

**MINUTES OF THE CITY COUNCIL
REGULAR MEETING
Wednesday, January 9, 2008**

CALL TO ORDER/ROLL CALL

Mayor Davis called the regular City Council meeting of January 9, 2008 to order at 6:00 p.m.

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

Absent: None.

Cub Scout Pack 300 conducted the flag ceremony and led the Pledge of Allegiance.

Mayor Davis asked that a moment of silence be observed.

APPROVAL OF AGENDA

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

CLOSED SESSION

None.

PRESENTATIONS/ANNOUNCEMENTS

Agenda Item No. 4.1: **Christoph Dobson**, Sacramento Area Sewer District Collection System Manager, announced that a change of the District's logo and name recently took place. Formerly known as County Sanitation District 1, the results of a branding effort led to the current name of Sacramento Area Sewer District, with a tag line of "Serving You 24/7" and a goal of reducing the impact of sanitary sewer overflows. Mr. Dobson noted that the District serves the unincorporated areas of Sacramento County as well as incorporated cities within the County.

Agenda Item No. 4.2: **Diane Nguyen**, Capital Improvements Manager, announced that Elk Grove's first 24-hour Quiet Zone located on the railroad line east of Highway 99 at the grade crossings of Calvine Road, Sheldon Road, Elk Grove Florin Road, Bond Road, and Elk Grove Boulevard, became effective in December 2007. She explained that Quiet Zones relieve train engineers of a Federal rule that requires them to blow the train whistle every time they reach an at

grade crossing (day or night). She noted, however, that train engineers can still sound their horns when they determine it is necessary as a warning. The next Quiet Zone is planned for spring 2008 at Franklin Road and Willard Parkway.

PUBLIC COMMENT:

Christina Wilke thanked Council for authorizing the Quiet Zones, as they have improved the quality of life for those living near the railroad tracks.

Rob Addobati expressed his opinion that the horns were more of a nuisance and burden to those living in the vicinity of the railroad tracks, rather than their original purpose of warning travelers of an approaching train. He fully supported the Quiet Zones implemented to date and encouraged Council to proceed with the remainder of the city.

Agenda Item No. 4.3: **Mayor Davis** thanked Council Member Cooper for his hard work during 2007 while serving as Mayor. He presented a plaque and read the engraved statement, which was spoken by former Mayor Cooper at the March 30, 2007 State of the City Address: *"Elk Grove is maturing into one of the most vibrant, progressive cities in California... Let us move toward a common, positive future with tremendous opportunity for everyone who calls Elk Grove 'home'"*.

PUBLIC COMMENT:

Carol McElheney reported the recent loss of her cat and expressed concern that someone in her neighborhood is known to trap them. She had since checked with the shelter to no avail. The Elk Grove Animal Control Ordinance is not accessible on the City's website. Animal Services used to post photos on the City's website of animals in its facility; however, Ms. McElheney found it had not been updated since May 2007. She was informed by Animal Services that trapped cats must be taken to the Society for the Prevention of Cruelty to Animals (SPCA), though no ordinance exists specifying this or regulating whether cats are allowed to roam or be housed indoors.

Council Member Cooper suggested that, as a standard course of business, when traps are given out to citizens they should be informed of the requirement to take trapped cats to the SPCA.

Cody Tubbs, Deputy City Manager, confirmed that he would relay this information to Animals Services staff.

Sheri Looper stated that she lives nearly a half mile away from the intersection of Laguna and Franklin Boulevards at which a red light camera has been installed. Even with the blinds drawn over the windows, the cameras light up the entire side of her home. She asked whether the lights could be dimmed or directed downward.

Police Chief Simmons acknowledged that similar complaints have been received from other residents. Options to address the problem are being evaluated.

