

MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
Wednesday, June 25, 2008

**CALL TO ORDER/ROLL CALL**

Mayor Davis called the regular City Council meeting of June 25, 2008 to order at 6:14 p.m.

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

Absent: None.

Council Member Leary led the Pledge of Allegiance.

Mayor Davis asked that a moment of silence be observed.

**APPROVAL OF AGENDA**

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

**CLOSED SESSION**

None.

**PRESENTATIONS/ANNOUNCEMENTS**

**Agenda Item 4.1:** Council Member Cooper presented the following awards:

- Commuter Cyclist of the Year: Carl Chapin
- Bike-Friendly Employer of the Year: Paratransit, Inc.  
Beth Barker-Hidalgo, Supervisor  
Linda Deavens, Chief Executive Officer
- Bicycling Advocate of the Year: Bob Gray

**Agenda Item 4.2:** Mayor Davis presented a proclamation to Janet Toppenberg of the Elk Grove Chamber of Commerce in recognition of the 12<sup>th</sup> Annual *Salute to the Red, White and Blue* festival and fireworks display.

## **PUBLIC COMMENT**

Conrado Baltazar distributed a written statement (filed) and mentioned that he became a United States citizen on March 27, 2008. To reduce energy consumption, he recommended that citizens change their lifestyles and habits by walking as much as possible and carpooling as a mode of travel.

Sharon Baker distributed a written statement (filed) and stated that she wished to rebut statements made at the May 28, 2008 City Council meeting regarding fence regulations. Ms. Baker reported that her fence was built in February 2005. In April 2008 she was informed by City staff that her fence was in compliance with the City's regulations. In addition, City staff told her that no permit was required to pour a cement pad. Since April 2008 she has stored her fifth wheel recreational vehicle at a private storage facility. Ms. Baker mentioned that she had originally moved into her home in March 1992 and, until August 2007, there were no complaints about fences in the neighborhood.

Mayor Davis asked staff to investigate Ms. Baker's claim regarding having received City approval in April 2008 regarding her fence.

Debora May alleged that Rosa Bagley is operating an unlicensed board and care facility and "halfway" house in Elk Grove. She stated that Ms. Bagley also operates another board and care facility for mentally disabled persons and several times a week she takes parolees from the halfway house to the board and care facility, to which Ms. May objected, citing safety concerns. She alleged that her son, Matthew May, was paroled to the halfway house on April 23 and has been verbally and physically abused since that time. On two occasions Matthew May was denied his right to file a report with the Elk Grove Police Department. Additionally, she complained of a two hour delay in police arriving to the facility following a phone call for assistance.

Mayor Davis asked the Police Chief to look into Ms. May's allegations.

Jasmine May asked to play a recording of a phone call, to which City Attorney Cochran objected, on grounds that it was unknown whether it was legally made or was appropriate for broadcast at a public meeting.

Council Member Cooper recommended that Ms. May contact parole supervision personnel.

Don Schroeder recalled that, four weeks ago, he appeared at a City Council meeting to raise concerns about a bee problem and was informed that City staff would contact him. Mr. Schroeder stated that no contact was made, so he called Community Enhancement Manager Shane Diller on June 23. Mr. Diller informed him that there was no legal violation because the property owners in question had stated the bees were for their personal use in pollinating their fruit trees and the

beekeeping was a hobby. Mr. Schroeder stated that, when he contacted the beekeeper by phone, he was informed that the property was being rented. Following Mr. Schroeder informing Mr. Diller that he intended to address the City Council again, he received a 9:00 p.m. personal delivery at his home from an animal control officer. He asked why the communication was not mailed, and believed it was merely an attempt to placate him. The letter stated that the beekeeper claimed the bees were for pollinating almond orchards of California, which Mr. Schroeder pointed out, contradicts the original claim that the bees were for personal use. He urged Council to adopt an ordinance limiting the number of beehives to two.

Leo Fassler complimented Christine Crawford for her exemplary work as Planning Director and felt her impending departure would be a loss for the City.

Howard Sihner, speaking on behalf of the Old Town Elk Grove Foundation, thanked everyone who assisted with the Spring Festival Chili Cook-off.

Shirley Peters, representing the Greater Sheldon Homeowner's Association (GRESHA), commended Christine Crawford for her dedication and planning expertise and presented her with a coffee cup memento that included a rural design to represent GRESHA.

