amending the project budget for Fiscal Year 2006-07 in the amount of \$294,000
Approved by Consent

Agenda Item No. 6.3: **Resolution No. 2007-64** adopted approving Parcel Map No. 06-1006.00 Bruceville Road Church
Approved by Consent

Agenda Item No. 6.4: **Resolution No. 2007-65** adopted approving the Final Map and execution of the Subdivision Improvement Agreement for Subdivision No. 03-479.05 Del Webb – Laguna Ridge Village 5
Approved by Consent

Agenda Item No. 6.5: **Resolution No. 2007-66** adopted authorizing the City Manager, or his designee, to execute a contract amendment with David Evans and Associates, Inc. in the amount of \$297,538 for additional professional engineering services and to extend the contract termination date to December 31, 2009 for the design of Bond Road Widening Project Phase II (Bradshaw Road to Grant Line Road; Contract No. C-05-065)
Approved by Consent

Agenda Item No. 6.6: Receive report on City Manager approved purchases and contracts authorized by City Purchasing Ordinance, filed through March 16, 2007
Approved by Consent

Agenda Item No. 6.7: **Resolution No. 2007-67** adopted authorizing the City Manager, or his designee, to authorize the release of a purchase order in the amount of \$114,321.43 for bus shelters and fixtures with LNI Custom Manufacturing, Inc. of Hawthorne, California for a term of April 1, 2007 to March 31, 2012
Approved by Consent

Agenda Item No. 6.8: Approved and ratified extension of contract for legal services provided by Kronick, Moskovitz, Tiedemann & Girard and authorize the City Manager to execute the extension
Approved by Consent

Agenda Item No. 6.9: Approved minutes of the March 14, 2007 Special and Regular City Council Meetings as presented
Approved by Consent

Agenda Item No. 6.10: **Resolution No. 2007-68** adopted approving Parcel Map No. 05-959.01 Venture Commerce Center, a One Lot Subdivision for Condominium Purposes
Approved by Consent

Agenda Item No. 6.11: **Resolution No. 2007-69** adopted approving Parcel Map No. 05-959.02 Venture Commerce Center
Approved by Consent

PUBLIC HEARINGS

Agenda Item No. 7.1: A public hearing to consider adoption of resolutions calling an election and declaring results of the Special Election for Annexation to Community Facilities District No. 2006-1 (Maintenance Services) and first reading of an ordinance levying and apportioning the special tax to the annexing area (Annexation No. 5)

RECOMMENDATION:

1. Adopt 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. 2006-1 (Maintenance Services) to the qualified electors;
2. (*Following tabulation and certification of ballot results by the City Clerk*) Adopt resolution declaring the results of the special election held on March 28, 2007 for the fifth annexation to Community Facilities District No. 2006-1 (Maintenance Services); and
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 No. 2006-1 (Maintenance Services) Annexation No. 5.

Kate Rosenlieb, Sr. Management Analyst, provided an overview of the staff report and recommendation.

Mayor Cooper declared the public hearing open at 7:16 p.m. and opened the public comment opportunity.

Public Comment:
None.

Mayor Cooper closed the public comment opportunity and declared the public hearing closed at 7:16 p.m.

Motion #1: *M/S Leary/Hume* to adopt **Resolution No. 2007-70** calling an election to submit the question of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2006-1 (Maintenance Services) to the qualified electors. ***The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Davis)***

The City Clerk announced that of 11 possible votes, 11 votes were cast in favor of assessing the special tax.

Motion #2: *M/S Leary/Scherman* to adopt **Resolution No. 2007-71** declaring the results of the special election held on March 28, 2007 for the fifth annexation to Community Facilities District No. 2006-1 (Maintenance Services); and to introduce and waive the full reading, by substitution of title only, **Ordinance No. 16-2007** levying and apportioning the special tax in territory annexed to Community Facilities District No. 2006-1 (Maintenance Services) Annexation No. 5. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Agenda Item No. 7.2: A public hearing to consider the adoption of an ordinance pre-zoning land in the East Franklin Specific Plan Area, described generally as that area bounded on the north by Bilby Road and the Elk Grove City Limits, on the west by Union Pacific Railroad tracks; on the south by APN 132-0132-022 located within the boundaries of Sacramento County; and on the east by APNs 132-0132-006 and 007

RECOMMENDATION:

Introduce and waive the full reading, by substitution of title only, an ordinance to pre-zone property located in the East Franklin Specific Plan Area to Low Density Residential-4 dwelling units/acre (RD-4), Low Density Residential-5 dwelling unit/acre (RD-5), and Open Space (O) for Franklin Crossing Project EG-04-727 (APNs: 132-0132-042 AND 132-1680-057)

Gerald Park, Senior Planner, provided an overview of the staff report and recommendation.

