

**MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
Wednesday, September 26, 2007**

**CALL TO ORDER/ROLL CALL**

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

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

Absent: None.

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

Mayor Cooper asked that a moment of silence be observed.

**APPROVAL OF AGENDA**

***Motion:*** *M/S Leary/Hume* to approve the agenda as presented. **The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Scherman)**

*NOTE: Council Member Scherman was temporarily absent from the meeting at the time the vote was taken on the approval of the agenda.*

**CLOSED SESSION**

None.

**PRESENTATIONS/ANNOUNCEMENTS**

**Agenda Item No. 4.1:** Tony Cardenas from the California League of California Cities presented the City Council with the Grand Prize Helen Putnam Award (*under the category of public safety*) in recognition of the City's video production, "In the Blink of an Eye" designed to educate the public on the dangers and consequences of illegal street racing. He noted that Elk Grove also adopted a "zero tolerance" ordinance, which doubled the state guidelines for impounding vehicles belonging to street racers from 30 to 60 days and targets spectators with fines and possible jail time. Christine Brainerd was recognized, in conjunction with the Police Department, for their efforts in producing the video. Mayor Cooper gave special recognition to Yvonne Herrera who lost her son in a street racing accident.

**Agenda Item No. 4.2:** Council Member Hume presented a proclamation to the Disability Advisory Committee recognizing October as Disability Awareness Month.

**Agenda Item No. 4.3:** Council Member Scherman presented a proclamation to WEAVE (Women Escaping a Violent Environment), represented by Judith Bornhoeft, recognizing October as Domestic Violence Awareness Month.

### **PUBLIC COMMENT**

**Dr. Michael Duveneck**, Chair of the *Stay Sacramento - Stop Arden Arcade Cityhood Committee*, urged the Council to vote against Item 8.4 and not contribute financial support to the Arden Arcade incorporation effort. He submitted two documents on the subject and asserted that such a contribution would be a gift of public funds and misuse of taxpayer money (both filed). He reported that Sacramento County has already allocated \$100,000 to the Local Area Formation Commission to help underwrite the research phase of the cityhood proposal. He felt that those involved in the incorporation campaign should raise funds from citizens and businesses in the Arden Arcade community, rather than from taxpayers in other cities.

**Michael Monasky** agreed with statements made by Dr. Duveneck and suggested that the \$30,000 be spent to increase bus safety and solve maintenance problems instead. He submitted a written document (filed) and reported that on September 17, bus 95-584 was swaying back and forth. He spoke with Operations Manager Jeff Stewart who stated it was the responsibility of Maintenance Manager Bill Clough. Mr. Monasky told Mr. Stewart that the bus should not be placed back in service until it was checked at highway speeds. The next morning the same bus was in service and the Driver Vehicle Inspection trouble ticket indicated that it had not been repaired. He phoned Transit Manager Carlos Tobar, Mr. Stewart, and Mr. Clough about the situation without resolution. On September 20, a bus had the check engine light on while in service. Mr. Monasky reported that a veteran bus driver had informed him that the compressed natural gas tank configuration on the South Coast transit buses "blow the mainframe". He asked Council to remove all South Coast transit buses from freeway commuter service immediately. He warned that Council was being put on notice, as it is now known that a problem exists and if someone is injured or killed as a result of this situation the City would face dire consequences.

### **CONSENT CALENDAR ITEMS**

#### **PUBLIC COMMENT:**

None.

***Motion: M/S Leary/Davis to approve the consent calendar. The motion passed by the following vote: Ayes: 5; Noes: 0***

**Agenda Item No. 6.1: Ordinance No. 28-2007** adopted amending the Elk Grove Zoning Code, Title 23 of the City's Municipal Code (**Second Reading**)

**Agenda Item No. 6.2: Ordinance No. 29-2007** adopted amending various chapters of the Elk Grove Municipal Code for consistency with the City's Zoning Code (**Second Reading**)

**Agenda Item No. 6.3: Ordinance No. 30-2007** adopted amending the Triangle Special Planning Area (SPA) for Assessor Parcel Number 134-1100-056 the Cookson SPA Amendment (EG-06-1093) (**Second Reading**)

