

**MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
Wednesday, April 23, 2008**

**CALL TO ORDER/ROLL CALL**

**Vice Mayor Hume** called the regular City Council meeting of April 23, 2008 to order at 6:01 p.m.

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

Absent: Mayor Davis (arrived at 7:10 p.m.)

Council Member Scherman led the Pledge of Allegiance.

Vice Mayor Hume asked that a moment of silence be observed.

**APPROVAL OF AGENDA**

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

**CLOSED SESSION**

None.

**PRESENTATIONS/ANNOUNCEMENTS**

**Agenda Item 4.1:** With the aid of an overhead presentation (filed), Mike Wiley, General Manager / CEO of the Sacramento Regional Transit District (SRTD) reported that the Regional Transit Master Plan was in the early stages of development. The process is expected to be completed by Spring 2009. He outlined the following accomplishments from the 1993 Master Plan: 1) extended light rail to Folsom, 2) opened the first phase of the light rail extension to the south, and 3) will begin construction on the second phase by mid-summer. On April 28 the SRTD Board will consider adoption of the environmental document for an extension of light rail to the airport. Last month the Sacramento Area Council of Governments adopted a new Metropolitan Transportation Plan. He reported that Transit collectively carries, throughout the metropolitan area, between 1% to 2% of total trips. He acknowledged that transit service throughout the area is inadequate. Twenty percent of all commute trips to downtown Sacramento are by transit. Farebox recovery ratios are currently at 22%. Mr. Wiley described three possible

scenarios using the following funding assumptions: 1) what is affordable with the current level of funding; 2) the equivalent of an additional half cent sales tax by 2010, consistent with the recently approved Master Transit Plan, and 3) a much more robust level of service, the cost of which is currently unknown.

**Michael Monasky** believed it was a mistake for Elk Grove to break away from Regional Transit because it can no longer develop a regional transit plan on its own. He felt that the \$600 million for a light rail extension to the airport would be better spent on bus rapid transit on Highways 99, 50, Interstates 5 and 80, and other major corridors. He spoke of social, environmental, and health problems related to driving cars.

**Sharon Anderson** felt that the pathfinder initiative should also be extended to trails. She expressed safety concerns regarding the south line on light rail.

**Vice Mayor Hume** reminded citizens that applications were being accepted for the Charter Commission through May 16.

### **PUBLIC COMMENT**

**Michael Monasky** believed that the integrated waste plan proposed by the City acted as a volume discount for garbage, thereby encouraging residents to have larger cans. Current and proposed fees penalize customers who reduce waste. He suggested making the following rate changes, which reward customers who produce less garbage: \$15 for a 32 gallon container; \$30 for a 64 gallon container, and \$45 for a 96 gallon container.

**Therese Schultz** announced that the Sacramento County System of Protection for Seniors and Dependant Adults is sponsoring the 2<sup>nd</sup> Annual Street Smart Safety for Seniors event on April 26. The Senior Center is sponsoring a fundraiser "Black Tie Bingo" on May 16.

### **CONSENT CALENDAR ITEMS**

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

**Agenda Item No. 6.1:** Received February 2008 Treasurer's Report

**Agenda Item No. 6.2:** Approved General Warrant No. 36059 through 36586 dated March 1 – 31, 2008, Electronic Fund Transfer 2008104 through 2008120, and Automatic Clearing House

**Agenda Item No. 6.3:** Approved City Council Regular Meeting Minutes of April 9, 2008

**Agenda Item No. 6.4:** Received report on City Manager approved purchases and contracts authorized by City Purchasing Ordinance, filed through April 10, 2008

**Agenda Item No. 6.5:** Received report on Requests for Proposals, Qualifications, and Bids

**Agenda Item No. 6.6:** **Resolution No. 2008-80** adopted endorsing the Capital Region Compact for Children and Youth

**Agenda Item No. 6.7:** **Resolution No. 2008-81** adopted authorizing the Purchasing Officer to exercise the sale and disposal of surplus City property in the form of police patrol and detective vehicles

