

MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
Wednesday, November 14, 2007

**CALL TO ORDER/ROLL CALL**

**Mayor Cooper** called the regular City Council meeting of November 14, 2007 to order at 6:02 p.m.

Present: Mayor Cooper, Mayor Pro Tempore 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 Hume/Scherman to approve the agenda as presented. The motion passed by the following vote: Ayes: 5; Noes: 0.***

**CLOSED SESSION**

There were no public requests to speak.

The City Clerk announced the closed session items.

The City Council adjourned to closed session to consider the following items at 6:05 p.m.

**A) CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
Property Negotiation Pursuant to Government Code §54956.8

Property Description: APN Nos. 134-0600-035 and 134-0600-036

City Negotiators: Jim Estep, Interim City Manager  
John Almazan, Real Property Manager

Negotiating Party: Lansford Development

Under Negotiation: Price and Terms

**B) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Government Code §54956.9(a)

Two (2) cases:

1. Quail Ranch Estate Association v. City of Elk Grove, et. al. Sacramento County Superior Court Case No. 06CS00442
2. California Department of Transportation v. City of Elk Grove, et. al. Sacramento County Superior Court Case No. 06CS00462

The Council reconvened in open session at 6:22 p.m. with all members present.

**Mayor Cooper** announced that no reportable action was taken in closed session.

**PRESENTATIONS/ANNOUNCEMENTS**

- 4.1 Al Livingston, Chairman of the Strauss Festival Board of Directors, expressed appreciation for the City's \$15,000 grant toward the Festival and presented a plaque to Mayor Cooper. He reported that the total budget for the event is \$130,000 and volunteers contribute 45,000 hours to the event. It is estimated that 30,000 people attended the Strauss Festival this year.
- 4.2 Carlos Tobar, Transit Manager, announced that, on October 9, the American Public Transportation Association awarded the City of Elk Grove the highest honor in the category of "Best Small Transit Agency in North America". He reported that Elk Grove Transit provides over 5,300 weekday rides.
- **Council Member Scherman**, who served as Chair of the Veteran's Parade Committee, presented a plaque to Mayor Cooper and the Police Department for their support of the annual parade.

**PUBLIC COMMENT**

**Barbara Lemar** complained of poor road safety conditions and signage at the Highway 99 and Grant Line Road interchange.

**CONSENT CALENDAR ITEMS**

***Motion: M/S Leary/Scherman to approve the Consent Calendar as presented.***

***The motion passed by the following vote: Ayes: 5; Noes: 0***

**Agenda Item No. 6.1: Resolution No. 2007-247** adopted approving the amended agreement regarding Regional Mall, fees, and infrastructure with Elk Grove Town Center, L.P. and authorizing the City Manager to execute the agreement in substantially the form presented

**Agenda Item No. 6.2:**      **Resolution No. 2007-248** adopted authorizing the City Manager to execute a construction contract in the amount of \$32,220,080 with RGW Construction, Inc. for the Sheldon Road / State Route 99 Interchange Reconstruction Project and authorizing the City Engineer to expend supplemental and contingency funds in a not-to-exceed amount of \$2,328,704 for additional project costs beyond the construction contract

**Agenda Item No. 6.3:**      **Resolution No. 2007-249** adopted: 1) accepting the Bond Road Widening (Elk Grove-Florin Road to Poplar Hollow Lane) Project as complete, 2) 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, 3) amending the Fiscal Year 2007-08 budget by \$680,010 for Bond Road Phases 1 and 2, 4) amending the terms of the Inter-Fund Loan Agreement, and 5) amending the Fiscal Year 2007-08 budget by \$45,000 for the Bradshaw Road to Grant Line Road - Project ID #PT0044

**Agenda Item No. 6.4:**      **Resolution No. 2007-250** adopted endorsing the California Children's Outdoor Bill of Rights

**Agenda Item No. 6.5:**      **Resolution No. 2007-251** adopted approving the filing of an application for local assistance funds from the Roberti-Z'berg-Harris Urban Open Space and Recreation Block Grant Program and repealing Resolution No. 2001-86

