

MINUTES OF THE CITY COUNCIL
REGULAR MEETING
Wednesday, March 12, 2008

CALL TO ORDER/ROLL CALL

Mayor Davis called the regular City Council meeting of March 12, 2008 to order at 6:50 p.m.

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

Absent: None.

Mayor Davis led the Pledge of Allegiance.

Mayor Davis asked that a moment of silence be observed.

APPROVAL OF AGENDA

Motion #1: *M/S Leary/Scherman to continue Item 8.4 to the regularly scheduled City Council meeting of March 26, 2008. **The motion passed by the following vote: Ayes: 5; Noes: 0.***

Motion #2: *M/S Scherman/Hume to approve the remainder of the agenda as presented. **The motion passed by the following vote: Ayes: 5; Noes: 0.***

CLOSED SESSION

None.

PRESENTATIONS/ANNOUNCEMENTS

Agenda Item No. 4.1: **Kara Reddig**, Assistant to the City Manager, introduced the Chairs of the Committee for the Arts and the Trails Committee to present the "Year in Review" (filed) for their respective committees, and address goals for 2008.

Marsha Holmes, Chair for the Committee for the Arts, highlighted accomplished goals for 2007: 1) reviewed 234 entries from across the United States and Canada selecting six pieces through the Art Purchase Project, 2) partnered with the Old Town Elk Grove Foundation on the annual Elk Grove Photo Contest, 3) created the Voluntary Public Art Design Guidelines, and 4) designed a promotional marketing brochure and awareness campaign to promote the Voluntary Public Art Design Guidelines, culminating in the review and approval of the program's first application with Wingate Inn. Goals for 2008

include: 1) expanding awareness of the Voluntary Public Art Design Guidelines program, 2) exploring an Art on Loan program, 3) conducting the 2008 Art Purchase project, 4) exploring public art opportunities for the Old Town Library and Civic Center projects, and 5) examining the feasibility of an Art in Public Places program to establish a percentage of arts program fund, connected to future development.

Mark Mendenhall, Chair of the Trails Committee, reported that for 2007 the Trails Committee had: 1) completed the Trails Master Plan, 2) participated in the Cosumnes Community Services District's (CCSD) Park Facilities Master Plan public input process, and 3) taken part in the review of development projects. He noted that for the Promenade Mall project there was an absence of off-street bicycle access, and as one of the goals for 2008, the Trails Committee will focus on advancing its comment period earlier in the planning process, especially for regional and specific area plans. Mr. Mendenhall stated that 2008 goals for the Trails Committee will include providing education opportunities concerning trail construction and design to staff and Council, and will seek to incorporate the connection of destination points into future trail design.

Agenda Item No. 4.2: **Jim Miller**, Youth Services Program Manager, presented an overview workplan for 2008 which he noted was in part derived from Quality of Life Task Force concepts: 1) creation of a Youth Master Plan incorporating input from the CCSD and the Elk Grove Unified School District (EGUSD), 2) formation of a non-profit collaborative to identify regional resources, 3) exploration of creating a Youth Commission, 4) hosting a non-profit fair tentatively scheduled for August 2008, and 5) continuing pursuit of community outreach programs. He reported on current projects including: 1) working towards establishment of a Police Activities League (PAL), 2) assisting in the Nike Reuse-A-Shoe program, 3) participating as a committee member for the Fit Fusion Program, and 4) developing expansion programs of the Elk Grove Police Department Explorer Program through the EGUSD and the Sacramento Academic and Vocational Academy (SAVA) charter school.

PUBLIC COMMENT

Jim Cook explained that he wished to correct a statement made at the June 27, 2007 City Council meeting and emphasized that he opposed large-scale discount superstore ("big box") retail development and has always opposed such development. He noted a recent survey that showed 84% of Elk Grove citizens support having the Pledge of Allegiance included in local government meetings. He supported inclusion of the Pledge of Allegiance and appreciated the community's response to the survey. He thanked Council for its efforts fostering cooperation with the CCSD. Mr. Cook recognized the attendance of several youths in the audience and stressed the important roles Council and City staff serve in providing an example on approaches to addressing issues related to gangs, crime, and violence.

Students representing the **Elk Grove High School Friday Night Live Chapter** invited Council Members to attend a forum, to be held March 27, to discuss the issue of underage drinking in the community.

Glenda Stewart requested that her property be added to the Sphere of Influence (SOI) application. She felt her previous requests, and requests of other property owners south of Eschinger Road, did not receive an adequate response or acknowledgement from the City. She did not agree with a specific line being drawn for the application submitted to the Local Area Formation Commission (LAFCO). Ms. Stewart stated that she plans to continue to meet with the County of Sacramento and LAFCO, and requested to receive the contact information of the City representative managing the SOI process.

