

**MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
Wednesday, June 11, 2008**

**CALL TO ORDER/ROLL CALL**

**Vice Mayor Hume** called the regular City Council meeting of June 11, 2008 to order at 6:02 p.m.

Present: Vice Mayor Hume, Council Members Leary and Scherman

Absent: Mayor Davis and Council Member Cooper

Michael Orrock 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 hear Item 3 (Closed Session) after Item 10 (Council Comments/Future Agenda Items) and to approve the agenda as presented. The motion passed by the following vote: Ayes: 3; Noes: 0; Absent: 2 (Davis, Cooper).***

**PRESENTATIONS/ANNOUNCEMENTS**

**Agenda Item 4.1:** Vice Mayor Hume introduced Charter Commissioners Jimmie Johnson, Clifford Loveland, Juanita Lopez, Christopher Orrock, and Heather Martin. Commissioners Jake Allen and William Farley were not present.

**PUBLIC COMMENT**

**Annette Lazzarotto** stated that she was speaking on behalf of Lynn Wheat who was unable to attend the meeting. She expressed concern about "the last remaining" open space acreage within the city limits of Elk Grove, owned by the Sanitation District. She felt that it should be utilized as a nature preserve, which would also allow for flood protection and water table renewal. In reference to the Vintara Park project, she urged Council to protect natural areas by using environmentally sound planning.

## **CONSENT CALENDAR ITEMS**

***Motion:*** ***M/S Leary/Scherman to approve the Consent Calendar, with the exception of Item No. 6.18 which was pulled from the agenda at staff's request. The motion passed by the following vote: Ayes: 3; Noes: 0; Absent: 2 (Davis, Cooper).***

**Agenda Item No. 6.1:** Approved May 28, 2008 City Council Regular Meeting Minutes

**Agenda Item No. 6.2:** Received report on City Manager approved purchases and contracts authorized by Elk Grove Municipal Code Chapter 3.42 Contracts and Purchasing, filed through June 4, 2008

**Agenda Item No. 6.3:** Received report on Requests for Proposals, Qualifications, and Bids

**Agenda Item No. 6.4:** **Ordinance No. 17-2008** adopted amending the City of Elk Grove Zoning Map from AG-80 to RD-5, RD-6, RD-7, RD-15, RD-20 and "O" Zone Districts for Sterling Meadows subdivision EG-01-130, Assessor Parcel 132-0152-001 (**Second Reading**)

**Agenda Item No. 6.5:** **Ordinance No. 18-2008** adopted adopting and implementing a development agreement between the City of Elk Grove, Cosumnes Community Services District and Elk Grove Associates, LLC for Sterling Meadows subdivision EG-01-130, Assessor Parcel 132-0152-001 (**Second Reading**)

**Agenda Item No. 6.6:** **Ordinance No. 19-2008** adopted amending the East Elk Grove Specific Plan updating Zoning Code references (**Second Reading**)

**Agenda Item No. 6.7:** **Ordinance No. 20-2008** adopted amending the East Franklin Specific Plan updating Zoning Code references (**Second Reading**)

**Agenda Item No. 6.8:** **Ordinance No. 21-2008** adopted amending the Laguna Ridge Specific Plan updating Zoning Code references (**Second Reading**)

**Agenda Item No. 6.9:** **Ordinance No. 22-2008** adopted amending the Elk Grove Triangle Special Planning Area updating Zoning Code references and amending Section 23.40.020(2) of the Zoning Code updating references to planning documents (**Second Reading**)

**Agenda Item No. 6.10:** **Ordinance No. 23-2008** adopted amending the Calvine Road/Highway 99 Special Planning Area updating Zoning Code references (**Second Reading**)

**Agenda Item No. 6.11:** Ordinance No. 24-2008 adopted amending the Laguna Gateway Special Planning Area updating Zoning Code references (**Second Reading**)

**Agenda Item No. 6.12:** Ordinance No. 25-2008 adopted amending the Old Town Special Planning Area updating Zoning Code references (**Second Reading**)

**Agenda Item No. 6.13:** Ordinance No. 26-2008 adopted amending the Elk Grove-Florin and Bond Roads Special Planning Area updating Zoning Code references (**Second Reading**)