Mayor Cooper declared the public hearing open at 7:21 p.m. and opened the public comment opportunity.

Public Comment:
None.

Mayor Cooper closed the public comment opportunity and declared the public hearing closed at 7:21 p.m.

Motion: *M/S Scherman/Leary* to introduce and waive the full reading by substitution of title only, **Ordinance No. 17-2007** to pre-zone property located in

the East Franklin Specific Plan Area to Low Density Residential-4 dwelling units/acre (RD-4), Low Density Residential-5 dwelling unit/acre (RD-5), and Open Space (O) for Franklin Crossing Project EG-04-727 (APNs: 132-0132-042 AND 132-1680-057). *The motion passed by the following vote: Ayes: 5; Noes: 0.*

REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

Agenda Item No. 8.1: Discuss the timing of Swainson's Hawk mitigation
(Continued from the March 14, 2007 regular Council meeting)

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.

Christine Crawford, Planning Director, gave an overview of the staff report and deferred to Council for direction. Ms. Crawford clarified that the posting of bonds at building permit is an allowable mechanism under the existing ordinance.

Public Comment:

None.

No action taken.

Agenda Item No. 8.2: Authorize the City Manager or his designee to sign a one year contract in the amount of \$89,000 to provide professional services by W. Solutions Inc., dba Wellness Solutions, to assist the City in the development, implementation and the onsite day-to-day administration of the City's comprehensive Health and Wellness Program

RECOMMENDATIONS:

1. Adopt resolution authorizing the City Manager, or his designee, to execute a contract with W. Solutions, Inc., dba Wellness Solutions to provide continued professional services to develop, implement and provide onsite day-to-day administration of the City's comprehensive health and wellness program; OR
2. Direct staff to research alternative Health & Wellness service providers; OR
3. Take no action at this time.

Frank Oviedo, Deputy City Manager, provided an overview of the staff report and recommendation. Mr. Oviedo noted the purpose of the program is to reduce the number of Worker's Compensation claims and costs, particularly as related to public safety employees. The program was expanded to include the remainder of employees without an increase in cost.

Mayor Cooper supported considering a hybrid wellness program to include strength training. He recommended discussions with the Police Officer's Association.

Council Member Davis questioned whether this program should be reviewed by the Council Ad Hoc Benefits Committee as a benefit.

Public Comment:

Michael Monasky offered that the City should address this issue with labor organizations and include the *e-tran* drivers in the program. He felt this was a wrong approach and the program should be incorporated with health care providers.

Council clarified direction to Mr. Danielson to return information on an augmented program directly to the City Council as opposed to through the Council Ad Hoc Benefits Committee.

Motion: M/S Leary/Scherman to adopt **Resolution No. 2007-72** authorizing the City Manager to execute a contract with W. Solutions, Inc., dba Wellness Solutions to provide continued professional services to develop, implement and provide onsite day-to-day administration of the City's comprehensive health and wellness program; and directed staff to: 1) return to Council with a quarterly status report on the effectiveness of the health and wellness program; and 2) evaluate ways to augment the Wellness program specifically for the Police Department in collaboration with the Police Officers Association. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Agenda Item No. 8.3: Budget Workshop Presentation

RECOMMENDATION:

Informal budget presentation; no formal action is requested.

Michael McGrane, Budget Manager, provided an overview of the staff report and recommendation. Mr. McGrane identified revenue sources and trends and explained the use of discretionary and non-discretionary funds.

Mr. McGrane noted a second budget workshop will be held April 11.

Council Member Leary suggested a Council workshop on roadway fees. He also noted that due to the budget forecast, the community grants may be cut back this year.

Public Comment:

Connie Conley supported no hindrance to the Police Department budget.

Ms. Conley thanked Council Members Davis and Scherman, and staff members Jim Estep and Christine Crawford for attending the community meeting in Galt. The event was well received by citizens and a future event will be planned.

Informational only. There was no direction provided by Council.

Agenda Item No. 8.4: Traffic Impact Guidelines Report

RECOMMENDATION:

Receive a report regarding the City's Traffic Impact Guidelines and provide direction to staff as deemed appropriate.