**Agenda Item No. 6.6:**      **Resolution No. 2007-252** adopted approving Parcel Map No. 04-777.00 Sandage Estates and authorizing the Mayor to execute the Subdivision Improvement Agreement

**Agenda Item No. 6.7:**      Approved General Warrant No. 32859 through 33412 dated October 1, 2007 through October 31, 2007, Electronic Fund Transfer 2008033 through 2008040, and Automatic Clearing House

**Agenda Item No. 6.8:**      **Resolution No. 2007-253** adopted ratifying expenditures of \$123,268.42 and authorizing the City Manager to pay for all remaining unpaid expenditures for compressed natural gas (CNG) for transit buses and to purchase CNG fuel from various vendors in an amount not to exceed \$645,000

**Agenda Item No. 6.9:**      **Resolution No. 2007-254** adopted authorizing the City Manager to execute amendment number two to the agreement with MV Public Transportation for the rental of ten buses at \$35,000 per month

**Agenda Item No. 6.10:**      Received report on City Manager approved purchases and contracts authorized by City Purchasing Ordinance, filed through November 2, 2007

**Agenda Item No. 6.11:** Resolution No. 2007-255 adopted authorizing the City Manager to enter into a ten-year lease agreement with the Sacramento Public Library to provide library authority services at 8900 Elk Grove Boulevard

**Agenda Item No. 6.12:** Approved October 24, 2007 Special and Regular City Council Meeting Minutes as presented

**Agenda Item No. 6.13:** Resolution No. 2007-256 authorizing the City Manager to execute a consultant services contract amendment with Quincy Engineering, Inc. to increase compensation by \$69,775 and extend the termination date to June 30, 2009, and increasing the Fiscal Year 2007-08 budget by \$86,000 (from \$520,000 to \$606,000) for the Elk Grove Boulevard State / Route 99 Interchange Modifications Project

**Agenda Item No. 6.14:** Resolution No. 2007-257 authorizing the City Manager to execute a consultant services contract amendment in the amount of \$33,930 with Quincy Engineering, Inc. for the West Stockton Boulevard at Laguna Creek Bridge Replacement Project

## **PUBLIC HEARINGS**

**Agenda Item No. 7.1:** A public hearing to consider the introduction of an Ordinance amending Title 16 of the Elk Grove Municipal Code relating to buildings and construction and adopting by reference the 2007 California Administrative Code, California Building Code, California Plumbing Code, California Electrical Code, and the California Mechanical Code

### **RECOMMENDATION:**

Introduce and waive the full reading, by substitution of title only, an Ordinance amending Title 16 of the Elk Grove Municipal Code relating to buildings and construction and adopting by reference the 2007 California Administrative Code, 2007 California Building Code, 2007 California Plumbing Code, 2007 California Electrical Code; 2007 California Mechanical Code, and all the appendices thereof.

**Mayor Cooper** declared the public hearing open.

**Richard Renfro**, Building Official, provided an overview of the staff report and recommendation.

### **PUBLIC COMMENT:**

None.

With no public requests to speak, **Mayor Cooper** declared the public hearing closed.

**Motion:** **M/S Leary/Scherman** to introduce and waive the full reading, by substitution of title only, **Ordinance No. 36-2007** amending Title 16 of the Elk Grove Municipal Code relating to buildings and construction and adopting by reference the 2007 California Administrative Code, 2007 California Building Code, 2007 California Plumbing Code, 2007 California Electrical Code; 2007 California Mechanical Code, and all the appendices thereof. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 7.2:** A public hearing to consider the Laguna Gateway Phase 3 application for a Rezone, Specific Plan Amendment, Tentative Parcel Map, and Design Review for two commercial buildings totaling 48,624 square feet

**RECOMMENDATION:**

The Planning Commission recommends that the City Council:

1. Adopt a Mitigated Negative Declaration for the Laguna Gateway Phase 3 Project No. EG-05-820 (4-1);
2. Introduce and waive the full reading, by substitution of title only, an Ordinance amending the City of Elk Grove Zoning map from AR-5 to SC and amending the Ordinance SZC-99-0036 of the Elk Grove Zoning Code governing the Laguna Gateway Special Planning Area Project No. EG-05-820, APNs 116-0050-013, 027, 030, and 031 (4-1); and
3. Adopt resolution approving a Tentative Parcel Map, and Design Review for the Laguna Gateway Phase 3 Project No. EG-05-820, subject to the Findings and Conditions of Approval (4-1).

**Mayor Cooper** declared the public hearing open at 6:35 p.m.

**Gerald Park**, Senior Planner, provided an overview of the staff report and recommendation. He noted that Council received a "green sheet" memorandum from staff recommending that a minor revision be made to Condition of Approval #5 (filed).

In answer to Council Member Hume, Mr. Park explained that, when the original amendment of the Special Planning Area (SPA) was established, parcel D was not part of the SPA. The applicant preferred to rezone one portion, as is proposed, and keep the SPA separate.

**Thad Johnson**, representing Pappas Investments, viewed the project as a natural extension of the existing commercial center and compatible use with the surrounding projects. Pappas Investments has reviewed and accepts all the Conditions of Approval.

**PUBLIC COMMENT:**

None.

With no public requests to speak, **Mayor Cooper** declared the public hearing closed.

**Council Member Davis** noted that there are many sites with a triple designation of commercial, office, and multi-family. He recommended that, in the future, clearer direction should be given to landowners.

**Council Member Scherman** believed that this was a good project for the City and it created synergy in the area.

***Motion #1: M/S Leary/Scherman*** to adopt a Mitigated Negative Declaration for the Laguna Gateway Phase 3 Project No. EG-05-820; to introduce and waive the full reading, by substitution of title only, **Ordinance No. 37-2007** amending the City of Elk Grove Zoning map from AR-5 to SC and amending the Ordinance SZC-99-0036 of the Elk Grove Zoning Code governing the Laguna Gateway Special Planning Area Project No. EG-05-820, APNs 116-0050-013, 027, 030, and 031; to adopt **Resolution No. 2007-258** approving a Tentative Parcel Map, and Design Review for the Laguna Gateway Phase 3 Project No. EG-05-820, subject to the Findings and amended Conditions of Approval ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 7.3:** A public hearing to consider adoption of a resolution approving the Rural Roads Improvement Policy and the Rural Roads Improvement Standards

**RECOMMENDATION:**

The Planning Commission recommends that the City Council adopt a Resolution approving the Rural Roads Improvement Policy and the Rural Roads Improvement Standards.

**Mayor Cooper** declared the public hearing open.

**Pam Johns** of Planning provided an overview of Rural Roads Improvement Policy.

**Lisa Burke** of Planning reviewed the Rural Roads Improvement Standards, which she explained, replaces the Citywide Improvement Standards document for rural residential areas.

In answer to questions posed by Council Member Davis, Ms. Burke reported that the Standards do allow for bike lanes. There would not be sidewalks proposed with

roadway widening projects. She noted that the Trails Committee has reviewed the Policy and Standards. Ms. Johns explained that State Safety Standards are referenced in the document. She noted that, if major improvements are made in the area which affect traffic, additional traffic counts will be conducted, which normally occur at least every three years.

**PUBLIC COMMENT:**

**Leo Fassler** pointed out that the rural character of the area is preserved by not allowing curbs, gutters, sidewalks, medians, or streetlights (except at intersections). In addition, he stated that the Policy and Standards will save the City millions of dollars. He encouraged Council to approve the documents.

**Tom Shine**, member of the Greater Sheldon Homeowner's Association (GRESHA), stated that the process which took place to prepare the Policy and Standards was excellent and it produced exemplary documents. He asked that a definition of average daily traffic be included in the document. He submitted to Ms. Johns, a written document that included corrections to certain road identifications. He asked Council to support approval of the Policy and Standards.