Sharon Lynes thanked Christine Crawford for her professionalism, honesty, and responsiveness to the community. Ms. Lynes noted that she filled an important position of liaison between citizens, Council, staff, and project proponents.

Emmanuel Okwuosa voiced support for the concerns raised by Don Schroeder. Mr. Okwuosa complained that his children cannot play outside because two fountains on his property are consumed by bees. He asked Council to seriously look into this situation, as he believed it to endanger his family.

Council Member Cooper asked staff to report back to Council on regulations pertaining to beehives and outline actions that have been taken regarding this matter.

### **CONSENT CALENDAR ITEMS**

Council Member Cooper asked that, next year, the matters contained in Items 6.13 and 6.14 be presented to Council as one item.

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

**Agenda Item No. 6.1:** Approved June 11, 2008 City Council Regular Meeting Minutes

**Agenda Item No. 6.2:** Approved General Warrant No. 37236 through 37963 dated May 1, 2008 through May 31, 2008 and Electronic Fund Transfer 2008132, 2008134 through 2008136, 2008141 through 2008155, and Automated Clearing House

**Agenda Item No. 6.3:** Received report on City Manager approved purchases and contracts authorized by Elk Grove Municipal Code Chapter 3.42 Contracts and Purchasing, filed through June 18, 2008

**Agenda Item No. 6.4:** Received report on Requests for Proposals, Qualifications, and Bids

**Agenda Item No. 6.6:** **Resolution No. 2008-134** adopted approving a three-year agreement with Sacramento Housing and Redevelopment Agency for participation in the County Home Investment Partnerships Program Consortium

**Agenda Item No. 6.7:** **Resolution No. 2008-135** adopted authorizing the City Manager to amend the Fiscal Year 2007-08 Transportation Development Act claim and authorize submission to Sacramento Area Council of Governments for the redirection of Local Transportation Fund and State Transit Assistance Funds

**Agenda Item No. 6.8:** Received the 2007 Annual Growth Report per the City Council Growth Management Policy

**Agenda Item No. 6.9:** **Resolution No. 2008-136** adopted accepting the public improvements for Laguna Ridge Specific Plan – Whitelock Parkway Segment 3 (EG-00-062 and EG-04-764)

**Agenda Item No. 6.10:** **Resolution No. 2008-137** adopted authorizing the City Manager to execute bond riders reducing the amount of performance security for the Public Improvement Agreement with Pulte Home Corporation regarding required backbone infrastructure for Phase 2 of the Laguna Ridge Specific Plan

**Agenda Item No. 6.11:** **Resolution No. 2008-138** adopted authorizing the City Manager to execute a construction contract with JRS General Engineering in the amount of \$1,519,066 for the Elk Grove Boulevard Median Improvements, Elk Grove Boulevard Landscape Improvements, and Elk Grove Boulevard Widening Improvements Projects and authorizing the City Engineer to approve change orders not-to-exceed \$227,860

**Agenda Item No. 6.12:** **Resolution No. 2008-139** adopted waiving competitive bidding requirements and authorizing the City Manager to execute a purchase order with Elk Grove Ford for Police Fleet maintenance services in an amount not to exceed \$175,000 for term expiring June 30, 2009

**Agenda Item No. 6.13:** Resolution No. 2008-140 adopted authorizing the City Manager to execute a one-year contract with Velocity Sports Performance for the *Law Enforcement-Oriented Fitness/Exercise Program* not to exceed \$70,000

**Agenda Item No. 6.14:** Resolution No. 2008-141 adopted authorizing the City Manager to execute a one-year contract with Wellness Solutions for *Health and Wellness Administrative Services* in an amount not to exceed \$81,000

**Agenda Item No. 6.15:** Resolution No. 2008-142 adopted authorizing the City Manager to execute an amendment to the contract with Granicus, Inc. (Streaming Media Provider) to ratify the over-expenditure of funds in an amount of \$12,350 reflecting increased monthly services

**Agenda Item No. 6.16:** Resolution No. 2008-143 adopted authorizing the City Manager to execute a contract with Richardson & Company for annual Audit Services in an amount not to exceed \$203,900 for a three year period

**Agenda Item No. 6.17:** Resolution No. 2008-144 adopted authorizing the City Manager to ratify the expenditure of funds, without contract, to Transit Marketing, LLC. in an amount of \$42,498.89 for Elk Grove Transit (*e-tran*) marketing services

