

**MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
Wednesday, May 23, 2007**

**CALL TO ORDER/ROLL CALL**

**Mayor Cooper** called the regular City Council meeting of May 23, 2007 to order at 6:04 p.m., concurrently with the Special Meeting of the Elk Grove Finance Authority.

Present: Mayor/President Cooper, Mayor Pro Tem/Vice President Leary,  
Council Members/Directors Davis, Hume and Scherman

Absent: None.

Assemblyman Alan Nakanishi led the Pledge of Allegiance.

Mayor Cooper asked that a moment of silence be observed.

**APPROVAL OF AGENDA**

***Motion:*** ***M/S Scherman/Hume*** to approve the agenda, with the following changes: Consider Council Agenda Item No. 7.2 and Finance Authority Agenda Item No. 2.1 immediately following approval of the consent calendar; present proclamation approved as Agenda Item No. 6.8 as a presentation item. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**CLOSED SESSION**

None.

**PRESENTATIONS/ANNOUNCEMENTS**

A presentation was given by Assemblyman Alan Nakanishi regarding the Governor's May revisions to the proposed Fiscal Year 2007-08 State Budget.

A Certificate of Recognition was presented by Mayor Cooper to the Elk Grove Youth Achievement Foundation and NorCal Laguna Bombers Baseball Team.

Lyndon Hawkins, City representative to the Yolo Mosquito and Vector Control District, gave an update regarding mosquitoes and West Nile Virus (Powerpoint filed).

A Certificate of Appreciation for the American Cancer Society's Relay for Life of Elk Grove event held on May 19 – 20 was presented to Lisa Brown by Councilmembers Davis and Hume.

### **PUBLIC COMMENT**

**Constance Conley** reflected on **Dannetta Garcia's** influence on public participation as was demonstrated at the May 16 community meeting on the Elk Grove Promenade mall project. Ms. Conley scolded Councilmembers Leary and Hume for not attending the May 16 meeting, noticed as a Special Council meeting. Ms. Conley thanked attendees who contributed to the American Cancer Society's Relay for Life event. She also recognized the results of the community survey and thanked Councilmember Davis and Mayor Cooper for their participation in the community meeting.

**Mary Tappel**, a contractor experienced in beaver control through the Sacramento Area Flood Control District, said she is available to discuss the plight of the beaver with staff and the public. She characterized the City's endeavors to deal with the beaver dilemma as "pretty good".

**Tom Russell** and **Jim Harper** criticized the City for its dealing with beaver over population and suggested there are other ways to manage the animal and its habitat. Both men requested the Council suspend the contract with United States Department of Agriculture (USDA).

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

**Public Works Director Cheryl Creson** made a fact sheet available to the public, *"How Beavers Impact Storm Drainage & Flood Control Facilities – Fact Sheet"* (filed) and provided information on the City's efforts through the USDA Wildlife Service to control the beaver population for the purpose of protecting the City's storm drainage, flood control infrastructure and landscaping.

### **CONSENT CALENDAR ITEMS**

**Mayor Pro Tem Leary** recognized Judge James P. Henke's long service to the Elk Grove community (Agenda Item No. 6.11) and congratulated him on his retirement.

With no public requests to speak on the consent calendar items, Mayor Cooper closed the public comment opportunity.

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

**Agenda Item No. 6.1: Ordinance No. 18-2007** adopted amending the City of Elk Grove Zoning Map from Agricultural-Residential-5 acre minimum (AR-5) to Agricultural-Residential-2 acre minimum (AR-2) for Richert Parcel Map, No. EG-06-1150; APN: 123-0190-053 (**Second Reading**)

**Agenda Item No. 6.2: Ordinance No. 19-2007** adopted amending the City of Elk Grove Zoning Map from Agricultural-Residential-10 acre minimum (AR-10) and Low Density Residential-4 units per acre (RD-4) to Very Low Residential-3 units/acre (RD-3), Low Density Residential-4 units/acre (RD-4), and Low Density Residential-5 units per acre (RD-5) for Stone Springs Estates Unit 2, No. EG-05-970; APNs: 127-0140-007 and 127-0140-029 (**Second Reading**)

**Agenda Item No. 6.3: Resolution No. 2007-108** adopted in support of the South Sacramento County simulated intervention to help educate young drivers and their parents about the life-threatening consequences of driving under the influence and illegal speed contests

**Agenda Item No. 6.4: Resolution No. 2007-109** adopted approving the Final Map for Subdivision No. 06-1095.00 Marina Court and authorizing the Mayor to execute the Subdivision Improvement Agreement

**Agenda Item No. 6.5: Resolution No. 2007-110** adopted authorizing the City Manager to execute an infrastructure improvement and reimbursement agreement with Reynen and Bardis, LP related to improvement of Bruceville Road between Elk Grove Boulevard and Laguna Boulevard