CONSENT CALENDAR ITEMS

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

Agenda Item No. 6.1: Approved City Council Special and Regular Meeting Minutes of December 12, 2007 as presented

Agenda Item No. 6.2: Received report on City Manager approved purchases and contracts authorized by City Purchasing Ordinance, filed through December 28, 2007

Agenda Item No. 6.3: **Ordinance No. 38-2007** adopted levying and apportioning the special tax in territory annexed to, Community Facilities District No. 2003-2 (Police Services) Annexation No. 14 (**Second Reading**)

Agenda Item No. 6.4: **Resolution No. 2008-1** adopted waiving the competitive bid process and approving the purchase of 250 Microsoft Office 2007 Plus Licenses from Allied Network Solutions, Inc. through the California Multiple Award Schedule in an amount not to exceed \$86,200

Agenda Item No. 6.5: **Resolution No. 2008-2** adopted authorizing the City Manager to execute an agreement with the U.S. Fish and Wildlife Service in the amount of \$57,825 for acquisition of mitigation requirements for the West Stockton Boulevard Bridge Replacement Project

Agenda Item No. 6.6: **Resolution No. 2008-3** adopted authorizing the City Manager to execute a consultant contract amendment for engineering services in the amount of \$351,178 with Mark Thomas & Company, Inc. for the Grant Line Road/State Route 99 Interchange Reconstruction Project and amend the Fiscal Year 2007-08 Budget and 2007-12 Capital Improvement Program accordingly

Agenda Item No. 6.7: **Resolution No. 2008-4** adopted approving the summary abandonment of a portion of an Irrevocable Offer of Dedication and for Public Utility Purposes together with an abandonment of a portion of an Irrevocable Offer of Dedication for Public Utility Purposes at 9811 Kapalua Lane and directing the City Clerk to record the resolution with the Sacramento County Recorder (EG-06-1055.00)

Agenda Item No. 6.8: **Resolution No. 2008-5** adopted accepting the Traffic Signal Installation at Whitelock Parkway – Atkins Drive and Whitelock Parkway –

Franklin High Road / Bellaterra 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

Agenda Item No. 6.9: **Resolution No. 2008-6** adopted authorizing the City Manager to execute a six-month contract extension (*of agreement dated July 2, 2003*) with Escudero Web Services in an amount of \$34,400 for maintenance of the City's website

Agenda Item No. 6.10: **Resolution No. 2008-7** adopted authorizing the City Manager to waive the competitive bid process and execute a professional services agreement with Innovative Technologies, Ltd. for Police Department Computer Aided Dispatch and Records Management Systems consulting services in an amount not to exceed \$96,000 per year

Agenda Item No. 6.11: **Resolution No. 2008-8** adopted authorizing the City Manager, with recommendation of the Chief of Police, to retire Police canines to their handlers for an amount of \$1

Agenda Item No. 6.12: **Resolution No. 2008-9** adopted accepting the Asphalt Concrete Overlay and Curb Ramp Improvements Project 2007 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

Agenda Item No. 6.13: **Resolution No. 2008-10** adopted accepting subdivision improvements for Laguna Ridge Specific Plan, Del Webb Village 6 (EG-03-479.06)

Agenda Item No. 6.14: **Resolution No. 2008-11** adopted designating the Public Works Director, City Engineer, and Development Engineering Manager to be City Agents for federal grant reimbursements for the Grant Line Channel restoration

Agenda Item No. 6.15: **Resolution No. 2008-12** adopted authorizing the City Manager to execute a consultant services contract in the amount of \$145,000 with Winzler & Kelly for engineering services associated with the Transfer Station Long Range Planning Project (SW0001)

Agenda Item No. 6.16: **Resolution No. 2008-13** adopted authorizing the City Engineer to call for bids for the Stockton Boulevard Rehabilitation Project (PT0067)

Agenda Item No. 6.17: **Resolution No. 2008-14** adopted authorizing the City Manager to execute a Cooperative Agreement with the Sacramento County Geographic Information System Cooperative for the oversight costs associated with facilitation and independent review in an amount not to exceed \$3,000

Agenda Item No. 6.18: Resolution No. 2008-15 adopted authorizing the City Manager to execute a construction contract in the amount of \$151,121 with May-Han-Electric, Inc. DBA M&M Electric and a contract amendment in the amount of \$294,612.44 with Western Pacific Signal, LLC for the procurement of Intelligent Transportation System equipment and services for the Intelligent Transportation Systems Phase 1B Project

PUBLIC HEARINGS

Agenda Item No. 7.1: A public hearing to consider the introduction of an ordinance amending the Elk Grove Zoning Code to increase the spacing requirements for adult-oriented businesses from 500 to 1,000 feet from sensitive land uses

RECOMMENDATION:

The Planning Commission recommends the City Council introduce and waive the full reading, by substitution of title only, an ordinance amending Chapter 23.70.040 of the City of Elk Grove Zoning Code related to the spacing requirements for adult-oriented businesses in order to address the adverse secondary impacts of such establishments.