**Agenda Item No. 6.8:** **Resolution No. 2008-82** adopted amending the 2007-2012 Capital Improvement Program and Fiscal Year 2007-08 Budget for the Waterman Road/Grant Line Road Intersection Improvements Project

**Agenda Item No. 6.9:** **Resolution No. 2008-83** adopted authorizing the City Engineer to execute amendments to the Sacramento Transportation Authority's New Measure A contracts for the Grant Line Road/State Route 99 and the Sheldon Road/State Route 99 Interchange Projects and approving a budget amendment in the amount of \$15 million to transfer revenue between each interchange project

**Agenda Item No. 6.10:** **Resolution No. 2008-84** adopted waiving the competitive bid process and authorizing the City Manager to execute a contract amendment with SunGard Public Sector for city-wide software contingent on budget approval each fiscal year, not to exceed a total of \$1,600,000 over five years and ratify the previous allocation by \$109,000

**Agenda Item No. 6.11:** **Resolution No. 2008-85** adopted authorizing the City Manager to execute a consultant contract amendment in an amount not to exceed \$43,652 with Quincy Engineering, Inc. for the Sheldon Road/State Route 99 Interchange Reconstruction Project

**Agenda Item No. 6.12:** Authorized City Attorney to sign "Waiver of Conflict of Interest" for Downey Brand in its hiring of Michael Churchill of Kronick Moskovitz Tiedemann & Girard

## **PUBLIC HEARINGS**

**Agenda Item No. 7.1:** A public hearing to consider adoption of the 2008-13 Consolidated Plan and the 2008-09 Action Plan and authorize the City Manager to execute and file all documents required to receive U.S. Department of Housing and Urban Development Community Development Block Grant funding

**RECOMMENDATION:**

Adopt resolution approving the 2008-13 Consolidated Plan and the 2008-09 Action Plan and authorize the City Manager to execute and file all documents required to receive U.S. Department of Housing and Urban Development Community Development Block Grant funding.

**Vice Mayor Hume** declared the public hearing open.

Council waived the verbal presentation by Grants Specialist Sarah Bontrager.

**PUBLIC COMMENT:**

None.

**Vice Mayor Hume** declared the public hearing closed.

***Motion: M/S Scherman/Leary*** to adopt **Resolution No. 2008-86** approving the 2008-13 Consolidated Plan and the 2008-09 Action Plan and authorize the City Manager to execute and file all documents required to receive U.S. Department of Housing and Urban Development Community Development Block Grant funding. ***The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Davis)***

**REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS**

**Agenda Item No. 8.1: City and Community Entry Sign Program**

**RECOMMENDATION:**

1. Adopt the City and community entry sign program including the concept design, location map, and prioritization list; and
2. Direct staff to proceed with signs at the Sheldon Road and Grant Line Road Interchange projects, with the remaining signs to be implemented as funding becomes available.

With the aid of an overhead presentation (filed), **Jessica Shalamunec**, Planning Manager, provided an overview of the staff report and recommendation. She noted that the public workshop participants voiced a preference for large “welcome to the city” signs, and smaller “welcome to community” signs. Ms. Shalamunec explained that Council’s approval of the Community Entry Sign Program would provide staff an opportunity to speak with Caltrans about incorporating the signs into the Sheldon and Grant Line Roads interchange projects. The approved budget for the interchange projects both incorporate money for installation of a sign. The cost is estimated at \$5,000 to \$10,000 for construction of the sign, this would not include land acquisition, easement, or design costs. Staff recommends that, beginning in fiscal year 2009-10, Council identify how many signs to fund.

**Council Members Scherman and Cooper** expressed concern about breakage and possible vandalism of the antlers and suggested that they be incorporated into the sign itself, rather than extending above it.