**Agenda Item No. 6.4:** Approved General Warrant No. 31345 through 32167 dated August 1, 2007 through August 31, 2007 and Electronic Fund Transfer 2008011 through 2008023

**Agenda Item No. 6.5: Resolution No. 2007-205** adopted granting Sacramento Municipal Utility District an overhead electric easement over a City owned Drainage Channel (PW-07-9006)

**Agenda Item No. 6.6: Resolution No. 2007-206** adopted authorizing the City Engineer to change the street names of a portion of Kammerer Road to West Stockton Boulevard and CMD Court to East Stockton Boulevard in the area of Grant Line Road related to the Grant Line Road/State Route 99 Interchange Reconstruction Project

**Agenda Item No. 6.7: Resolution No. 2007-207** adopted approving Parcel Map No. 04-566.00 Bank of Stockton

**Agenda Item No. 6.8: Resolution No. 2007-208** adopted authorizing the City Manager to execute a contract change order with RGW Construction, Inc. for a not-to-exceed amount of \$650,000 for the reconstruction of Survey Road which will be part of the Grant Line Road / State Route 99 Interchange Reconstruction Project

**Agenda Item No. 6.9: Resolution No. 2007-209** adopted authorizing the City Manager to renew the contract with Astone / Crocker / Flanagan for economic development and community marketing services in an amount not to exceed \$95,000

**Agenda Item No. 6.10: Resolution No. 2007-210** adopted authorizing the Purchasing Officer to exercise the sale and disposal of surplus City property in the form of police vehicles, law enforcement vehicle equipment, and transit buses

**Agenda Item No. 6.11:** Resolution No. 2007-211 adopted in support of extended producer responsibility to manage disposal costs of universal waste (batteries and lamps)

**Agenda Item No. 6.12:** Resolution No. 2007-212 adopted authorizing the City Manager to negotiate and execute a contract with J4 Solutions in an amount not to exceed \$100,000 for VMWare Conversion and Citrix Implementation

**Agenda Item No. 6.13:** Received report on City Manager approved purchases and contracts authorized by City Purchasing Ordinance, filed through September 14, 2007

**Agenda Item No. 6.14:** Resolution No. 2007-213 adopted approving the Final Map for Subdivision No. 03-479.02 Del Webb Village 2 and authorizing the Mayor to execute the Subdivision Improvement Agreement

**Agenda Item No. 6.15:** Resolution No. 2007-214 adopted authorizing the City Manager to execute a construction contract with Biondi Paving, Inc. in the amount of \$115,320.30 for the Elk Grove Florin Road / Campbell Road Intersection Improvements and Franklin Boulevard / Willard Parkway Intersection Improvements Project

**Agenda Item No. 6.16:** Approved City Council minutes of the September 12, 2007 Special Meeting and the September 12, 2007 Regular Meeting as presented

## **PUBLIC HEARINGS**

**Agenda Item No. 7.1:** A public hearing to consider the Waterman 20 project; a General Plan Amendment, East Elk Grove Specific Plan Amendment, Rezone, Tentative Parcel Map, Conditional Use Permit, a Variance, and a Design Review for an industrial and RV storage project (EG-05-898; APN 134-0110-015)

## **RECOMMENDATION:**

The Planning Commission recommended (4-1) that the Elk Grove City Council:

1. Adopt a Mitigated Negative Declaration and MMRP for the Waterman 20, Project No. EG-05-898.
2. Defer the approval of the General Plan Amendment to a date uncertain for the purpose of accommodating additional General Plan Amendment requests related to other projects;
3. Adopt resolution expressing support for a General Plan Amendment and approving a Specific Plan Amendment, Tentative Parcel Map, Conditional Use Permit, Variance, and Design Review for the Waterman 20 Project No. EG-05-898, subject to the Findings and Conditions of Approval; and
4. Introduce and waive the full reading, by substitution of title only, an Ordinance amending the City of Elk Grove Zoning Map for approximately 20.23 acres from

Agricultural Residential – 10 acre minimum (AR-10) to 8.05 acres of Industrial Office (MP), 8.03 acres of Light Industrial (M-1) and 4.15 acres of Open Space (O) for the Waterman 20 Project No. EG-05-898.