Mike Barnbaum noted a recent news report detailing that portions of the fees collected from the red light camera program are going out of state. He did not agree that funds should be divided or sent away from the jurisdiction in which the fees were collected. Mr. Barnbaum suggested that if a violation occurs in the City, the entire amount of the fee collected should stay in Elk Grove, preferably used to fund parking and public transportation services.

Leo Fassler thanked Jim Estep for his service to the City noting Mr. Estep's particular skills in public outreach and collaborative problem solving.

Frank Verni, President of the Rotary Club of Elk Grove, presented a donation to Police Chief Simmons in the amount of \$1,000 to provide refreshments for the officers participating in the upcoming Laguna Rescue training exercise.

Shavell Crawford expressed her support and interest in Youth Program services provided by the City.

Mayor Davis announced the State of the City Address will be held on March 27.

CONSENT CALENDAR ITEMS

PUBLIC COMMENT:

Mike Barnbaum asked for clarification on item 6.5 regarding the acquisition method of buses, and whether the acquisition was made in conjunction with a recent Regional Transit (RT) purchase order for 91 buses. He questioned the duration of the 55 week period to procure the buses and was concerned that a long delay could impact future transportation services connecting the public to the future regional mall and other proposed regional transit projects.

Vice Mayor Hume noted that item 6.7 involved a contract awarded to a vendor located outside of the City limits. He inquired on the status of the review of the purchasing

ordinance and was informed by staff that the item would be presented at the March 26 City Council meeting.

Council Member Scherman requested a report detailing the amount of funds spent on goods and services from local merchants compared to vendors operating outside of the City limits.

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: Approved City Council Meeting Minutes of: a) February 27, 2008 Special Meeting; and b) February 27, 2008 Regular Meeting, as presented

Agenda Item No. 6.2: Received report on City Manager approved purchases and contracts authorized by City Purchasing Ordinance, filed through March 3, 2008

Agenda Item No. 6.3: **Resolution No. 2008-55** adopted authorizing the City Engineer to submit the City of Elk Grove Fiscal Year 2008-09 Measure A Expenditure Plan Request to the Sacramento Transportation Authority

Agenda Item No. 6.4: **Resolution No. 2008-56** adopted authorizing the City Manager to amend the Fiscal Year 2007-08 Transportation Development Act Claim and authorize submission to the Sacramento Area Council of Governments for unclaimed State Transit Assistance (STA) Funds and the redirection of previously authorized expenditures of Local Transportation Funds and STA Funds

Agenda Item No. 6.5: **Resolution No. 2008-57** adopted authorizing the City Manager to exercise two options of the Washington Metropolitan Area Transportation Authority contract to purchase four compressed natural gas 40-foot low-floor buses from Orion Bus Industries and authorize the City Manager to issue a purchase order in an amount not to exceed \$1,750,000

Agenda Item No. 6.6: **Resolution No. 2008-58** adopted authorizing the City Manager to amend the purchase order with Orion Bus Industries in the amount of \$62,187.50 for ten buses (at \$6,218.75 each) to have Allison transmissions installed

Agenda Item No. 6.7: **Resolution No. 2008-59** adopted authorizing the City Manager to execute a construction contract with Central Valley Engineering and Paving, Inc. in the amount of \$426,892 for the East Stockton Boulevard Bikeway Project

PUBLIC HEARINGS

Agenda Item No. 7.1: A public hearing to consider PVI/Tree of Life Rezone & Tentative Map (EG-07-085; APNs: 132-0030-078 and 131-0030-076)

RECOMMENDATION:

The Planning Commission recommended (5-0) that the City Council:

1. Introduce and waive the full reading, by substitution of title only, an Ordinance amending the City of Elk Grove Zoning Map from Agricultural 80-acre minimum (AG-80) to Residential 1-unit per acre (RD-1) for the PVI/Tree of Life Project No. EG-07-085; and
2. Adopt a Resolution approving a Tentative Parcel Map with request for abandonment for the PVI/Tree of Life Project No. EG-07-085, subject to the Findings and Conditions of Approval.

Mayor Davis declared the public hearing open.

Nina Stevens, Planner, provided an overview of the staff report and recommendation. She clarified that the proposed easement for abandonment on the eastern side of the property was originally created for a proposed roadway, but the roadway plan requiring the easement was not implemented during the final build-out of the East Franklin Specific Plan.