**PUBLIC COMMENT:**

**Leo Fassler** commended Jessica Shalamunec for her work on the program. He recalled making a request in December 2004 for “welcome to rural Elk Grove” entrance signs on Sheldon Road and Elk Grove-Florin Road, Grantline Road, Calvine Road and Elk Grove Boulevard or Bond Road. He again expressed an interest in having the rural entrance signs erected. He reported that, ten days ago, a kickoff event was held to plant native Valley Oak trees. The County granted \$50,000 toward developing a program for generating local agriculture. He declared that there is a desire by residents to keep the area rural.

**Council Member Scherman** preferred that the monument sign on Bond and Grantline Roads be moved to Elk Grove Boulevard (rather than Bond Road) and a rural sign be placed where number six is indicated on the map provided with the staff report.

**Council Member Leary** suggested placing a “welcome to Old Town Elk Grove” at location six on the map.

**Vice Mayor Hume** pointed out that map locations 5 through 10 are different than locations 1 through 4 and optional locations at Interstate-5. He, as well as Council Members Cooper and Scherman, agreed that smaller neighborhood signs should be placed in the interior locations.

Council concurred that locations five and six should be changed on the map to indicate a smaller community sign, rather than a monument city entry sign.

Discussion ensued regarding the design of smaller neighborhood signs, following which Council directed staff to solicit public input and report back with a recommendation.

**Motion:** **M/S Scherman/Cooper** to adopt the City and community entry sign program including the concept design for entry monuments, the location map as amended (*i.e. map locations five and six to be designated as smaller community entry signs*), and the prioritization list; and direct staff to proceed with signs at the Sheldon Road and Grant Line Road Interchange projects, with the remaining signs to be implemented as funding becomes available. ***The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Davis)***

**Agenda Item No. 8.2:** Request for direction regarding the initiation of an amendment to City's sign regulations for electronic readerboard signs

**RECOMMENDATION:**

Consider a request from Gold's Gym to allow a readerboard sign at 2285 Longport Court and provide staff direction to proceed with one of the following options:

1. Do not initiate an amendment to the City's sign regulations;
2. Initiate rezoning to a Special Planning Area; or
3. Initiate an amendment to citywide sign regulations.

**Christine Crawford**, Planning Director, reported that, on March 12, Council directed staff to consider the request from Gold's Gym to amend sign regulations to allow for a readerboard sign. Ms. Crawford noted that Council received a "green sheet" (filed) communication from Sarah Johnson in opposition to the request and staff also received a voicemail message from Sparky Harris representing the Laguna West Homeowners Association indicating its opposition to a readerboard sign at the Gold's Gym location.

*NOTE: Mayor Davis arrived at 7:10 p.m.*

**PUBLIC COMMENT:**

**Perry Thomas** representing Gold's Gym reported that the \$15 million investment in the business has not proven successful to date. He noted that 85% of the gym membership comes from drive-by clientele. Mr. Thomas felt it was essential for the business's survival to have the ability to communicate with perspective clientele. The electronic readerboard would allow the business to communicate special programs to pedestrians and motorists. He stated that direct mail, radio, newspaper, and television advertising has had only a 4% return.

**David Randolph**, sign consultant, reviewed advantages and disadvantages of manual versus digital signs.

**Mayor Davis** emphasized the importance of community outreach to ascertain opinions of surrounding residents to the proposal.

**Council Member Cooper** noted that many businesses are suffering in the current economic situation. He favored rezoning to a Special Planning Area to allow the readerboard, which would benefit other businesses in the complex as well. He pointed out that the location of Gold's Gym is at a freeway entrance, not in the middle of a neighborhood.

**Vice Mayor Hume** did not believe that Gold's Gym current lack of membership was related to visibility. He agreed, however, that an electronic readerboard was

aesthetically more appealing than a manual advertising sign and that the direct effect on the neighborhood of this proposal was probably negligible.

**Council Member Scherman** was opposed in general to electronic readerboard signs. She warned that, if an exception were made for this request, there could be others forthcoming and a proliferation of electronic signs would ruin the appearance of Laguna Boulevard.