**Nina Stevens**, Planner, provided an overview of the staff report and recommendation.

**Mayor Cooper** declared the public hearing open at 6:39 p.m.

**Council Member Davis** reported that Council received a letter from Cosumnes Community Services District requesting that the open space land dedication be increased to 5.3 acres with an average width of at least 250 feet (filed).

**John Ferguson**, Managing Partner for the development, explained that the narrowest part at the northern end is 120 feet and the widest section at the southern end is 225 feet. Ms. Stevens confirmed this information.

**PUBLIC COMMENT:**

**Fred Bremerman**, representing Cosumnes Community Services District, stated that the width of the trail is 117 feet. The access narrows to 40 feet between the boundary of the proposed recreational vehicle (RV) storage area and the residence on the northern side of the project. Mr. Bremerman asked that there be a wider access area to eliminate the alley effect through the space.

**Council Member Hume** suggested that, if two or three RV spaces were removed from the southern side, the trail could be widened in that section.

Mr. Ferguson agreed and stated that it would decrease the number of spaces from 428 to 426.

With no additional public requests to speak, **Mayor Cooper** closed the public comment opportunity and declared the public hearing closed at 6:52 p.m.

**Motion:** *M/S Leary/Scherman* to adopt a Mitigated Negative Declaration and MMRP for the Waterman 20, Project No. EG-05-898, amending the plan to reduce the number of spaces to 426. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Motion:** *M/S Leary/Scherman* to defer the approval of the General Plan Amendment to a date uncertain for the purpose of accommodating additional General Plan Amendment requests related to other projects;

**Motion:** *M/S Leary/Scherman* to adopt **Resolution No. 2007-215** expressing support for a General Plan Amendment and approving a Specific Plan Amendment,

Tentative Parcel Map, Conditional Use Permit, Variance, and Design Review for the Waterman 20 Project No. EG-05-898, subject to the Findings and Conditions of Approval; and

**Motion:** **M/S Leary/Scherman** to introduce and waive the full reading, by substitution of title only, **Ordinance No. 31-2007** amending the City of Elk Grove Zoning Map for approximately 20.23 acres from Agricultural Residential – 10 acre minimum (AR-10) to 8.05 acres of Industrial Office (MP), 8.03 acres of Light Industrial (M-1) and 4.15 acres of Open Space (O) for the Waterman 20 Project No. EG-05-898. ***The motion passed by the following vote: Ayes: 5; Noes: 0***

*NOTE: Agenda Item Nos. 7.2 and 7.3 were presented and considered concurrently.*

**Agenda Item No. 7.2:** A public hearing to consider the Vineyard Ranch Estates application for a Rezone and Tentative Subdivision Map (EG-05-946; APN 121-0200-007 & 008)

**RECOMMENDATION:**

The Planning Commission recommended that the City Council deny the project.

**Agenda Item No. 7.3:** A public hearing to consider initiation of a General Plan Amendment to change the current designation of approximately 158 acres of land from Estate Residential (0.51 – 4.0 units per acre) to Rural Residential (0.1 – 0.5 units per acre)

**RECOMMENDATION:**

The Planning Commission recommended that the City Council direct staff to initiate a General Plan Amendment to change the subject area from Estate Residential (0.51 - 4.0 units per acre) to Rural Residential (0.1 - 0.5 units per acre).

**Mayor Cooper** declared the public hearings for Items 7.2 and 7.3 open at 7:01 p.m.

**Jeff Garrigues**, Planner, provided an overview of the staff report and recommendation relative to Item No. 7.2.

**Christine Crawford**, Planning Director, provided an overview of the staff report and recommendation relative to Item No. 7.3.

**Kent Baker** with Baker-Williams Engineering Group representing Prodigy Homes submitted three diagrams (all filed). He reported that the map had been amended a number of times to address staff concerns. He explained that when Rock Church was developed, a shed map was presented to the City and the sewer district, at which time the sewer line should have been made two feet deeper; however, the error was not discovered during plan check. The project now under consideration is

at the end of that sewer line. He objected to staff's claim that the Vineyard Ranch Estates project would cause a drainage problem to surrounding properties. He offered a solution of increasing the size of the pipe so that it could be placed down an additional two feet allowing for the City's standard of two feet of fill.