**Constance Conley** commented on the excellent public participation process that took place and encouraged Council's approval of the documents.

**Sharon Lynes** thanked staff and Council for working with residents on the process.

**Barbara Lemar** thanked Council and staff for allowing this item to come forward. She asked that the following items be corrected:

- Page 3, Rural Road Improvements, Analysis, in paragraphs one and two – "Attachment 1" should be changed to "Exhibit A"
- Page 4, Additional Issues, "Attachment 3" should be changed to "Attachment 2"
- In the PowerPoint presentation given tonight (filed), Attachments 3 and 4 should have been Exhibits A and B.
- Page 42, Driveway Separation, last sentence, "the City will work" should be changed to "City shall work with affected property owners".

Ms. Lemar acknowledged that, in rural areas, traffic is congested when schools are in session for about 30 minutes in the morning and evening; however, since this occurs only for short periods of time, it does not justify widening the road.

**William Myers** suggested that the collaborative public process that took place for this matter be utilized by the City in future situations. He commended Interim City Manager Jim Estep, Pam Johns, and Lisa Burke; further stating that their outstanding performance ought to be taken into consideration for future career opportunities in the City.

**Shirley Peters**, representing GRESHA, thanked residents and staff for participating in the process. She objected to the use of “rural versus urban” and recommended it be revised to “rural in compatibility with urban”. Ms. Peters mentioned that residents hope to bring the land use element in the General Plan together with the circulation plan because they currently are not compatible.

**Suzanne Pecci**, member of GRESHA, stated that the public process was excellent, as were the staff involved in it. She encouraged Council to vote favorably.

With no additional public requests to speak, **Mayor Cooper** declared the public hearing closed.

**Council Member Hume** agreed with the suggestion to add a definition of average daily traffic. He felt that the Policy and Standards would ensure the rural area of Elk Grove would not be ignored and instead, would be valued and celebrated.

**Council Member Davis** stated that public engagement, as was done in this process, should be emulated by the City in future policy development. He thanked the public participants for their diligence and City staff for their leadership.

**Council Member Scherman** mentioned that this process also helped in educating citizens in general about Elk Grove’s rural community. She thanked staff for seeing the vision and making it a reality. Ms. Scherman noted that she is still working on getting “*Welcome to the Rural Community*” sign(s) installed.

**Mayor Pro Tempore Leary** described the process as a one year investment for a “lifetime treasure”.

**Mayor Cooper** agreed with Council Members’ comments and commended all who participated in the process.

***Motion: M/S Hume/Scherman*** to adopt **Resolution No. 2007-259** approving the Rural Roads Improvement Policy and the Rural Roads Improvement Standards. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

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

**Agenda Item No. 8.1:** Report on the stakeholder workshops for the affordable housing loan process, adoption of a resolution approving the Affordable Housing Loan Program Guidelines and amending the Fiscal Year 2007-08 budget, and adoption of a resolution establishing an Affordable Housing Loan Committee

**RECOMMENDATION:**

Review the report on the stakeholder workshops held for the affordable housing loan process and if, deemed appropriate, adopt a Resolution approving the Affordable Housing Loan Program Guidelines and amending the Fiscal Year 2007-08 Budget to include an offset of \$10,000 from the General Fund, consisting of \$5,000 from the Affordable Housing Fund and \$5,000 from the Very Low Income Housing Trust Fund; and adopt a Resolution establishing an Affordable Housing Loan Committee and authorizing the recruitment of appointee candidates and alternate candidates.

With the aid of an overhead presentation (filed), **Jim Carney**, Housing Advisor, provided an overview of the staff report and recommendation.