**Council Member Leary** spoke in favor of rezoning to a Special Planning Area to allow the readerboard sign.

**Ms. Crawford** clarified that manual change copy readerboards are allowed only for human assembly areas such as, churches, theaters, and schools. She noted that, normally, applicants are charged application fees; however, Council can waive the fee if it chose to. The application fee for a Special Planning Area is \$6,000. If the California Environmental Quality Act were determined to be necessary there would be an additional \$2,000 deposit.

**Mayor Davis** felt that the Gold's Gym building was very visible and the electronic readerboard sign would have marginal, if any, impact on the business. He suggested the business representatives seek feedback from community associations in the area and discern their position on the matter before proceeding.

**Vice Mayor Hume** voiced support for considering rezoning to a Special Planning Area, noting that it would require public notification of the hearing, to which Mayor Davis agreed, as long as Gold's Gym bears the cost of the application fees.

*NOTE: No action was taken by Council on Item 8.2*

**Agenda Item No. 8.3:** Presentation of 2008-09 proposed departmental work plans

**RECOMMENDATION:**

Discuss and provide input regarding the 2008-09 departmental work plan goals

With the aid of an overhead presentation (filed), **Rebecca Craig**, Finance Director, provided an overview of the staff report

**Mayor Davis** suggested that the City Manager's Office work plan also include implementing the results of the Sinclair & Associates Development Services report.

**PUBLIC COMMENT:**

None.

*NOTE: No action was taken by Council on Item 8.3*

**Agenda Item No. 8.4:** Introduction of ordinance repealing and reenacting various Chapters of Title 16 of the Elk Grove Municipal Code relating to Building and Construction and adopting the 2007 Edition of the California Administrative Code, Building Code, Plumbing Code, Electrical Code, and 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; the 2007 California Mechanical Code and all the appendices thereof.

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

**PUBLIC COMMENT:**

None.

***Motion:*** ***M/S Hume/Scherman*** to introduce and waive the full reading, by substitution of title only, **Ordinance No. 11-2008** 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; the 2007 California Mechanical Code and all the appendices thereof. ***The motion passed by the following vote:***  
***Ayes: 5; Noes: 0***

**Agenda Item No. 8.5:** Adopt resolutions authorizing the City of Elk Grove to withdraw from the Public Agency Risk Sharing Authority of California, to join the California State Association of Counties - Excess Insurance Authority for the purpose of jointly funding and/or establishing primary, excess and other insurance programs, and to provide coverage under a master criminal policy

**RECOMMENDATION:**

Authorize the City to join the California State Association of Counties - Excess Insurance Authority, a California Municipal Joint Powers Authority, to obtain City insurance coverage and other Risk Management Services, effective 12:01 a.m., July 1, 2008 by adopting the following resolutions:

1. A resolution requesting membership in California State Association of Counties - Excess Insurance Authority effective 12:01 a.m., July 1, 2008 and authorizing the Mayor to execute the Joint Powers Agreement and further authorizing the City Manager to execute all required documents regarding coverage; and

2. A resolution approving withdrawal of membership from the Public Agency Risk Sharing Authority of California effective 12:00 midnight, June 30, 2008; and
3. A resolution approving coverage for all City officers and employees under one master Commercial Government Crime Insurance Policy.

With the aid of an overhead presentation (filed), **Frank Oviedo**, Deputy City Manager, provided an overview of the staff report and recommendation. He reported that the requested action would lower the City's premiums by \$860,000 annually.

**PUBLIC COMMENT:**

None.