**Michael Witt**, of Prodigy Homes, stated that it is a misnomer among staff that the Vineyard Ranch Estates project is creating a problem for the surrounding area and alleged that staff is using that tack as an excuse to deny the project. Further, he stated that the General Plan amendment (Item 7.3) that staff has brought forward is unfounded and not necessary. The cause of the current situation is that the sewer line was not placed deep enough at the time of the Rock Church development. The sewer line installed one and a half years ago by Sacramento County on Calvine Road is much deeper than the sewer stub that comes off Calvine Road and heads south to the Vineyard Ranch Estates project. Increasing the line from 8 to 10 inches would allow for it to be flatter and require only two feet of fill. Mr. Witt urged Council to reject the Planning Department's [*Commission's*] recommendations and submitted signed petitions from eight residents supporting the Vineyard Ranch Estates project and opposing the General Plan amendment.

**Mayor Cooper** asked why the solution to increase the sewer line size was not brought forward earlier, to which Mr. Witt explained that he was never able to advance that far with staff because he had spent the past two years working with five or six different planners, and with each change, going through a re-education process with them. The map had to be redrawn countless times, due to staff recommendations. When the matter was heard by the Planning Commission, staff spoke against the project and no opportunity was offered to make recommendations to resolve concerns.

**PUBLIC COMMENT (Items 7.2 and 7.3):**

**Ellen Dixon** spoke in opposition to the Vineyard Ranch Estates project citing overdevelopment in the area and traffic congestion.

**Lisa Dixon** stated that property owners have made plans based on the current zoning and it should not be changed. She recommended that Council consider concurrently allowing this project to proceed, while conducting a master plan for the entire Estate Residential area to encompass land bordered by Bradshaw and Calvine Roads, as well as Bond and Bradshaw Roads.

**Olesya Tribukait** stated that residents are concerned about the duration and cost of the infrastructure and master plan process.

**Ron Tribukait** spoke in opposition to the recommendation to change the subject area from Estate Residential to Rural Residential. He noted that the infrastructure is nearly complete and paid for. The zoning change would require an estimated

\$50,000 and the loss of \$11 million in impact fees that could be collected from future development.

**Tim Simonsma** voiced opposition to the zoning change recommendation pointing out that millions of dollars have already been spent on infrastructure and schools for the area. He objected to staff's assertion that the Calvine Road property would have a sewer problem because of the Vineyard Ranch Estates project, as the area has a 30 inch sewer pipe.

With no additional public requests to speak, **Mayor Cooper** closed the public comment opportunity and declared the public hearing closed at 7:37 p.m.

**Mayor Cooper** suggested that this matter be returned to staff for further research.

**Mayor Pro Tempore Leary** and **Council Member Scherman** voiced support for the project with the condition of using a 10 inch sewer pipe.

**Council Member Davis** was troubled by the fact that the applicant was subjected to five different planners, which he felt was indicative of the contract model the City uses for the Planning Department and hoped that an effort could be made quickly to change it. He was disappointed that a solution for this project had not been found long before. He spoke in support of the project, agreeing with the use of a 10 inch sewer pipe and maintaining the zoning as is.

**Council Member Hume** stated that he would have preferred continuing the matter to allow staff additional time to work with the applicant; however, if there was consensus from Council to move forward with the project he would concur. He pointed out that a four foot retaining wall on two of the neighboring parcels would create limitations for them. He noted that, according to the General Plan, this project's parcel is the last one that can be served by sewer and water. He favored conducting an infrastructure master plan.

**City Attorney Cochran** explained that environmental review would need to be undertaken before this project could be approved.

Ms. Crawford suggested that staff return to Council with more information regarding the scope and cost to prepare a facilities master plan for the area.

***Motion: M/S Leary/Scherman to move the project forward, directing the preparation of the required environmental document and return to Council for consideration following the environmental review process. The motion passed by the following vote: Ayes: 5; Noes: 0***

***Motion: M/S Hume/Leary*** to direct staff to return with cost information and scope of work to prepare a master plan for the subject area. ***The motion passed by the following vote: Ayes: 5; Noes: 0***

*NOTE: The Council recessed at 7:55 p.m. and reconvened with all members present at 8:05 p.m.*

**Agenda Item No. 7.4:** A public hearing to consider the Development Plan Review for the Elk Grove Promenade Anchor Stores

**RECOMMENDATION:**

Review the proposed anchor store architecture, colors, and materials and, if deemed appropriate, adopt a resolution approving the Development Plan Review for the Elk Grove Promenade Anchor Stores or direct staff accordingly if additional design revisions to the anchor stores are desired.