**Agenda Item No. 6.18:** Resolution No. 2008-145 adopted authorizing the City Manager to ratify the expenditure of funds, without contract, to T. Mitchell Engineers in an amount of \$12,373.01 for Elk Grove Transit (*e-tran*) engineering design and consulting services

***NOTE: Item 6.5 was pulled from the consent calendar and heard out of order as indicated below.***

**Agenda Item No. 6.5:** Adopt resolution ratifying and authorizing the expenditure of funds to the City of Lodi for compressed natural gas for transit buses in an amount of \$104,014.50 and revising Resolution No. 2007-253

At the request of Council Member Scherman, City Manager Gill explained that this item includes a request to ratify the expenditure of funds for compressed natural gas obtained through mid-May from the City of Lodi and to revise a November 14, 2007 resolution to change the amounts paid to vendors.

**Motion:** *M/S Scherman/Leary* to adopt Resolution No. 2008-146 ratifying and authorizing the expenditure of funds to the City of Lodi for compressed natural gas for transit buses in an amount of \$104,014.50 and revising Resolution No. 2007-253. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

## **PUBLIC HEARINGS**

**Agenda Item No. 7.1:** A public hearing to consider approval of rate adjustment related to solid waste service rates

### **RECOMMENDATION:**

Adopt resolution approving increase to solid waste service rates effective July 1, 2008

Mayor Davis declared the public hearing open.

With the aid of an overhead presentation (filed), Cedar Kehoe, Integrated Waste Program Manager, provided an overview of the staff report and recommendation. She reviewed survey results regarding the quality of service provided by Allied Waste. The survey was mailed to 45,000 customers and 4,200 were returned. Allied Waste will be providing curbside collection of large e-waste items (i.e. computer equipment, etc.) and the City will dispose of it for free at the transfer station. A recent amendment to the Health and Safety Code requires special handling and disposal of home generated needles or other devices used to penetrate the skin for delivery of medication. As of September 1, 2008, residents can make an appointment to have Allied Waste pick up and dispose of their sharp containers, as they are no longer allowed to be placed in trash receptacles. Allied Waste will absorb the cost of this new service.

Ms. Kehoe confirmed that six written protests to the rate increase were received by the City Clerk's Office.

In response to Council Member Cooper, Ms. Kehoe reported that, in 2006, there was a 61% recycling rate in Elk Grove.

Vice Mayor Hume suggested that rates be designed to incentivize the use of smaller waste carts.

Mayor Davis agreed, stating that the City should do more to encourage recycling. He objected to the survey which asked residents to rate the waste truck driver, whom they never interact with. Instead, the survey should have asked residents how they rated the level of service the City is providing.

### **PUBLIC COMMENT:**

None.

Mayor Davis declared the public hearing closed.

***Motion: M/S Leary/Hume to adopt Resolution No. 2008-147 approving increases to solid waste service rates effective July 1, 2008. The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 7.2:** A public hearing to consider adoption of resolutions calling an election and declaring results of the special election for annexation to Community Facilities District No. 2006-1 (Maintenance Services) and introduction of an ordinance levying and apportioning the special tax to the annexing area (Annexation No. 9)

**RECOMMENDATION:**

1. Adopt resolution calling an election to submit the question of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2006-1 (Maintenance Services) to the qualified electors;
2. *(Following tabulation and certification of ballot results by the City Clerk)* Adopt resolution declaring the results of the special election held on June 25, 2008 for the ninth annexation to Community Facilities District No. 2006-1 (Maintenance Services); and
3. Introduce and waive the full reading, by substitution of title only, an ordinance levying and apportioning the special tax in territory annexed to Community Facilities District No. 2006-1 (Maintenance Services) Annexation No. 9.

Mayor Davis declared the public hearing open.

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

**PUBLIC COMMENT:**

None.

**Mayor Davis** declared the public hearing closed.

***Motion #1: M/S Cooper/Scherman to adopt Resolution No. 2008-148 calling an election to submit the question of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2006-1 (Maintenance Services) to the qualified electors. **The motion passed by the following vote: The motion passed by the following vote: Ayes: 5; Noes: 0.*****

City Clerk Blackston reported that, of eight possible votes, eight affirmative votes were cast authorizing the City of Elk Grove to levy a special tax at the rate apportioned and described. She confirmed that the measure passed with more than two-thirds of all votes cast in the election in favor of the measure.