**Motion #1: M/S Cooper/Scherman** to adopt **Resolution No. 2008-87** requesting membership in California State Association of Counties - Excess Insurance Authority effective 12:01 a.m., July 1, 2008 and authorizing the Mayor to execute the Joint Powers Agreement and further authorizing the City Manager to execute all required documents regarding coverage. ***The motion passed by the following vote: Ayes: 5; Noes: 0***

**Motion #2: M/S Cooper/Scherman** to adopt **Resolution No. 2008-88** approving withdrawal of membership from the Public Agency Risk Sharing Authority of California effective 12:00 midnight, June 30, 2008. ***The motion passed by the following vote: Ayes: 5; Noes: 0***

**Motion #3: M/S Cooper/Scherman** to adopt **Resolution No. 2008-89** approving coverage for all City officers and employees under one master Commercial Government Crime Insurance Policy. ***The motion passed by the following vote: Ayes: 5; Noes: 0***

**Agenda Item No. 8.6:**        Climate Change Forum Report

**RECOMMENDATION:**

Provide direction regarding the following action items as deemed appropriate:

1. Participate in the Regional Greenhouses Gases Inventory;
2. Become signatories to the Mayor's Climate Protection Agreement;
3. Participate in CARB's Local Government Protocol Workshops to determine thresholds of significance for AB 32 compliance;
4. Participate in regional workshops being conducted by the California Climate Action.

With the aid of an overhead presentation (filed), **Jessica Shalamunec**, Special Projects Manager, provided an overview of the staff report and recommendation.

**PUBLIC COMMENT:**

**Sharon Anderson** stated that she worked in the Air Resources Board in the Office of Climate Change. She recommended Elk Grove include information on the Board website regarding its current projects and future plans. She noted that funding is available for climate change initiatives.

**Council Member Leary** expressed support for all four of staff's recommendations.

In reference to recommendation four, **Vice Mayor Hume** believed that the California Air Resources Board should recognize that biodiesel is an acceptable alternative to fossil fuels. He was opposed to recommendation two, as he did not agree with some of the language in the agreement.

**Mayor Davis** supported participation in all four of staff's recommendations. He believed the City should move toward a sustainability element in its General Plan. He hoped that the proposed Civic Center would be a showcase high level certified energy efficient building.

*NOTE: No action was taken by Council on Item 8.6*

**Agenda Item No. 8.7:** Consider implementing a program for the deferral of certain impact fees for Market-Rate Residential and Nonresidential Development Projects

**RECOMMENDATION:**

Consider whether to implement an economic stimulus program through the deferral of various development impact fees, and if desired, take the following actions:

1. Adopt and waive the full reading, by substitution of title only, an Urgency Ordinance adding Chapter 16.120 to the Elk Grove Municipal Code allowing for the deferral of certain impact fees for market-rate residential and nonresidential development projects; and
2. Introduce and waive the full reading, by substitution of title only, an Ordinance adding Chapter 16.120 to the Elk Grove Municipal Code allowing for the deferral of certain impact fees for market-rate residential and nonresidential development projects.

With the aid of an overhead presentation (filed), **Heather Ross**, Management Analyst, recalled that on March 26 staff received direction from Council to return with a fee deferral ordinance. The proposed ordinance will apply to market rate single-family development, market rate multi-family development, and non-residential development. Ms. Ross noted that the City already has a program in place for affordable residential development. The ordinance will not require a down payment or any fees collected in advance. There will be a 100% deferral of the

eligible fees. Fees proposed to be included are the City administered development impact fee programs including the citywide roadway fee, the citywide capital facilities fee, the affordable housing fee, and the very-low income housing trust fund fee. Under the program, residential development will be able to defer fees to the earlier of either the request for final inspection, close of escrow (if the City is the senior lien holder) or for a period of no more than 24 months. The City Manager will have the authority to extend the deferral for 12 months. Any additional extensions would be at the discretion of Council. If the fee deferral period is more than two years, payments will begin in year three, and at that time the fees will be locked in at the current rate. The first 24 months would be interest free. When repayment begins in year three, interest will begin accruing unless the firm is a targeted company, which is currently defined as one that either brings in 50 or more jobs at \$30,000 a year or more, or 20 or more jobs at \$55,000 a year or more. Payment of the fees will be secured through one of the following mechanisms: 1) an assigned passbook or certificate of deposit, 2) an irrevocable letter of credit, 3) a surety bond, 4) a lien against the property, or 5) negotiable securities, if they are approved by the City Council. Currently language in the ordinance allows for fee increases, which can be either automatic inflationary increases or discretionary increases. Ms. Ross stated that, locking in fee rates, would leave the City exposed to significant cost increases for facilities to be constructed. She explained that when fee revenue is delayed, if there are no inflationary increases built-in, the money would be worth less when the City received it. Ms. Ross also pointed out that locking in fee rates would not allow anyone to take advantage of any potential decreases that may happen.