PUBLIC COMMENT:

Brian Cutting, applicant, stated that the rezone was a necessary step to bisect the property to sell to interested buyers. He noted that the proposed uses by the buyers were the construction of a church on one property and a park on the other, and that these uses would bring added value to the community.

Mayor Davis declared the public hearing closed.

Motion #1: *M/S Leary/Scherman* to introduce and waive the full reading, by substitution of title only, **Ordinance No. 6-2008** amending the City of Elk Grove Zoning Map from AG-80 to RD-1 for the PVI/Tree of Life Project No. EG-07-085. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Motion #2: *M/S Leary/Scherman* to adopt **Resolution No. 2008-60** approving a Tentative Parcel Map with request for abandonment for the PVI/Tree of Life Project No. EG-07-085, subject to the Findings and Conditions of Approval. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

Agenda Item No. 8.1: Consider adoption of resolution establishing evaluation criteria for Community Service Grants

RECOMMENDATION:

Adopt a resolution establishing and setting evaluation criteria for Community Service Grants.

Troy Brown, Budget Manager, provided an overview of the staff report and recommendation.

PUBLIC COMMENT:

None.

Vice Mayor Hume disagreed with distributing funds through the Community Service Grants Program, especially in a fiscal year where the City is facing budgetary constraints. He believed that if the City continues to offer the program, consideration should be taken to limit the number of times applicants can submit requests for funds.

In response to Council Member Scherman, **Christine Crawford**, Planning Director, confirmed that grant applicants to the Community Service Grant Program who were also applying for Community Development Block Grant (CDBG) funds would be identified for consideration during the application review process.

Council deliberated and selected an option for each criterion as reflected in the motion for the resolution.

Motion: *M/S Scherman/Leary* to adopt **Resolution No. 2008-61** establishing and setting evaluation criteria for Community Service Grants as follows:

1. Community organizations are not limited in the number of consecutive annual request they may make.
2. The maximum request is \$100,000.
3. Of the community grant awarded, a higher percentage of the total shall be for program costs (as opposed to administrative and overhead).
4. Applicants shall estimate the number of residents served.
5. Special events shall be funded from separate sources.
6. The City Manager shall appoint a committee of staff members to review submitted grant applications and make recommendations for action to the City Council.

The motion passed by the following vote: Ayes: 4; Noes: 1 (Hume).

Agenda Item No. 8.2: Adopt resolution authorizing the Mayor to execute a revised Joint Exercise of Powers Agreement for Human Rights/Fair Housing Commission and provide direction on the appointment of a second Advisory Board Member

RECOMMENDATION:

Staff recommends the City Council of the City of Elk Grove consider the following actions:

1. Consider the request by Human Rights/Fair Housing to adopt a Resolution authorizing the Mayor, or designee, to execute a revised Joint Exercise of Powers Agreement for Human Rights/Fair Housing Commission; and
2. Provide direction regarding appointing or recruiting a second Advisory Board member to the Commission; or
3. Take no action on this request at this time.

Kara Reddig, Assistant to the City Manager, provided an overview of the staff report and recommendation.

PUBLIC COMMENT:

Barbara Lehman, Executive Director of the Human Rights Fair Housing Commission, suggested that a staff member be appointed since the City already has a public member representative. The presence of a staff member would assist the Commission in establishing standards and procedures to navigate the program's first year of existence.

Motion: *M/S **Leary/Scherman*** to adopt **Resolution No. 2008-62** authorizing the Mayor, or designee, to execute a revised Joint Exercise of Powers Agreement for Human Rights/Fair Housing Commission and to appoint a second public member representative to the Sacramento Regional Human Rights / Fair Housing Commission Advisory Board. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Agenda Item No. 8.3: Consider introduction of ordinance amending Section 10.48.020 of the Elk Grove Municipal Code to establish speed limits on various segments of Grant Line Road

RECOMMENDATION:

Staff recommended the City Council introduce and waive the full reading, by substitution of title only, an Ordinance establishing the following speed limits:

<u>Roadway Segment</u>	<u>Posted Speed Limit</u>
Grant Line Road – Bond Road to 650 feet south of Equestrian Drive	45 mph
Grant Line Road – Bond Road to Sheldon Woods Way	35 mph
Grant Line Road – Sheldon Woods Way to 980 feet north of Spanish Grant Road	45 mph

Fritz Buchman, City Engineer, provided an overview of the staff report and recommendation.