**Mayor Cooper** declared the public hearing open at 8:06 p.m.

**Jessica Shalamunec**, Special Projects Manager, provided an overview of the staff report and recommendation.

**Louis Bucksbaum**, Senior Vice President of Development for General Growth Properties, introduced Macy's architect Bruce Merrilees with the firm Hixson Architecture Engineering Interiors, JC Penney's architect Andrew Cottrell with the firm Nudell Architects, and Target's architect Darren Schroeder with the firm Mulvanny G2 Architecture. Each architect described their store's exterior using displays with photos, material and color samples.

**Council Member Davis** recalled that, at a previous Council meeting, discussion took place regarding changing the floor plan and adding another entrance to the Target store.

**Darren Schroeder** responded that the matter had been considered by Target; however, a side entry caused several levels of concerns, particularly as it relates to security. The exterior of the Target store has been changed to adapt to the Promenade Mall project, although the interior layout remains the same. He noted that an exterior connection to the garden center was made with a covered canopy.

**Council Members Hume** and **Scherman** asked whether the bull's-eye logos could be limited only to the east and south elevations, to which Mr. Schroeder indicated he would speak with the Target representatives about it.

Mr. Bucksbaum responded that, as a developer, he asked Target for several bull's-eye logos on the building. He felt it was especially important to have the logo facing Highway 99. Because the stores are not allowed to have monument signs, they were asked to sign the building itself.

**PUBLIC COMMENT:**

**Lisa Dixon** expressed her opinion that all the stores resemble the corporate standard and it appears like any other strip mall.

**David Cano** supported the mall project as presented. He hoped there would be a large number of misters installed to mitigate the heat in the summer, as well as adequate handicapped access throughout the project and public safety personnel on site.

With no additional public requests to speak, **Mayor Cooper** closed the public comment opportunity and declared the public hearing closed at 8:49 p.m.

**Council Member Davis** felt that Target ought to upgrade its business model to fit into the mall project, rather than appearing as a box on the perimeter of the project. In light of a litigation issue, he suggested that this matter be continued to the next regularly scheduled meeting.

**Mayor Cooper** and **Council Member Scherman** agreed with Mr. Davis's statements.

**Council Member Hume** asked whether the garden center could be moved to the southeast corner, to which Mr. Schroeder replied that it could be considered. Mr. Hume doubted, however, that there would be much demand for another entrance because shoppers would enter through the front and exit out to the main part of the mall.

***Motion:*** ***M/S Hume/Leary*** to adopt **Resolution No. 2007-216** approving the Development Plan Review for the Elk Grove Promenade Anchor Stores ***The motion passed by the following vote: Ayes: 3; Noes: 2 (Davis, Scherman)***

***NOTE:*** ***The appeal by Petrovich Development Company relative to Item No. 7.5 was withdrawn prior to the meeting (letter filed).***

***Agenda Item No. 7.5:*** ***Appeal by Petrovich Development Company of the Planning Commission's decision on June 21, 2007 to approve a Tentative Parcel Map to divide two parcels into three lots at the Elk Grove-Florin Retail Center (EG-07-087; APN 115-0180-007 & 008)***

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

**Agenda Item No. 8.1:** Appointment of member to the Elk Grove Trails Committee

### **RECOMMENDATION:**

Receive information from Council Member Scherman on her appointment of a representative to the Elk Grove Trails Committee.

### **PUBLIC COMMENT:**

None.

**Council Member Scherman** announced her appointment of Merwin Rose to fill the vacancy created by Lisa Dixon's resignation from the Elk Grove Trails Committee.

**Agenda Item No. 8.2:** Adopt resolution approving a financial commitment of \$4,150,000 and the implementing loan documents and regulatory agreement for the Montego Falls Affordable Housing Development by Montego Elk Grove, L.P.