**Agenda Item No. 6.6: Resolution No. 2007-111** adopted authorizing the City Manager to execute a construction contract in the amount of \$2,788,795.14 with George Reed, Inc. for the Asphalt Concrete Overlay and Curb Ramp Improvements Project 2007

**Agenda Item No. 6.7: Resolution No. 2007-112** adopted authorizing the City Engineer to execute utility agreements for the Sheldon Road/State Route 99 Interchange Reconstruction Project

**Agenda Item No. 6.8:** Approved Certificate of Appreciation for the American Cancer Society's Relay for Life of Elk Grove event held on May 19 – 20

**Agenda Item No. 6.9:** Approved Proclamation proclaiming June 11 - 17 as United States Army Week in the City of Elk Grove

**Agenda Item No. 6.10:** Received report on City Manager approved purchases and contracts authorized by City Purchasing Ordinance, filed through May 8, 2007

**Agenda Item No. 6.11:** Approved Certificate of Recognition commending Judge James P. Henke for 30 years of dedicated judicial service

**Agenda Item No. 6.12:** The following City Council Minutes were approved as submitted: a) April 11, 2007 Special Meeting, b) April 11, 2007 Regular Meeting, c) May 9, 2007 Special Meeting, and d) May 9, 2007 Regular Meeting

## **PUBLIC HEARINGS**

**NOTE:** *City Council Agenda Item No. 7.2 and Elk Grove Finance Authority agenda Item No. 2.1 were heard out of order and concurrently.*

**Agenda Item No. 7.2:** A public hearing to consider the issuance of lease revenue bonds by the Elk Grove Finance Authority; approval of financing of the purchase of 8401 Laguna Palms Way, refinancing of 8400 and 8380 Laguna Palms Way, and amend the Fiscal Year 2006-07 budget by a not to exceed amount of \$22 million

## **RECOMMENDATION:**

Adopt Resolution:

- 1) approving the issuance of lease revenue bonds (2007 Capital Projects) by the Elk Grove Finance Authority in an aggregate not to exceed principal amount of \$22,000,000;
- 2) approving the form of and authorizing execution and delivery of a site lease, a facilities lease, a continuing disclosure agreement in connection with certain municipal improvements; and authorizing related actions and matters; and
- 3) amending the Fiscal Year 2006-07 budget by a not to exceed amount of \$22,000,000.

**Andrew Griffin**, Finance Analyst, provided an overview of the staff report and recommendation. Mr. Griffin also announced that as a result of a recent audit, Standard & Poor's has issued an A rating on this bond. This bond rating implies an overall A+ core rating for the City of Elk Grove, a reflection of the City's excellent financial condition.

**Mayor Cooper** declared the public hearing open at 6:52 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 6:55 p.m.

**Motion:** **M/S Leary/Scherman** to adopt **Resolution No. 2007-113** 1) approving the issuance of lease revenue bonds (2007 Capital Projects) by the Elk Grove Finance Authority in an aggregate not to exceed principal amount of \$22,000,000; 2) approving the form of and authorizing execution and delivery of a site lease, a facilities lease, a continuing disclosure agreement in connection with certain municipal improvements; and authorizing related actions and matters; and 3) amending the Fiscal Year 2006-07 budget by a not to exceed amount of \$22,000,000. ***The motion passed by the following vote: Ayes: 5; Noes: 0***

***See Finance Authority Minutes of May 23, 2007 for action.***

*NOTE: Item 7.1 was heard out of order as indicated.*

**Agenda Item No. 7.1:** A public hearing to consider adoption of the proposed budget for Fiscal Year 2007-08

**RECOMMENDATION:**

Provide direction on any amendments or deletions to the Fiscal Year 2007-08 proposed budget as deemed appropriate. If the City Council is in substantive agreement with the proposed budget, the City Council could adopt the Fiscal Year 2007-08 proposed budget at this meeting.

**City Manager John Danielson** made an introductory statement prior to reviewing the budget staff report, noting that the budget is balanced and maintains high service levels. Mr. Danielson explained the reorganization of services.

**Mayor Cooper** declared the public hearing open at 7:00 p.m.

**Michael McGrane**, Budget Manager, provided an overview of the staff report and recommendation. Mr. McGrane noted that Council, if it wishes, may adopt the base budget and defer decisions on identifying Council priority projects and community service grants to a later meeting and still meet its lawful obligation of adopting the budget before the beginning of the fiscal year on July 1, 2007.