**Agenda Item No. 6.14:** Ordinance No. 27-2008 adopted amending the Laguna Community / Floodplain Special Planning Area updating Zoning Code references (**Second Reading**)

**Agenda Item No. 6.15:** Ordinance No. 28-2008 adopted amending Zoning Code Chapter 23.84 Non-Conforming Uses, Buildings, and Structures, modifying the provisions regarding termination of non-conforming status by involuntary destruction (**Second Reading**)

**Agenda Item No. 6.16:** Resolution No. 2008-125 adopted approving the investment policy and internal control guidelines for fiscal year 2008-09

**Agenda Item No. 6.17:** Resolution No. 2008-126 adopted approving Parcel Map No. 07-140.00 Laguna Springs Corporate Center Phase II

*NOTE: Item 6.18 was pulled from the agenda at staff's request.*

~~**Agenda Item No. 6.18:** Adopt resolution authorizing the City Manager to execute a contract with Richardson & Company for annual Audit for Commercial Haulers services in an amount not to exceed \$203,900 for a three year period~~

**Agenda Item No. 6.19:** Resolution No. 2008-127 adopted waiving the competitive bid process and authorizing the City Manager to execute a contract amendment with Network Design Associates for Information Technology Consulting Services for an additional term of one year in an amount not to exceed \$285,018

**Agenda Item No. 6.20:** Resolution No. 2008-128 adopted authorizing the City Manager to execute consultant services contract amendments with David Ford Consulting Engineers, Kimley-Horn and Associates, Mark Thomas and Company, Nolte Associates, TRS Consultants, and West Yost and Associates to extend the termination date for On-Call Engineering Services to June 30, 2010

**Agenda Item No. 6.21:** Resolution No. 2008-129 adopted denying an award protest, authorizing the City Manager to execute a construction contract in the amount of \$833,183.58 with Diede Construction, Inc. for the Safe Routes to School Laguna Creek Trail Bridge Project, authorizing a contingency fund of \$130,000, and authorizing the City Engineer to approve change orders

**Agenda Item No. 6.22:** Resolution No. 2008-130 adopted authorizing the City Manager to execute a consultant contract amendment in an amount not to exceed \$3,927,000 with MCE Corporation for the operation and maintenance of the City's streets and drainage facilities from July 1, 2008 through June 30, 2009

## **PUBLIC HEARINGS**

**Agenda Item No. 7.1:** Tax Equity and Fiscal Responsibility Act hearing to consider the issuance of multifamily housing revenue bonds not to exceed \$8 million by the Association of Bay Area Governments for Nonprofit Corporations to be used for the acquisition and rehabilitation of a 124-unit multifamily rental housing development commonly known as Terracina at Elk Grove located at 9440 West Stockton Boulevard

## **RECOMMENDATION:**

Adopt resolution approving the issuance of multifamily housing revenue bonds not to exceed \$8 million by the Association of Bay Area Governments Finance Authority for Nonprofit Corporations on behalf of Terracina Elk Grove, LP.

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

**Jennifer Estrella**, Senior Finance Analyst, provided an overview of the staff report and recommendation. She explained that the developers of *Terracina at Elk Grove* want to refinance their project and make extensive improvements. Ms. Estrella stated that there would be no impact to the City by the recommended action.

## **PUBLIC COMMENT:**

None.

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

**Motion:** *M/S Leary/Scherman* to adopt Resolution No. 2008-131 approving the issuance of multifamily housing revenue bonds not to exceed \$8 million by the Association of Bay Area Governments Finance Authority for Nonprofit Corporations on behalf of Terracina Elk Grove, LP. ***The motion passed by the following vote: Ayes: 3; Noes: 0; Absent: 2 (Davis, Cooper).***

**Agenda Item No. 7.2:** A public hearing to consider the District Development Plan and Development Plan Review for the proposed hotel and medical office buildings within the Promenade Square Project EG-05-940; portion of APN 134-0600-039

**RECOMMENDATION:**

Adopt resolution approving the District Development Plan for the Promenade Square project and the Development Plan Review for the proposed hotel and medical office buildings within the Promenade Square project subject to the findings and conditions of approval for the project.