**PUBLIC COMMENTS:**

*None.*

***Motion:*** ***M/S Cooper/Scherman*** to adopt **Resolution No. 2007-260** approving the Affordable Housing Loan Program Guidelines and amending the Fiscal Year 2007-08 Budget to include an offset of \$10,000 from the General Fund, consisting of \$5,000 from the Affordable Housing Fund and \$5,000 from the Very Low Income Housing Trust Fund; and adopt **Resolution No. 2007-261** establishing an Affordable Housing Loan Committee and authorizing the recruitment of appointee candidates and alternate candidates. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda item No. 8.2:** Adopt a resolution approving a financial commitment of \$9,100,000 from the City's Affordable Housing Fund and Very Low Income Housing Trust Fund, and the implementing loan documents and regulatory agreement for the Seasons Apartment Affordable Housing Development by Seasons Apartments LP and a Density Bonus

**RECOMMENDATION:**

Adopt resolution for a financial commitment of \$9,100,000 from the City's Affordable Housing Fund and Very Low Income Housing Trust Fund, and loan documents and a regulatory agreement in the same substantial form as those attached to the staff report to implement the City's financial commitment for the development of The Seasons Affordable Senior Housing Project. The Regulatory Agreement also serves as the Density Bonus Agreement, which satisfies the project's obligation per Section 23.50.040 of the Zoning Code to receive a Density Bonus.

With the aid of an overhead presentation (filed), **Jim Carney**, Housing Advisor, provided an overview of the staff report and recommendation.

**Dane Hillyard**, representing Pacific West Companies, mentioned that work on the proposal under consideration had been ongoing for the past couple of years and he was very pleased and excited about the project.

**PUBLIC COMMENTS:**

None.

***Motion:*** ***M/S Leary/Scherman*** to adopt **Resolution No. 2007-262** approving a financial commitment of \$9,100,000 from the City's Affordable Housing Fund and Very Low Income Housing Trust Fund, and the implementing loan documents and regulatory agreement for the Seasons Apartment Affordable Housing Development by Seasons Apartments LP and a Density Bonus. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 8.3:** Regional Housing Needs Assessment Update

**RECOMMENDATION:**

Review the draft Regional Housing Needs Assessment Housing Unit Allocation and provide direction as appropriate.

With the aid of an overhead presentation (filed), **Jim Carney**, Housing Advisor, reported that, in July, Council authorized the Mayor to send a letter to the Sacramento Area Council of Governments (SACOG) regarding concerns the City had over the methodology used for the Regional Housing Needs Assessment process. Since that time, the State revised the numbers for the region which resulted in a decrease from 16,000 to 11,000 units assigned to the City of Elk Grove. At the end of August, SACOG denied Elk Grove's request to revise the methodology. Appeals can be filed in December, which SACOG will consider in January. Mr. Carney stated that there are over 5,600 units in low- and very-low income categories. There are a lack of sites for 975 low income units, which would require a total of 55 acres. The housing element must be updated by the end of June 2008.

**PUBLIC COMMENTS:**

None.

**Mayor Cooper** reported that City staff and other local jurisdictions are attempting to decrease the number of units. He reiterated that the methodology being used for the Regional Housing Needs Assessment process is flawed.

**Agenda Item No. 8.4:** Adopt resolution approving the City of Elk Grove Investment Policy and Internal Control Guidelines

**RECOMMENDATION:**

Adopt resolution approving the City of Elk Grove's revised Investment Policy and Internal Control Guidelines for Fiscal Year 2007-2008 as required by California Government Code Section 53646 (a).

**Rebecca Craig**, Finance Director, asked Council to adopt the resolution approving the City of Elk Grove's revised Investment Policy and Internal Control Guidelines for Fiscal Year 2007-2008.

**PUBLIC COMMENTS:**

None.

**Motion:** *M/S Leary/Hume* to adopt **Resolution No. 2007-263** approving the City of Elk Grove's revised Investment Policy and Internal Control Guidelines for Fiscal Year 2007-08. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**GENERAL ADMINISTRATION INFORMATION**

**Interim City Manager Estep** introduced Rebecca Craig who assumed the position of Finance Director on November 8.

In reference to the high number of home foreclosures, Mr. Estep noted that the City partners with the Human Rights and Fair Housing Commission, which has a hotline available to assist residents facing this situation.