**Ms. Ross** clarified that the goal of the ordinance is to stimulate development of residential and non-residential projects; however, either type of development is likely to generate additional cost, as well as potential revenue. Implementation of the ordinance may delay the construction of infrastructure or it might require borrowing from the General Fund in the event there is some infrastructure that cannot be delayed. There also will be foregone interest earnings, which staff estimates to be \$1 to 2 million annually. Implementation of the ordinance will also inhibit the City's ability to pay outstanding reimbursements. Currently, there is an estimated \$63 million outstanding in the roadway fees on reimbursement. The implementation of the program is a three phase process. If Council adopts the ordinance, staff will move on to phase two, which will include outreach to other agencies to request that they consider a similar program. Language was added to the ordinance that would allow the City to defer fees that are collected on behalf of other agencies, at the written request of the agencies. Phase three would include advertising and educating customers about other programs, e.g. the sewer fee credit program and the statewide community infrastructure program, which allows commercial projects to finance fees with bond revenue.

In reply to **Mayor Davis**, Ms. Ross confirmed that, at the end of fiscal year 2010, a sunset provision exists at which time the ordinance could be repealed or extended.

**City Attorney Cochran** explained that, if adopted, the urgency ordinance would become effective immediately. In order to pass an urgency ordinance Council must make certain findings that it is necessary for the immediate preservation of the public peace, health or safety. These findings are contained in section two of the urgency ordinance. Additionally, staff recommends that Council introduce an identical regular ordinance.

#### **PUBLIC COMMENT:**

**Janet Toppenberg**, Chief Executive Officer of the Chamber of Commerce, voiced support for the fee deferral program.

**Steve Czarnecki**, Executive Director of the Elk Grove Economic Development Corporation, spoke in support of the fee deferral program.

**Ardie Zahedani**, representing the Northstate Building Industry Association, commended staff for their efforts. He felt that the fees paid should be those that are categorized at the date of the request for deferral. He noted that there was no retail representation at the stakeholder meetings. He recommended that retail (100,000 square feet or greater) should be considered a targeted enterprise.

**Paul Petrovich** submitted a sales tax analysis (filed) and stated that a well anchored, strategically located retail establishment, can generate between \$300 to \$400 a square foot per year in sales. Using \$350 as an average, every 100,000 square foot of retail would generate \$35 million in taxable revenue each year. Using 1% for determining sales tax, every 100,000 square feet would generate \$350,000 annually. Applied to what is remaining at Calvine Pointe, multiplied by 1.6, Mr. Petrovich calculated it would total \$560,000 a year that the City would forever lose the longer it took for the project to reach its full potential. Mr. Petrovich reported that fees for his development amount to \$8.3 million, which is more than he paid for the property at \$5 million. He asserted that retail creates jobs and revenue that no other type of development brings to the City. Calvine Pointe would generate 130 to 160 full-time jobs and 60 part-time jobs. He encouraged Council to reexamine the City's roadway fees. He asked Council to include in the fee deferral program, projects over 100,000 square feet and projects in the Old Town Specific Plan. He warned that all five security mechanisms for deferring the fees are equivalent, or worse, than cash. He believed the City would be putting itself at risk using one the five security methods and allowing the fees to change during the time of the deferral. Mr. Petrovich acknowledged he had shared ideas with Vice Mayor Hume on other ways to create security that would not leave the City vulnerable to problems, and would actually create a real deferral.

**Steve Detrick** supported the deferral program, but felt there should be interest based equal to what the City is receiving on its current accounts.