Mr. McGrane submitted potential Council projects for prioritization:

Charter Exploration / Election Reform	\$150,000
City Services Review	80,000
Council Interns	50,000
Elk Grove 20/20 (over a 2-year period)	750,000
Mentoring Program	150,000
Festival/Events	150,000

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

**PUBLIC COMMENT:**

The following persons provided comment supporting community service grants and budget allocations: Joe Fabel (Elk Grove Historical Society), Al Livingston (Strauss Festival), Stan Dunn (Strauss Festival), Pat Sandefur and Pat Mahon (Fine Arts Festival), Gary Lawson (Elk Grove Adult Community Training), Jack Toney (The Federal Technology Center), Joyce Childs (Wildlife Care Association), Arnold Adreani (The Elk Grove Community Foundation), Dee Tschida (Elk Grove Artists), Holly Graziadei (Legion, Inc.), Barbara Lehman (Human Rights/Fair Housing Commission); Phillip Stark (Old Town Elk Grove Foundation); Frank Verni (Animal Rescue League); Dr. Robert Waste (Elk Grove 20/20); Karen Johnson (The Jon Johnson Assist One Foundation); Mark Jansson (The Elk Grove Food Bank; request reduced from \$83,880 to \$60,000); Bob Hoyme (The Elk Grove Rotary Foundation – Youth Incentive Mentor Program); Tina Calanchini (Project R.I.D.E.); Inez Whitlow and Pam Dehn (Chicks in Crisis); Karen Buhr (CA Association of Resource Conservation Districts); Janine Brown (Sacramento County Department of Human Assistance, Sr. Nutrition Services); Michele Gault (Northern California World Trade Center); Stephen Schmidt, et. al., (Franklin High School Link Crew).

**Mayor Cooper** closed the public comment opportunity and declared the public hearing closed at 8:05 p.m.

In response to **Councilmember Davis'** question relative to the use of Community Promotions allocations, **Kara Myers**, Assistant to the City Manager, responded that the funds are used for events the Council wishes to sponsor. She also noted that the City is developing a sponsorship policy.

**Councilmember Davis** offered that there may be benefit to establishing criteria for allocating community service grants. He projected that as there are funds to support community promotions, that possibly the community service grants might be exclusively used for programs. As part of the criteria, the policy might address eligibility of funding for consecutive years. He also suggested a scoring system to evaluate on either the community level or by staff.

Referring to the list of Council project priorities, **Councilmember Davis** questioned the encumbrances for the Charter Exploratory/Election Reform Committee. **Mike McGrane**, Budget Manager confirmed that \$75,000 would be encumbered in the FY 2006-07 budget, and the additional \$75,000 from FY 2007-08.

Regarding funding Elk Grove 20/20, Councilmember Davis questioned whether the project could possibly be funded in conjunction with the General Plan revision. Mr. McGrane explained that the General Plan revision is due in 2013 and that information garnered through the Elk Grove 20/20 outreach would be outdated.

**Planning Director Christine Crawford** added that Council could direct the General Plan revision prior to 2013 and that the data gathering would commence approximately two years prior to the revision effort. Ideally, the state encourages the General Plan revision every ten years.

**Councilmember Scherman** noted the community services budget allocation is limited to \$212,495. She expressed her preference to allocate funding to grantees that cloth, feed, or otherwise assist the community. Councilmember Scherman supported discontinuing funding to recipient organizations after three years of consecutive funding. She suggested adopting the base budget and continuing the grant allocations to the next meeting.

**Council consensus** to adopt the base budget and continue the grant allocations and Council projects funding to the next meeting.

**Councilmember Hume** expressed his general opposition to community service grants, noting that this is an indication of either overcharging taxpayers; or, citizens are not receiving services that they should. He explained that the Community Development Block Grant funds do not fall into this category. He supported previous comments relative to instituting a self-reliance policy wherein grantees may not receive consecutive year funding.

Addressing Council priority projects, Councilmember Hume supported funding the Charter Exploratory/Election Reform and the City Services Review endeavors. He also expressed support for a Youth Commission. Relative to festivals and events, the allocations might be offered to help grow the organizations to self-sufficiency.

**Mayor Pro Tem Leary** reiterated past years' assertions that at future time, the budget may be so lean that no appropriations may be made at all towards community service grants. The City provides a high level of service to the community. He agreed with funding for the Senior Center and Teen Center as line-items and noted that funding from the Cosumnes Community Services District to the Senior Center has ceased since the City initiated funding.

**Motion:** *M/S Leary/Hume* to adopt **Resolution No. 2007-114** approving the Fiscal Year 2007-08 Budget. ***The motion passed by the following vote: Ayes: 5; Noes: 0***

**Councilmember Hume** requested that staff identify personnel costs associated with the grant requests, where available.

**Agenda Item No. 7.3:** A public Hearing to consider adoption of resolution authorizing the City Manager to execute a contract with Redflex traffic systems for a Red Light Photo Enforcement program

### **RECOMMENDATION:**

Adopt resolution authorizing the City Manager to execute a professional services agreement with Redflex Traffic Systems, Inc., for Photo Red Light Enforcement Program, and include funding, in the amount of \$211,000 in the Fiscal Year 2007-08 Police Department budget

**Police Chief Simmons**, provided an overview of the staff report and recommendation.

**Wade Bettisworth**, Director of Sales and Marketing for Redflex Traffic Systems, presented a video and safety statistic information from other California jurisdictions where the system is in place.