Mayor Davis declared the public hearing open.

Christopher Jordan, Project Planner, provided an overview of the staff report and recommendation.

PUBLIC COMMENT:

None.

Mayor Davis declared the public hearing closed.

In response to **Mayor Davis**, attorney **Jonathan Hobbs** reviewed regulations outlined in Elk Grove Municipal Code Chapter 4.31.

Council Member Cooper asked whether tanning parlors fell under this regulation, to which Mr. Hobbs explained that they were not addressed specifically by the proposed ordinance; however, if criminal activity were to take place in tanning parlors it could be dealt with separately under State law.

Motion: *M/S **Scherman/Cooper*** to introduce and waive the full reading, by substitution of title only, **Ordinance No. 1-2008** amending Chapter 23.70.040 of the City of Elk Grove Zoning Code related to the spacing requirements for adult-oriented businesses in order to address the adverse secondary impacts of such establishments. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Agenda Item No. 7.2: A public hearing to consider a letter of Public Convenience and Necessity to allow a Type 20 alcohol license for Hilton Garden Inn (APN: 116-0310-026; EG-07-133)

RECOMMENDATION:

Adopt resolution approving the request for a letter of Public Convenience and Necessity to obtain a Type 20 alcohol license for Hilton Garden Inn.

Mayor Davis declared the public hearing open.

Chad Frost, Project Planner, provided an overview of the staff report and recommendation.

Clint Reed, representing Hilton Garden Inn, stated that the hotel has a restaurant and bar for which a Type 70 license is required. The Type 20 license is needed for the hotel's convenience store in which it sells beer and wine.

Council Member Cooper asked Mr. Reed to relay his hope that, in the future, the hotel will offer discounted rates to youth sports participants.

In response to **Mayor Davis**, Mr. Reed stated that non-guests could purchase beer and wine from the hotel's convenience store; however, there is no advertising for it. Further, City Attorney Susan Cochran explained that it is not a condition of the license or letter of Public Convenience and Necessity to sell alcohol only to hotel guests; consequently there is no enforcement mechanism to limit the sales to guests only. She noted that other stores are nearby, so it is unlikely non-guests would purchase alcohol at the hotel.

PUBLIC COMMENT:

Connie Conley pointed out that the Department of Alcohol Beverage Control states that the area is over concentrated, and yet the City approves the exceptions, while simultaneously advocating that vehicle operators do not drink and drive. Ms. Conley favored a zero tolerance policy for drinking and driving. In addition, she expressed support for anti-graffiti and anti-gang ordinances.

Mayor Davis declared the public hearing closed.

Motion: **M/S Cooper/Leary** to adopt **Resolution No. 2008-16** approving the request for a letter of Public Convenience and Necessity to obtain a Type 20 alcohol license for Hilton Garden Inn. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Agenda Item No. 7.3: A public hearing to consider the rezone of approximately 30.6 acres from AG-20 (Agricultural- 20 acres) to RD-5 (Low Density Residential- five dwelling units per acre) and RD-7 (Low Density Residential- seven dwelling units per acre) for the Madeira South subdivision within the Laguna Ridge Specific Plan

RECOMMENDATION:

Introduce and waive the full reading, by substitution of title only, an ordinance amending the Elk Grove Zoning Map from AG-20 to RD-5 and RD-7 for the Madeira South Project (APN: 132-0050-090)

Mayor Davis declared the public hearing open.

Kyra O'Malley, Project Planner, provided an overview of the staff report and recommendation.

In response to **Vice Mayor Hume**, Special Projects Manager Jessica Shalamunec, confirmed that tentative maps for nonparticipating properties would require rezoning in the future.

PUBLIC COMMENT:

None.