PUBLIC COMMENT:

Frank Freeno expressed his opinion that the speed reductions should be extended further north of Sheldon Woods Way. He suggested a reduction to 45 mph starting south of Calvine Road and a reduction to 35 mph where the road passes through higher density residential areas.

Sharon Lynes read a letter from June Coats in support of the speed transition zone to control speed, retain the area's rural character, and to increase road safety.

Suzanne Pecci spoke in support of the ordinance for improving traffic safety for the Grant Line Road corridor and the greater area of Sheldon.

In answer to Mr. Freeno, **Mr. Buchman** explained that prevailing speeds dictate by law how much the City can propose to alter speed limits. He reported that current measurements of prevailing speeds do not allow further reduction in the area.

Vice Mayor Hume observed that the current reduction will lead to reduced prevailing speeds in the future. He posed that once the speed limits are in place, and new prevailing speeds are observed, the issue may be revisited for further speed reductions. He also noted that the area designated by Mr. Freeno includes the jurisdictions of the City and the County of Sacramento, and that a collaborative effort would be required to address speed reductions that cross jurisdictional boundaries.

Motion: M/S Hume/Scherman to introduce and waive the full reading, by substitution of title only, **Ordinance No. 7-2008** establishing the following speed limits:

<u>Roadway Segment</u>	<u>Posted Speed Limit</u>
Grant Line Road – Bond Road to 650 feet south of Equestrian Drive	45 mph
Grant Line Road – Bond Road to Sheldon Woods Way	35 mph
Grant Line Road – Sheldon Woods Way to 980 feet north of Spanish Grant Road	45 mph

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

NOTE: Item 8.4 was continued to regularly scheduled City Council meeting of March 26, 2008 (See Item 2).

Agenda Item No. 8.4: Adopt resolution forming the Charter Commission and calling for applications

Agenda Item No. 8.5: Introduce ordinance prohibiting smoking in recreational areas and public buildings

RECOMMENDATION:

Staff recommends the City Council introduce and waive the full reading, by substitution of title only, an Ordinance adding Chapter 6.124 to the Elk Grove Municipal Code relating to smoking and use of tobacco in recreational areas and public facilities.

Susan Cochran, City Attorney, provided an overview of the staff report and recommendation.

PUBLIC COMMENT:

Carolyn Martin, representing the Sacramento County Tobacco Control Coalition, spoke in support of the ordinance. She stated that Elk Grove would join over 100 other cities in adopting similarly framed ordinances. She opined that signage is essential for enforcement. She stated that surveys indicate that 86% of Californians are non-smokers and that Californians are not averse to reminding others of tobacco use laws and prohibitions by pointing to applicable signage. She reported that to her knowledge only two citations for tobacco use have been issued in the last few years by cities with similar ordinances. Ms. Martin suggested methods for reducing signage costs including: 1) use of curbside stencils, 2) adhesive stickers to attach to existing park signage, 3) purchasing through State approved contracts, 4) fewer signs for smaller parks, and 5) use of media and web outreach to spread awareness of the new law. Ms. Martin stated that the California Clear Air Project would offer \$1,000 to assist the City in purchasing signs.

Laurie Comstock spoke in support of the ordinance. She related her experience as a second hand smoke victim with asthma and noted her dedication to educate others on the dangers of smoking and tobacco use. She observed that even in children's play areas, where smoking is currently prohibited, she consistently finds cigarette litter and debris. She did not believe that smoking should be allowed at local festivals. Ms. Comstock offered her assistance in any efforts to further prohibit tobacco use in public places.

Council Member Cooper raised concern over the additional cost for sign maintenance and repair from vandalism. He believed the proposed ordinance was not enforceable and would generate additional administrative and maintenance burdens for the City.

Council Member Leary believed that the program was worth the cost and a good investment in protecting the health and safety of children and citizens in the community.

Council Member Scherman noted that, as more parks are built, the City would be obliged to cover additional costs to provide the required signage. She raised concerns over enforcement issues, particularly in relation to festivals and events.

Mayor Davis pointed out that the signs provide the mechanism for enforcement. He felt application to parking lots could be excluded from the ordinance and offered statistics on the negative effects of second hand smoke, the toxicity of cigarettes, and litter produced from cigarette smoking. Mayor Davis raised the question of exploring alternative sources for funding the signage required by the ordinance through organizations such as First 5 California.

Council Member Cooper expressed his opinion that the agency with jurisdiction of the park should budget for the costs of signage and ongoing maintenance fees.