In response to Mayor Cooper, **Chief Simmons** provided clarification on system cost and implementation.

**Mayor Cooper** declared the public hearing open at 8:55 p.m. and opened the public comment opportunity. With no public requests to speak, the public comment opportunity and hearing were closed at 8:56 p.m.

**Motion: M/S Leary/Scherman to adopt **Resolution No. 2007-115** authorizing the City Manager to execute a professional services agreement with Redflex Traffic Systems Inc., for Photo Red Light Enforcement Program, and include funding, in the amount of \$211,000 in the Fiscal Year 2007-08 Police Department budget; return the business rules back to the Council (consent). ***The motion passed by the following vote: Ayes: 5; Noes: 0*****

### **REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS**

None.

### **GENERAL ADMINISTRATION INFORMATION**

**City Manager Danielson** submitted and Mayor Cooper signed, a letter to the Chairman of the South County Habitat Conservation Plan, expressing the City's continued interest in participating in the Plan, a vital part of the City's diligent effort to conserve habitat and open space.

**Chief Simmons** noted the following: 1) The Police Department, in conjunction with the Elk Grove Unified School District, held a bicycle safety event on Saturday, May 19 at Saturn of Elk Grove, giving away helmets to participants between the ages of 2 to 14, and 2) Eight new Police Explorers will be joining the program in the near future.

*Note: Mayor Cooper left the meeting at 8:56 p.m. due to another meeting obligation.*

## **COUNCIL COMMENTS/FUTURE AGENDA ITEMS**

- Reports on Regional Boards, Commissions, Committees (*see below*)
- Travel/Training Expenditures Disclosure (*in accordance with Resolution 2006-295 and Government Code § 53232.3(d)*) (*none*)

### **Councilmember Hume**

- Sacramento Transportation Authority. Reported that in relation to Measure A funding, the Sacramento Area Council Of Governments (SACOG) Blueprint calls for scaling back I-5 High Occupancy Vehicle (HOV) lanes from Elk Grove Boulevard to Cosumnes River Boulevard. The STA Board concluded that though unfunded, the project should remain in the Plan. This situation also applies to an HOV project on State Highway 50.
- Regional Transit. No report.
- Disclosed that he and Councilmember Davis attended the American's for Technology Leadership Conference (Sacramento Sheraton) relative to economic development opportunities. No expenditures were made.
- Asked for a status report on the Library improvements.

**Cheryl Creson**, Public Works Director, responded that a contract was let on March 14 with an architect who is currently meeting with staff to develop a floor plan and update the cost estimates. The improvement project will go to bid this year with occupation of the Library estimated at mid-year 2008.

- Requested staff provide a report on past Council actions related to Swainson's Hawk Mitigation, particularly in rural areas (acreage) as it pertained to projects already in the planning review process.
- Requested information on how a Youth Task Force/Commission might be instituted.

### **Councilmember Davis**

- Air Quality Control Management District. No report.
- Cosumnes Community Services District (CCSD) Litigation Mitigation 2 x 2. Discussions continue to proceed in a positive direction.
- Reported attending Legislation Action Days in Sacramento last week to advocate for legislation in the City's interest, including SB266, and budget priorities.
- Reported participating in the well-attended Elk Grove Community Connection forum on May 16. The event was well organized and resulted in disseminating valuable information to the community about the Elk Grove Promenade Mall.

### **Councilmember Scherman**

- Concurred with Councilmember Davis' remarks on the CSD Litigation mitigation progress.


- In reference to a Youth Commission, reported attending a League of California Cities (LOCC Conference session last year wherein engaging the city's youth was discussed. She noted that another session is scheduled for this year's annual conference.
- Sacramento Regional County Service District. Notice will be going out to interested parties on the Centex / Ventura project.
- Requested the meeting be adjourned in the memory of Andrea Bowler, 10-year-old daughter of Lynn Bowler, Police Department Dispatch Supervisor. Andrea passed away as a result of a drowning accident.

**Mayor Pro Tem Leary**

- Asked staff to return information on the grandfathering in of projects in relation to Swainson's Hawk Mitigation fees.

**ADJOURNMENT**

With no additional business to conduct, the May 23, 2007 City Council meeting was adjourned at 9:07 p.m. in memory of Andrea Bowler, daughter of Mike and Lynn Bowler. (Lynn Bowler is Support Services Manager of the Elk Grove Police Department.)

  
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PEGGY E. JACKSON  
CITY CLERK

ATTEST:

  
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JAMES COOPER, MAYOR