**Vice Mayor Hume** recommended that the title of section 16.120.090 be amended to "fee adjustments". He recalled previous discussions regarding scheduling a workshop to review roadway fees. He acknowledged having met with Mr. Petrovich regarding security instruments. He explained that any construction loan or any permanent financing is going to want first position and their priority is not going to be paying off the City for its fees. Mr. Petrovich had suggested coupling it with a property tax installment, given that property tax takes precedence over any other liens. This would provide the City some assurance that it could foreclose on the project for the amount of back property taxes, i.e. the fees due, and it would provide motivation to whoever is providing the financing, to make sure the City gets paid. Mr. Hume suggested a combination of reservation of funds and a lien on the property, so that the lien gets the City through title in case the project is sold and the new borrower has no obligation to the old lender. He expressed support for a square footage threshold for retail to be included in the fee deferral program.

**Mayor Davis** was opposed to adding retail in the program because projections are flat and new retail could negatively affect sales of existing retailers. He voiced support for including the Old Town Special Planning Area (SPA).

**Council Member Leary** suggested the fees be deferred for five years, with reevaluation to occur annually.

**Vice Mayor Hume** pointed out that there are also important indirect benefits through residential builders who employ tradespersons and purchase materials. He did not agree that Elk Grove was saturated from a retail standpoint. He agreed with including the Old Town SPA. He suggested a non-residential three-year no interest provision, with a potential to extend it an additional two years. In the meantime, he hoped that the City would review and compare its fees with others in the region.

**Council Member Cooper** voiced support for including the Old Town SPA and retail.

**Council Member Scherman** was in favor of including retail in the program.

**City Attorney Cochran** received clarification from Council to make the following amendments to the ordinance:

16.120.050 (g): The interest free period will be extended to 36 months and payments begin the first quarter of the fourth year for non-residential projects; residential projects remain at 24 months.

16.120.070, Security: Add "(f)" Reservation of funds within the escrow account of the senior lender.

16.120.080 (c): The Old Town Special Planning Area will be added as "iii".

16.120.090: Change title from fee "increases" to fee "adjustments".

Council also concurred with the following recommended amendments as outlined in the "green sheet" memorandum dated April 23, 2008 from Ms. Ross and Ms. Cochran (filed):

16.120.040 (b): "Approved Development Project" means a project that has received final discretionary action by the City and which is in compliance with all environmental requirements due prior to issuance of a building permit.

16.120.050 (e): Fees that are approved for deferral for a market-rate multifamily residential project or a nonresidential development project pursuant to the Chapter shall be due and payable for each building within the project upon request for Final Inspection.

16.120.070: Prior to execution of the agreement pursuant to Section 16.120.050(b), the applicant shall provide security for the payment of those fees to be deferred.

**Motion #1:** *M/S Hume/Scherman* to adopt and waive the full reading, by substitution of title only, **Urgency Ordinance No. 12-2008** as amended (*outlined above*) adding Chapter 16.120 to the Elk Grove Municipal Code allowing for the deferral of certain impact fees for market-rate residential and nonresidential development projects. ***The motion passed by the following vote: Ayes: 5; Noes: 0***

**Motion #2:** *M/S Hume/Scherman* to introduce and waive the full reading, by substitution of title only, **Ordinance No. 13-2008** as amended (*outlined above*) adding Chapter 16.120 to the Elk Grove Municipal Code allowing for the deferral of certain impact fees for market-rate residential and nonresidential development projects. ***The motion passed by the following vote: Ayes: 5; Noes: 0***

**Agenda Item No. 8.8:** Consider appointments to fill one vacancy on each of the following committees/board: 1) Solid Waste Advisory Committee / AB 939 Local Task Force; 2) Historic Preservation Committee; and 3) Human Rights Fair Housing Commission Advisory Board

**RECOMMENDATION:**

Adopt resolutions appointing members to fill one vacancy on each of the following committees/board:

- 1) Solid Waste Advisory Committee / AB 939 Task Force
- 2) Regional Human Rights / Fair Housing Commission Advisory Board
- 3) Historic Preservation Committee

**Susan Blackston**, Assistant City Clerk, provided an overview of the staff report and recommendation.

**PUBLIC COMMENT:**

None.