Vice Mayor Hume observed that signage can easily be ignored, but was interested in expanding awareness of existing law prohibiting smoking near children's play areas. He agreed enforcement would be difficult, but also noted that the ordinance would have the benefit of providing officers an enforcement mechanism to approach and engage individuals breaking the smoking prohibition. He questioned the ability to enforce chewing tobacco use at baseball and softball fields.

Council Member Cooper suggested splitting costs by developing a partnership with the Cosumnes Community Services District (CCSD).

Council Member Leary saw the potential of such a partnership to create an assessment to provide signage for future park development.

Motion: M/S Scherman/Cooper to authorize Mayor Davis to meet with Cosumnes Community Services District (CCSD) President of the Board of Directors to discuss the feasibility of a funding partnership with the CCSD related to this matter. The motion passed by the following vote: Ayes: 5; Noes: 0.

GENERAL ADMINISTRATION INFORMATION

Jim Estep, Interim City Manager, announced that his official last day of employment with the City would be April 11. He also informed Council that the scheduled "Cap to Cap" trip may raise a scheduling conflict for the attending Council Members depending on their return for the April 9 City Council meeting.

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)*)

Vice Mayor Hume reported on the annual Washington, D.C. lobbying trip he attended with Mayor Davis, where they met with representative staff of the following elected officials and government offices: United States Senator Diane Feinstein, United States Senator Barbara Boxer, California Congressman Dan Lundgren, California

Congresswoman Doris Matsui, and the Department of Justice. Discussion primarily centered on the request for \$5 million for the Interstate 5 Hood-Franklin Interchange and Kammerer Road Extension Project. Other topics discussed included requests for two Community Oriented Policing Services (COPS) grants for the purchase of vehicle license plate scanners, in-car video systems, and a multi-modal Mobile Command Unit. He noted that the Department of Justice was impressed with the *In the Blink of an Eye* video produced by the Elk Grove Police Department regarding street racing. Mr. Hume reported that the Elk Grove–Rancho Cordova–El Dorado Connector Project would be re-issuing the request for proposal for an Environmental Impact Report (EIR) consultant to expand the scope of service of the study. He reported that Regional Transit (RT) continues development of its transit master plan and would be incorporating plans for light rail connecting to the regional mall. He reported that the Sacramento Transportation Authority (STA) expended all available funds allocated for the Grant Line Road Interchange Project and allocated \$17 million for the Sheldon Road Interchange Project.

Council Member Leary requested a future agenda item to address expedition of the hiring process for the Chief of Police. He suggested using the contractor Cooperative Personnel Services (CPS) to begin immediate advertising for the open position. He also suggested that a panel be created of three outside law enforcement professionals to assist in the application review process.

Council Member Scherman requested the use of a Request for Proposal (RFP) process to first select a contractor to conduct the recruitment process.

Jim Estep, Interim City Manager, affirmed that the RFP process has commenced. He noted that the authority currently exists through the position of the City Manager to expedite the process in selection of a contractor and in design of the review process. He confirmed a report would be presented to Council on the timeframe for completion of the appointment of a new Chief of Police.

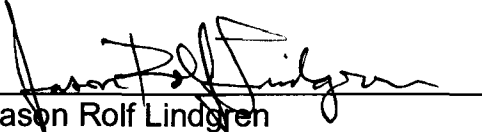
Council Member Scherman requested a future agenda item to appoint an alternate to the Sacramento Regional County Sanitation District Board of Directors. She requested a briefing on City policy in regard to Assembly Bill 323 requiring notification to the public of staff submittals received by a quorum of the Council 72 hours before a public meeting.

Mayor Davis reported his attendance with Vice Mayor Hume to the annual Washington, D.C. lobbying trip. He had met with the Old Town Merchants Executive Board and requested a report on the feasibility of designating the Old Town area as a redevelopment or Business Improvement District. He announced that an environmentally conscious design exposition would be held May 8 in a joint effort by the Air Quality Management District and the California Energy Commission and requested City representatives attend the event.


ADJOURNMENT

With no additional business to conduct, the March 12, 2008 City Council meeting was adjourned at 9:14 p.m.

Minutes prepared by:

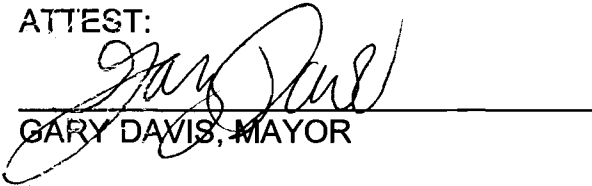


Jason Rolf Lindgren
City Clerk Department Analyst



Susan J. Blackston
Assistant City Clerk

ATTEST:



GARY DAVIS, MAYOR