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

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

**PUBLIC COMMENT:**

None.

**David Geiser**, Managing Director of M & H Realty Partners, reported that his company had been involved in the Lent Ranch project for a number of years. The hotel and medical office buildings are ready to move forward at this time. He expressed hope that the retail components of the project would proceed following development of this first parcel.

In reply to **Vice Mayor Hume**, Mr. Geiser confirmed that the project has pedestrian connectivity through the site and in between the hotel and medical office building. In addition, there is pedestrian connectivity between the site and the mall, as well as along Promenade Parkway.

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

***Motion:*** ***M/S Leary/Scherman*** to adopt **Resolution No. 2008-132** approving the District Development Plan for the Promenade Square project and the Development Plan Review for the proposed hotel and medical office buildings within the Promenade Square project subject to the findings and conditions of approval for the project. ***The motion passed by the following vote: Ayes: 3; Noes: 0; Absent: 2 (Davis, Cooper).***

**REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS**

**Agenda Item No. 8.1:** Civic Center Outreach and Design Study Program

**RECOMMENDATION:**

1. Confirm project goals for the Elk Grove Civic Center;

2. Adopt resolution authorizing the City Manager to execute a professional services and license agreement with Stantec Architecture (in association with Zaha Hadid Limited) in an amount not to exceed \$450,000 for the Civic Center Design Study Program; and
3. Approve the public outreach program and design study scope of work.

With the aid of an overhead presentation (filed), **Pam Johns**, Planner, provided an overview of the staff report and recommendation. She recalled that the Civic Center site was approved by the City Council in June 2004 with the Laguna Ridge Specific Plan. The combined area includes the Civic Center location and community park site totaling 76 acres south of Elk Grove Boulevard between Big Horn Boulevard and Laguna Springs Drive. Given recent economic changes, Council reconsidered the approach and potential scope of effort and directed staff to come forward with a public outreach program to engage the community in determining components of the Civic Center project. Instead of master planning the Civic Center, staff plans on having design studies prepared following community and Council input. Due to legal issues, the City will be contracting directly with Stantec Architecture who will subcontract with architect Zaha Hadid. Phase one of the public outreach program will be a community engagement effort that will include a phone survey conducted by a professional surveying firm. A series of workshops will be held in a variety of locations throughout the city at which live polling will be done to ascertain preferences from attendees. Phase two would include development of public/private partnerships with the development community and financing entities. In phase three a design team would establish four to six preliminary concepts and solicit comments at community workshops. A project plan and design for the Civic Center would be available at the conclusion of phase three.

In answer to **Council Member Leary**, Ms. Johns reported that the total budget for the outreach and design study program was \$585,000, which has been included in the 2008-09 budget. The design team work is estimated at \$450,000 and community outreach will total \$135,000.

**Council Member Leary** expressed concern that the information derived from this effort would be outdated by the time the project was ready to move forward in five to seven years.

**Planning Director Christine Crawford** pointed out that staff had scaled back the scope of work in an effort to be responsive to economic times. The result of the design study would be conceptual only, it would not include engineered construction plans. Staff is hopeful the design would be "timeless" and could be utilized when the City is ready to move forward.

In response to **Council Member Leary**, Finance Director Craig stated that, if the Council wanted to begin the project within the next five years, debt financing would be recommended.

## **PUBLIC COMMENT:**

**Sarah Johnson** felt that this was an opportunity for Council to “create tomorrow’s history” for Elk Grove. She believed that the Civic Center would bring businesses and visitors to Elk Grove. She offered to loan a video of architect Frank Gehry to any Council Members who were interested.

**Connie Conley** encouraged Council to approve staff’s recommendations, noting that the project would create needed economic development for the community.