**Motion:** *M/S **Cooper/Leary** to adopt **Resolution No. 2008-90** appointing Donna Stearns to the Solid Waste Advisory Committee / AB 939 Task Force. **The motion passed by the following vote: Ayes: 5; Noes: 0***

**Motion:** *M/S **Scherman/Hume** to adopt **Resolution No. 2008-91** appointing Dannela Garcia to the Human Rights/Fair Housing Commission Advisory Board. **The motion passed by the following vote: Ayes: 5; Noes: 0***

**Motion:** *M/S **Hume/Leary** to adopt **Resolution No. 2008-92** appointing Jimmie Johnson to the Historic Preservation Committee. **The motion passed by the following vote: Ayes: 5; Noes: 0***

**GENERAL ADMINISTRATION INFORMATION**

**Cody Tubbs**, Interim City Manager, recognized the entire Development Services team and commended Heather Ross for her exemplary work in drafting the impact fee deferral program. He mentioned that the Development Services staff would be prepared to begin accepting applications for fee deferrals tomorrow.

**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** reported that a senior Police Department staff member informed him that, at a briefing, it was stated that revenues from traffic citations had declined considerably from last year and it was encouraged to write more citations in the community. Mr. Leary commented that less than 10 percent of money collected from citations goes to the City. He disapproved of the suggestion that citations be written to meet quotas.

In response to Council Member Leary, **Police Chief Simmons** confirmed that there were no traffic citation quotas in the Elk Grove Police Department and further stated that he was unaware of the alleged decline in the number of citations.

**Council Member Scherman** attended the Sacramento Regional County Sanitation District Board of Directors meeting this morning at which a lengthy discussion occurred regarding sewer lines. She attended the Elk Grove Senior Center Board

of Directors meeting on April 22 and encouraged attendance at the upcoming Black Tie Bingo fundraiser. Ms. Scherman asked that tonight's meeting be adjourned in memory of Len Willeford, a longtime Elk Grove businessman and youth sports supporter.

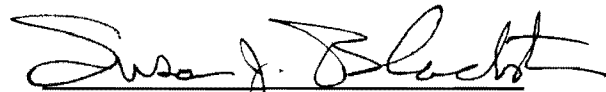
**Vice Mayor Hume** asked whether a workshop would be held to review the City's fees, to which Interim City Manager Tubbs noted that the Sinclair & Associates Development Services report includes a regional comparison of fees. He anticipated the report being brought before Council within the next month. Vice Mayor Hume asked for and received Council consensus to revisit site options for potential waste transfer station and household hazardous waste facilities.

**Council Member Cooper** reported that he had been participating in the Sacramento Area Council of Governments tours of rural, agricultural areas and found it enlightening to learn about issues rural counties face, versus urbanized areas.

**Mayor Davis** reported that he attended the Sacramento Metro Chamber "Cap to Cap" Washington, D.C. trip and found it to be a valuable opportunity to interact with other elected officials and agency heads throughout the region. Funding for the Elk Grove – Rancho Cordova – Elk Dorado Connector project was an item of discussion at the "Cap to Cap" event. Elk Grove Economic Development Corporation Executive Director, Steve Czarnecki, has been working on business retention with two large companies in Elk Grove. A meeting took place with the Department of General Services Director in which an interest was expressed for state office siting in Elk Grove. He thanked the Chamber of Commerce for hosting the State of the City event.

### **ADJOURNMENT**

With no additional business to conduct, the April 23, 2008 City Council meeting was adjourned at 9:24 p.m. in memory of Leonard Willeford.

  
SUSAN J. BLACKSTON,  
ASSISTANT CITY CLERK

ATTEST:

  
GARY DAVIS, MAYOR