

**MINUTES OF THE CITY COUNCIL
SPECIAL MEETING
Wednesday, June 27, 2007**

CALL TO ORDER

Mayor Cooper called the special City Council meeting of June 27, 2007 to order at 5:04 p.m.

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

Absent: None

CLOSED SESSION

The City Clerk announced the agenda items to be considered during closed session.

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

The City Council adjourned to closed session at 5:04 p.m.

A) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section § 54956.9(b)
Six (6) cases

B) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code §54956.9(a)
Five (5) cases

1. *Elk Grove Community Services District v. City of Elk Grove, Sacramento Superior Court Case No. 05AS00612*
2. *City of Elk Grove v. M&H Realty, et al., Sacramento County Superior Court Case No. 05AS04337*
3. *City of Elk Grove v. Marvin L. Oates, et al., Sacramento County Superior Court Case No. 05AS04338*
4. *City of Elk Grove v. Robert H. Lent, et al., Sacramento County Superior Court Case No. 05AS04453*

5. City of Elk Grove v. Elk Grove Town Center, L.P., et al.,
Sacramento County Superior Court Case No. 05AS04328

The Council returned from closed session at 5:45 p.m. and resumed the open session.

The Mayor announced no reportable action from closed session.

REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

Agenda Item No. 3.1: Provide direction to staff to initiate the process to amend the City's Sphere of Influence and prepare a Sphere of Influence Amendment Application for the Sacramento Local Agency Formation Commission

RECOMMENDATION:

Staff requests City Council direction to initiate the process to amend the City's Sphere of Influence and prepare a Sphere of Influence Amendment application for the Sacramento Local Agency Formation Commission for two study areas as defined in the General Plan (and shown on the staff report exhibit). Staff also requests direction on whether or not to identify areas for urbanization and areas to be left as permanent open space within the proposed study areas.

Taro Echiburu, Environmental Planning Manager, provided an overview of the staff report.

Mayor Cooper and other Councilmembers expressed concern that this item was appended to the agenda for Council consideration at such a late time.

Councilmember Hume recommended that in the future when it is known a critical item such as this is to be considered, to enter a placeholder on the agenda even though the materials may be subsequently distributed.

Phil Carter agreed that the recommendation to enter placeholders on agendas for time critical items would be a means to avoid a reoccurrence such as this. He noted that the County on June 26 clarified its schedule for receiving written information before the Board. Staff had anticipated bringing the item to Council on July 11. Given the County's requirements for inclusion in the Board packet, staff felt it critical to amend the special meeting agenda to include the item for Council direction.

The following persons provided public comment: **Sarah Johnson, Michael Monasky, Susan Pecci, Bill Meyers, Jackie Delu, Alta Tura, Sean Wirten, Judith LaMare, Jim Pachel** (letter fied), **Cynthia Garcia**. Generally, speakers opposed amending the City's Sphere of Influence into the south county area and expanding the urban services boundary.

Mayor Cooper closed the public comment opportunity.

In response to Councilmember Hume, Mr. Echiburu responded that the Habitat Conservation Plan is a 50-year permit. The Sacramento Area Council of Governments (SACOG) Blueprint Plan is through 2050. Mr. Echiburu noted that staff is unaware of any regional Habitat Conservation Plan (HCP) that has been amended, though there are a couple that are in the process. The process is not clear-cut. Mr. Echiburu noted that Council provided direction on its intent to participate in the HCP in January 2007.

Mr. Carter further explained the interaction with County staff responsible for preparing the HCP. County staff subsequently sought direction from the Board of Supervisors on June 12. He noted at the direction of the Board of Supervisors, County staff met with City staff. It was brought up that the land under consideration is in the County of Sacramento. Assuming staff proceeds with an SOI application over a three to five year process, though the City may have a sphere of influence in the targeted area, the land use authority remains with the County, as pointed out by the County Planning Director. Mr. Carter questioned, as a policy issue, does the City of Elk Grove City Council want to consider the opportunity for urbanization or should the HCP designate the area as receiving area, likely limiting the Council's ability to move forward.

Mr. Carter noted staff would welcome to review a written process for amending the HCP of this scale. No process has been made available to staff to date. Staff has requested that the City Council not be precluded from the opportunity to study the area for urbanization, and that the area would be covered by the permit. He noted steps necessary to urbanize include: sphere of influence approval, attain County of Sacramento approval on land uses, environmental review and compliance, Local Agency Formation Commission (LAFCo) approval, and property tax exchange agreement with the County. He noted the City should not be precluded by the HCP if the other necessary steps for urbanization area approved.

Discussion ensued on how the zones of the HCP were arrived at and defined. Mr. Carter projected that designating the land as "receiving" will have no impact on continued farming operations.

Councilmember Davis expressed continued concern on the City's jobs/housing balance; permanent preservation of open space and additional recreational facilities. Councilmember Davis stated he could not support the motion, not because of the substance but because of the manner in which the item was brought to the Council late. He also noted the reference to the public participation plan is lacking.

Councilmember Leary iterated the City's efforts to provide land for Swainson's Hawk mitigation and has served as an example to the region in that effort. He also

recalled that the Council took action in January in response to the Sacramento Regional Sanitation District's Master Plan revision planning as it relates to expansion into the south county area. Councilmember Leary felt landowners in the area ought to have an opportunity to express their positions. He also questioned what the HCP amendment might be and expressed that the City's participation in the planning of the HCP could have been greater.

Councilmember Scherman recognized and expressed appreciation for citizen participation in the Council meetings. She questioned whether the City will lose participation in the south county corridor if the City does not move forward on this item. She felt there are a number of questions that cannot be answered right now and observes this as an opportunity to initiate regional discussion with subsequent public workshops to follow.

Councilmember Scherman noted she cannot support going past Eschinger Rd., but favored moving west to I-5.

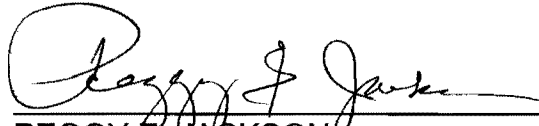
Mr. Carter noted that if there is no Council action, the County will continue with the HCP process and may or may not include some definition south of Kammerer Road.

Councilmember Hume recognized that this is a long-term planning effort for the subject area with permanent consequence. He encouraged consideration of running Kammerer and Bilby Roads to I-5 in order to potentially be the lead agency on the corridor. He also noted that if there is not a plan put into place to engage the public, he will be disinclined to support any further action.


Motion: Scherman/Hume to direct staff to initiate the process to amend the City's Sphere of Influence to the Sacramento Local Agency Formation Commission (LAFCo) which defines organization west of 99 south of Eschinger Road and west of Interstate 5 above the 100-year flood plain and south of Grantline and east of State Route 99 above the 100-year flood plain; that the remaining areas within the sphere should be designated as open space and direct staff to return to Council with a defined Public Participation Program for the processing of the application. ***The motion passed by the following vote: Ayes: 4; Noes: 1 (Davis)***

ADJOURNMENT

The June 27, 2007 special City Council meeting was adjourned at 7:01 p.m., with no additional business to conduct.



PEGGY E. JACKSON
CITY CLERK

ATTEST:


JAMES COOPER, MAYOR