### **RECOMMENDATION:**

Adopt resolution for a financial commitment of \$4,150,000 from the City's Affordable Housing Fee Fund, and loan documents and a regulatory agreement in the same substantial form as those presented with the staff report, to implement the City's financial commitment for the development of the Montego Falls affordable housing project.

Council waived a presentation of the staff report.

### **PUBLIC COMMENT:**

None.

***Motion:*** ***M/S Leary/Scherman*** to adopt **Resolution No. 2007-217** approving a financial commitment of \$4,150,000 from the City's Affordable Housing Fee Fund, and loan documents and a regulatory agreement in the same substantial form as those presented with the staff report, to implement the City's financial commitment for the development of the Montego Falls affordable housing project. ***The motion passed by the following vote: Ayes: 5; Noes: 0***

**Agenda Item No. 8.3:** Report back on Roadway Development Impact Fee Fund

### **RECOMMENDATION:**

This report is for informational purposes only.

**Joe Aguilar**, Interim Finance Director, referenced exhibits A, B, and C of the staff report, and explained that the projects have multiple funding sources, which are shown alongside the Roadway Fee Fund appropriations. He acknowledged that not all the appropriations were done at the inception of all the projects; however, they were authorized by Council before disbursements were made. The cash position of the Roadway Fee Fund is estimated at \$52 million as of June 30, 2007. Mr. Aguilar stated that the City has sufficient funds to finance existing projects targeted by Council. In addition, there is sufficient funding to make developer reimbursements required by the City. He warned, however, that there are some major projects coming up that the City does not totally control the cost on and he recommended that the City be cautious of committing funds until bids are in and some of the projects are underway. He also noted that, due to the economic downturn, there is uncertainty regarding revenues.

Referencing exhibit A, **Mayor Cooper** inquired why the Swainson's Hawk Mitigation Fund was included, to which Mr. Aguilar explained that the Roadway Fee Fund is a development impact fee fund. The City is allowed to loan monies to other funds for other projects. These loans must be noted in the annual compliance report. He reported that, a few years ago, the City authorized loaning funds from the Roadway Fee Fund to cover the expenses of the Swainson's Hawk matter. Each year the outstanding loan is shown on the report and interest is charged. Eventually the money will be returned to the Roadway Fee Fund.

**Jim Estep**, Assistant City Manager, clarified that the advance from the Roadway Fee Fund to the Swainson's Hawk Mitigation Fund was used to purchase the Vineyard property. The loan period was recently extended by the Council because development was to repay it; however, since development has slowed, so did the repayment process. He assured Council it would be fully repaid as development continues.

Referencing exhibit C, **Mayor Cooper** asked about the reported variances, to which Mr. Aguilar explained that two of the projects had excess appropriations. One of the projects had cost overruns as it progressed. There were some appropriations that were not obtained in advance, though eventually they were requested of Council. The report shows that the appropriations did not cover the actual expenses at the time they were made.

**PUBLIC COMMENT:**

None.

*NOTE: Item 8.3 was for informational only. No action taken.*

**Agenda Item No. 8.4:** Consider allocation of funds to support the Arden Arcade incorporation effort and amend the Fiscal Year 2007-08 budget

**RECOMMENDATION:**

Consider whether to provide funds to support the Arden Arcade incorporation effort, and if so, to adopt a resolution amending the Fiscal Year 2007-08 budget.

**Cody Tubbs**, Deputy City Manager, pointed out that no staff recommendation is being made on this item. The requested contribution of \$30,000, reflected in the draft resolution, was made by the Arden Arcade Incorporation Committee (AAIC). He reported that on August 4, 2004, Council voted in favor of contributing \$5,000 toward the Arden Arcade incorporation effort. He noted that should Council wish to make an additional contribution, it is not a budgeted item and would require drawing down the General Fund reserve to fulfill the direction.

**PUBLIC COMMENT:**

**Tom Sweetman** introduced himself as a 31-year resident of Arden Park. Mr. Sweetman stated he was satisfied with the current level of services and was opposed to the incorporation of Arden Arcade, in which Arden Park would be included. He commented that the AAIC has not been successful in raising money from the area it wishes to incorporate. Mr. Sweetman reported that he had spoken to 145 people in his neighborhood and none of them were in support of the incorporation effort. He urged Council to deny the request, stating that he did not believe it was a good investment for Elk Grove.