Mayor Davis declared the public hearing closed.

Motion: *M/S Cooper/Scherman* to introduce and waive the full reading, by substitution of title only, **Ordinance No. 2-2008** amending the Elk Grove Zoning Map from AG-20 to RD-5 and RD-7 for the Madeira South Project (APN: 132-0050-090). ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

Agenda Item No. 8.1: *(Continued from 12-12-07 Council Meeting)* Review proposals submitted by executive recruitment firms for the recruitment of a City Manager and authorize the Mayor to execute a professional services contract and/or take other action relative to the recruitment of a City Manager

RECOMMENDATION:

Review proposals submitted by executive recruitment firms and, if deemed appropriate, adopt a resolution authorizing the Mayor to execute a professional services contract in an amount not to exceed \$27,000 and/or take other action relative to the recruitment of a City Manager.

Note: No verbal staff report was provided on this item.

Council Member Cooper voiced support for the selection of CPS Executive Search, noting that, in his past experience, the firm included Council in the process and was a better fit overall.

PUBLIC COMMENTS:

None.

Motion: *M/S Cooper/Leary to adopt Resolution No. 2008-17 authorizing the Mayor to execute a professional services contract with CPS Executive Search in an amount not to exceed \$27,000 for the recruitment of a City Manager. **The motion passed by the following vote: Ayes: 5; Noes: 0.***

Agenda Item No. 8.2: Appointment of a Council Member to serve as an alternate representative to the Elk Grove – Rancho Cordova – El Dorado Connector Joint Powers Authority

RECOMMENDATION:

Appoint a Council Member to serve as alternate representative to the Elk Grove – Rancho Cordova – El Dorado Connector Joint Powers Authority.

Peggy Jackson, City Clerk, introduced the item for Council consideration and direction.

PUBLIC COMMENTS:

None.

Motion: *M/S Scherman/Leary to appoint Council Member Cooper to serve as alternate representative to the Elk Grove – Rancho Cordova – El Dorado Connector Joint Powers Authority. **The motion passed by the following vote: Ayes: 5; Noes: 0.***

GENERAL ADMINISTRATION INFORMATION

Interim City Manager Estep commended the Public Works Department for its outstanding response to calls for services during the recent inclement weather.

COUNCIL COMMENTS/FUTURE AGENDA ITEMS

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

Council Member Leary asked that the meeting be adjourned in memory of Sacramento County Sheriff's Detective Vu Nguyen. In response to a request posed by Mr. Leary, Attorney Jonathan Hobbs, explained that map extensions are considered for approval by the Planning Commission. Mr. Leary asked that the

process be made known to others so that maps are not deemed delinquent, causing developers to begin the process anew.

Council Member Scherman noted that, due to the holidays, the meetings of regional boards and committees she served on did not take place.

Vice Mayor Hume noted that the Elk Grove - Rancho Cordova - Elk Dorado Connector Joint Powers Authority Board of Directors would be announcing its new Executive Director in the near future. Mr. Hume stated that he received another complaint about the process of opening a business in Elk Grove and expressed hope that staff would soon bring forth the matrix outlining what the City's process entails. He thanked Public Works Director Cheryl Creson for her assistance regarding the Grant Line Road speed limit issue.

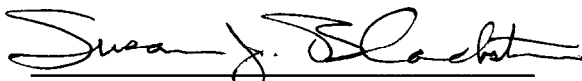
Mayor Davis asked the City Attorney to draft an ordinance prohibiting smoking in or around playgrounds within the City limits of Elk Grove. He mentioned that, yesterday he toured solid waste facilities, which he found very informative and encouraged other Council Members to do as well.

Council Member Cooper suggested that Ms. Cochran also contact the Cosumnes Community Services District to seek their feedback and support for the ordinance requested by Mayor Davis.

ADJOURNMENT

With no additional business to conduct, the January 9, 2008 City Council meeting was adjourned at 7:00 p.m. in memory of Sacramento County Sheriff's Detective Vu Nguyen.

Minutes prepared by:



Susan J. Blackston
Chief Deputy City Clerk



PEGGY E. JACKSON
CITY CLERK

ATTEST:


GARY DAVIS, MAYOR