**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 Scherman** reported on the following:

- She attended the recent Sacramento Public Library Authority Board of Directors meeting at which the topic of filtering adult websites was discussed;
- She attended the Rose Garden Park dedication, which was the first park built in partnership with the Cosumnes Community Service District;
- She was asked to present the Innovative Volunteer Award in Sacramento on behalf of the City;
- She attended the Elk Grove Chamber of Commerce Citizen of the Year event;

- The Elk Grove Senior Center will celebrate its 25<sup>th</sup> anniversary next August; a Senior Center Committee is considering Poppy Ridge property owned by the library;
- The Old Town Foundation will vote to elect its 2008 officers at the end of this month;
- The Dickens Faire will be held November 24.
- The Veteran's Day Parade was held on November 11 at which 1,300 people were served lunch donated by local community service groups.

**Council Member Davis** reported that the Sacramento Metropolitan Air Quality Management District Board of Directors recently enacted a two phase policy. Under the first phase, when air quality reaches a certain level, Environmental Protection Agency certified devices would be under an optional no-burn rule; however, during phase two, when air quality reaches the highest level, the no-burn policy will be enforced for all devices including pellet stoves. On November 30, the Economic Development Corporation will host a forum at Cosumnes River College focused on the topic of economic development. The Economic Development Corporation will soon be announcing its appointment of an Executive Director. He commended Ms. Scherman for serving as Chair of the Veteran's Day Parade.

**Council Member Hume** announced the following:

- General administrative business was discussed at the Sacramento Transit Authority meeting;
- At the Connector Joint Powers Authority Board of Directors meeting the Ranch Cordova area was discussed and in January the Elk Grove segment will be discussed;
- He and Mayor Cooper attended the grand opening of the Gottschalk's store;
- He volunteered at the Veteran's Day Parade. In attendance was one of the last surviving members of the flight crew dispatched to Hiroshima and Nagasaki during World War II;
- He asked staff to report back on the status of the \$1 million the City received from the Sacramento Area Council of Governments for the bicycle/pedestrian overcrossing at Elk Grove Creek and Highway 99;
- He asked Public Works Director Creson to report back on her communications with County of Sacramento staff regarding expanding the 35 mph zone on Grant Line Road in the Sheldon area;
- He extended a belated happy birthday to Jim Estep.

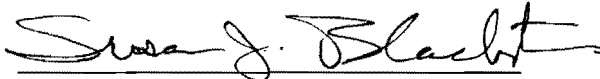
**Mayor Cooper** reported that the Sacramento Area Council of Governments meeting would be held on November 29. He would not be able to attend the Mayor's Forum. He recommended that Council Members consider attending the Urban Land Institute meeting. He reminded everyone that on November 17 the Fourth Annual Basketball Benefit (Elk Grove Police Department vs. Cosumnes CSD Fire Department) would be held to benefit the Elk Grove Teen Center USA and the Firefighters Burn Institute. Mr. Cooper explained that he was unable to attend the

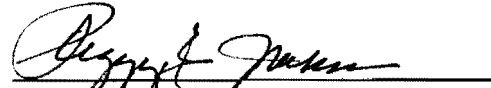
Veteran's Day Parade because he was in Los Angeles at the time. He noted that the regularly scheduled November 28 City Council meeting would not be held, due to the holiday recess.

**ADJOURNMENT**

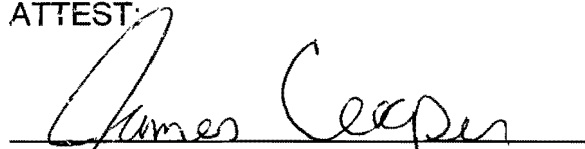
With no additional business to conduct, the November 14, 2007 City Council meeting was adjourned at 7:55 p.m.

Minutes prepared by:

  
\_\_\_\_\_  
Susan J. Blackston  
Chief Deputy City Clerk

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

ATTEST:

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