Fritz Buchman, Development Engineering Manager, provided an overview of the staff report and recommendation. Mr. Buchman defined the Level of Service designations for intersections and explained how a formal study of a development's traffic impacts are triggered and mitigated.

Public Comment:

None.

Informational only. There was no direction provided by Council.

GENERAL ADMINISTRATION INFORMATION

Police Chief Simmons reported that the Police Department has now shown the street racing video to more than 6,000 persons, the majority of which are students. On Tuesday, April 10, the City will testify before the State Senate Safety Committee on SB 266 (Steinberg). There will also be a community workshop at Florin High School on April 10, at 6 p.m.

COUNCIL COMMENTS/COMMITTEE REPORTS/FUTURE AGENDA ITEMS

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

Mayor Pro Tem Leary

· Future agenda item (informational): Report on airport closure impacts.
(Council consensus)

- Congratulated the Elk Grove High School Mock Trial court students who placed 1st in the State.
- Regarding Elk Grove Waterworks, staff sent a letter for the purpose of discussing financing, with no response. He suggested the Council send a letter to EGWW opposing the proposed water rate increase. (Future Council action)

Council Member Scherman noted the Council ought to also consider that this rate will be passed on to low-income and retired renters.

Councilmember Davis

- Airport closure impacts. Councilmember Davis offered that the report should likely address lost services currently offered and availability of other airports.
- Sacramento Air Quality Management Board report. Referenced a bill that would require universal road design standards. The AQMB will support the bill only if the efforts of cities such as Elk Grove are recognized for having invested a great deal of time to receive public input on roadways in unique areas, such as rural roads.
- Attended the well-attended Galt/Elk Grove greenbelt community workshop from which strong themes resulted. The information will be returned to Council for discussion. He applauded the citizens groups for organizing the event.
- The Community Services District (CSD) litigation is progressing toward resolution.
- He requested a report back from staff on the public speakers' comments relative to the Franklin Boulevard soundwall.

Councilmember Scherman

- Reported attending the Senior Center Board of Director's meeting March 27 and noted that the demand for services for City's seniors is growing, e.g., Dial-a-Ride, Meals on Wheels. Membership is now at 1,211. The Elk Grove Rotary donated \$4,000 to pay for new front doors for the Center.
- Reported that she and Council Member Davis attended the workshop on City Services on March 26. The information will be compiled and returned to the Council for full discussion.
- Participated in the community meeting on March 27 in Galt regarding the Elk Grove and Galt greenbelt.

- Reported being the guest speaker on Comcast Channel 14 today to address SB 266. She later saw Senator Steinberg, thanking him for supporting the Bill.
- Requested the Council hear an item to open the Council meetings with a Moment of Silence. (Council consensus)

Council Member Hume

- Commended the Police Department on the apprehension of suspects for a recent burglary crime.
- Sacramento Transportation Authority Board. The City will be receiving in excess of \$11 million for roadway construction and maintenance funds from Measure A.
- Regional Transit Board. Light rail should be connected to Cosumnes River College by 2010. The Council ought to revisit its position on Phase 3 from CRC southward. This might be part of the 20/20 Visioning process.
- Supported consideration of a Moment of Silence.
- Questioned whether Council might be interested in holding workshops on business improvement districts or redevelopment processes for the area east of State Route 99 along Elk Grove Boulevard and Elk Grove-Florin Road; work to encourage creative development to expand the Old Town area north and/or southward.
- Reported receiving a number of emails concerning a median issue on Harbour Point.

Mayor Cooper reported having a site meeting with Public Works staff and homeowner association representatives on Harbour Point late 2006 on this issue.

Mr. Lee noted staff will put together an issue paper to identify residents' concerns for councilmembers to review.

Mayor Cooper

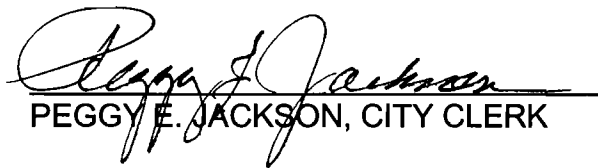
- Recognized that there are now three areas requesting soundwalls.

Bob Lee noted a report would return to the Council on the soundwalls.

- Sacramento Area Council of Governments (SACOG) Board. Addressed funding provided for the Grant Line/State Route 99 and Sheldon/State Route 99 interchanges.

ADJOURNMENT

With no additional business to conduct, the March 28, 2007 City Council meeting was adjourned at 8:50 p.m.


PEGGY E. JACKSON, CITY CLERK

ATTEST:


JAMES COOPER, MAYOR