**Ed Dickey**, resident of Arden Arcade and member of the AAIC, claimed that allowing people to choose their destiny is always the right choice. He noted that over 10,000 people signed a petition asking for the right to vote and Mr. Dickey asked Council to help support the process allowing them to choose.

**Bill Davis**, resident of Arden Arcade and member of the AAIC, explained that the Local Area Formation Commission changed its rules and is now requiring money in advance of the process, which is why financial support is being requested.

**Pat Cole**, 31-year resident of Arden Arcade and member of the AAIC, stated that incorporation is desired so that code enforcement can be increased, crime decreased, and seats on regional boards can be obtained so residents can have representatives that participate in decisions that affect their community.

**Joel Archer**, Chair of the AAIC, reported that Arden Arcade has become the "dumping ground" for lower income housing for the County. The community desires to have a Planning Commission and increased police and code enforcement without raising taxes of the residents.

**Karen Klinger**, 42-year resident of Arden Park, explained that residents want local control over their destiny.

***Motion:*** *Made by Council Member Scherman to allocate \$5,000 to the Arden Arcade incorporation effort. The motion died for lack of a second.*

***Motion:*** *M/S Davis/Hume to adopt Resolution No. 2007-218, allocating \$15,000 to the Arden Arcade incorporation effort, amending the Fiscal Year 2007-08 budget. The motion passed by the following vote: Ayes: 4; Noes: 1 (Scherman)*

**Agenda Item No. 8.5:** Consider adoption of resolution to certify addendum to Final Environmental Impact Report for Calvine Pointe

**RECOMMENDATION:**

Consider adoption of resolution to certify addendum to Final Environmental Impact Report for Calvine Pointe.

**Christine Crawford**, Planning Director, reported that this item is in response to a request from the Kohl's project located at Calvine and Elk Grove-Florin Roads to extend their construction hours in an effort to meet their opening date target. The addendum before Council is the appropriate mechanism to extend the construction hours (from 7:00 a.m.) to 10:00 p.m. seven days a week for three weeks.

**PUBLIC COMMENT:**

None.

***Motion:*** *M/S Leary/Scherman to adopt Resolution No. 2007-219 to certify addendum to Final Environmental Impact Report for Calvine Pointe. The motion passed by the following vote: Ayes: 5; Noes: 0*

**GENERAL ADMINISTRATION INFORMATION**

Police Activities Report – Chief Simmons:

**Police Chief Simmons** reported that he received communication from the District Attorney expressing an interest in regionalizing Elk Grove's street racing campaign with support from other entities and funding measures.

**COUNCIL COMMENTS/FUTURE AGENDA ITEMS**

Reports on Regional Boards, Commissions, Committees; and Travel/Training Expenditures Disclosure (*in accordance with Resolution 2006-295 and Government Code § 53232.3(d)*):

**Council Member Hume** reported that he had received complaints regarding the high cost of fees charged to small businesses. The most recent example was an existing retail business that moved from one shopping center to another, with no tenant improvements, at a cost of \$2,000 to process the business application. He asked for a future informational agenda item providing a matrix on the Planning Department fee schedule.

**Council Member Davis** announced that, on November 30, the Elk Grove Economic Development Corporation, along with the Chamber of Commerce, and Cosumnes River College are hosting a community event on the topic of economic development, at which Jack Schultz has been retained as the keynote speaker. Mr. Davis reported that 80 candidates applied for the position of executive director to the Elk Grove Economic Development Corporation. Finalist interviews will take place next week. The Sacramento Metropolitan Air Quality Management District Board of Directors will meet tomorrow, at which Mr. Davis will represent the City's position on the no-burn rule.

**Council Member Scherman** reported that she will be attending the Sacramento Public Library Authority Board of Directors meeting tomorrow. A public workshop will be held on October 3 to discuss the design review of the Elk Grove Boulevard and Waterman Pharmacy project.

**ADJOURNMENT**

With no additional business to conduct, the September 26, 2007 City Council meeting was adjourned at 9:45 p.m.

Minutes prepared by:



Susan J. Blackston  
Chief Deputy City Clerk



PEGGY E. JACKSON  
CITY CLERK

ATTEST:



JAMES COOPER, MAYOR