**Vice Mayor Hume** suggested that a publicly funded parking structure be included in the project.

**Motion #1:** **M/S Scherman/Leary** to adopt **Resolution No. 2008-133** authorizing the City Manager to execute a professional services and license agreement with Stantec Architecture (in association with Zaha Hadid Limited) in an amount not to exceed \$450,000 for the Civic Center Design Study Program and directed staff to include information regarding this project on the City’s website. ***The motion passed by the following vote: Ayes: 3; Noes: 0; Absent: 2 (Davis, Cooper).***

**Motion #2:** **M/S Scherman/Leary** to approve the recommendation to confirm the project goals for the Elk Grove Civic Center, and approve the public outreach program and design study scope of work . ***The motion passed by the following vote: Ayes: 3; Noes: 0; Absent: 2 (Davis, Cooper).***

## **GENERAL ADMINISTRATION INFORMATION**

**Interim City Manager Cody Tubbs** introduced newly hired Finance Analyst Andrew Keys. Mr. Tubbs expressed gratitude for Council’s trust and confidence in him while serving in an interim capacity.

## **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 Scherman** reported that she had attended a League of California Cities conference last week and participated in workshops regarding crime prevention, communication techniques with the media, and relationship building with city managers. She received a call from a citizen today regarding the Madeira property on which large items have been abandoned and weeds are creating a fire hazard, to which Interim City Manager Tubbs indicated he would refer the matter to Code Enforcement staff.

**Vice Mayor Hume** reported that the Sacramento Regional Transit Board of Directors adopted its fiscal year 2009 budget on Monday.

*NOTE: Item 3 was heard out of order as listed below.*

**3. CLOSED SESSION**

**PUBLIC COMMENT:**

**Kathy Lee** reported that a meeting took place this morning with Vice Mayor Hume, homeowner and neighborhood associations, and community groups in District 2 at which a petition was submitted (copy filed). Ms. Lee read the following into the record:

*The undersigned representatives of Elk Grove City Council District 2 homeowners associations known as Quail Ranch Estates Association, Fallbrook Neighborhood Association, Greater Sheldon Road Estates Homeowner's Association, Sheldon Community Association, Waterman Meadows Homeowner's Association, Silvergate Homeowner's Association, and these additional community action associations: South County Citizens for Responsible Growth, Elk Grove Coalition Advocating Property Planning, and Elk Grove Community Connection, have received and read the judgment rendered by Superior Court in Case #06CS00442, Quail Ranch Estates Association v. City of Elk Grove, et al. As united communities all residing within District 2, by our signatures, represent that our respective communities wholeheartedly support the judge's decision. It is our belief that it would be an irresponsible expenditure of public resources for the City to appeal the ruling, inasmuch as the court has found merit in the concerns of the citizens of Elk Grove. We share your belief that a complete and comprehensive Environmental Impact Report is warranted. It is our hope that you will support your constituents in voting to reject a motion to appeal the court's decision on the Vintara Park project if such a motion should come before the City Council and to reject another project, whether the project is presented in the same or substantially similar form in the future.*

The City Clerk announced the closed session items.

The City Council adjourned to closed session to consider the following items at 7:10 p.m.:

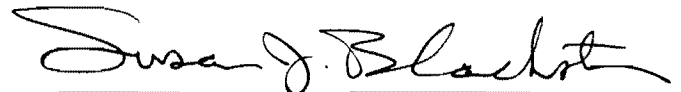
- A) CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation**  
Pursuant to Government Code § 54956.9 (b)  
One (1) Case
- B) CONFERENCE WITH LEGAL COUNSEL – Existing Litigation**  
Pursuant to Government Code § 54956.9 (a)  
One (1) Case:
  - 1. Quail Ranch Estate Association v. City of Elk Grove, et. al.  
Sacramento County Superior Court Case No. 06CS00442

The Council reconvened in open session at 7:38 p.m. with Mayor Davis and Council Member Cooper absent.

**Vice Mayor Hume** announced that no reportable action was taken regarding Item 3A. In reference to Item 3B, a unanimous decision was reached not to appeal the court ruling regarding Sacramento County Superior Court Case No. 06CS00442.


**ADJOURNMENT**

With no additional business to conduct, the June 11, 2008 City Council meeting was adjourned at 7:39 p.m.



SUSAN J. BLACKSTON,  
CITY CLERK

ATTEST:

  
PATRICK HUME, VICE MAYOR