***Motion #2: M/S Hume/Scherman to adopt Resolution No. 2008-149 declaring the results of the special election held on June 25, 2008 for the ninth annexation to Community Facilities District No. 2006-1 (Maintenance Services). **The motion passed by the following vote: Ayes: 5; Noes: 0.*****

**Motion #3:** *M/S Hume/Scherman* to introduce and waive the full reading, by substitution of title only, **Ordinance No. 29-2008** levying and apportioning the special tax in territory annexed to Community Facilities District No. 2006-1 (Maintenance Services) Annexation No. 9. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 7.3:** A public hearing to consider adoption of resolutions calling an election and declaring results of the special election for annexation to Community Facilities District No. 2003-2 (Police Services) and introduction of an ordinance levying and apportioning the special tax to the annexing area (Annexation No. 15)

**RECOMMENDATION:**

1. Adopt resolution calling an election to submit the question of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2003-2 (Police Services) to the qualified electors;
2. *(Following tabulation and certification of ballot results by the City Clerk)* Adopt resolution declaring the results of the special election held on June 25, 2008 for the fifteenth annexation to Community Facilities District No. 2003-2 (Police Services); and
3. Introduce and waive the full reading, by substitution of title only, an ordinance levying and apportioning the special tax in territory annexed to Community Facilities District No. 2003-2 (Police Services) Annexation No. 15.

Mayor Davis declared the public hearing open.

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

**PUBLIC COMMENT:**

None.

Mayor Davis declared the public hearing closed.

***NOTE: Council Member Cooper left at 7:14 p.m.***

**Motion #1:** *M/S Hume/Scherman* to adopt **Resolution No. 2008-150** calling an election to submit the question of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2003-2 (Police Services) to the qualified electors. ***The motion passed by the following vote: The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Cooper)***

City Clerk Blackston reported that, of six possible votes, six affirmative votes were cast authorizing the City of Elk Grove to levy a special tax at the rate apportioned and described. She confirmed that the measure passed with more than two-thirds of all votes cast in the election in favor of the measure.

**Motion #2: M/S Hume/Scherman to adopt Resolution No. 2008-151 declaring the results of the special election held on June 25, 2008 for the fifteenth annexation to Community Facilities District No. 2003-2 (Police Services). *The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Cooper)***

***NOTE: Council Member Cooper returned at 7:15 p.m.***

**Motion #3: M/S Hume/Scherman to introduce and waive the full reading, by substitution of title only, Ordinance No. 30-2008 levying and apportioning the special tax in territory annexed to Community Facilities District No. 2003-2 (Police Services) Annexation No. 15. *The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 7.4: Continue public hearing to July 9, 2008 to consider adoption of a resolution determining to levy street maintenance assessments for certain properties in the North East Franklin Area which represents annexation No. 3 into Street Maintenance District No. 1 – Zone 4**

**RECOMMENDATION:**

Continue public hearing to July 9, 2008.

Mayor Davis declared the public hearing open.

**PUBLIC COMMENT:**

None.

***NOTE: Council Member Leary left at 7:16 p.m.***

**Motion: M/S Hume/Cooper to continue the public hearing to the regularly scheduled meeting of July 9, 2008. *The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Leary)***

**Agenda Item No. 7.5: A public hearing to consider the Vineyard at Madeira Shopping Center Project – Laguna Ridge Specific Plan Amendment, Rezone, Tentative Parcel Map, Design Review, and Conditional Use Permit (EG-07-123; APNs: 132-0050-074 and 132-0050-075)**

***NOTE: Council Member Leary returned at 7:18 p.m.***

### **PLANNING COMMISSION RECOMMENDATION:**

1. Adopt resolution approving Laguna Ridge Specific Plan Amendment, Tentative Parcel Map, Conditional Use Permit, and Design Review for the Vineyard at Madeira Project subject to conditions of approval; and
2. Introduce and waive the full reading, by substitution of title only, an ordinance amending the City of Elk Grove Zoning Map from RD-15 to Shopping Center ("SC") Zone District for the Vineyard at Madeira Project.

Mayor Davis 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. She noted that a "green sheet" had been distributed, which contained new conditions of approval and an amendment to condition 14 (filed). These changes were agreed upon by the applicant following its meeting with approximately 100 residents of the Glenbrook Community. Ms. Shalamunec reported that the Planning Commission recommends approval of all the re-entitlements requested by the project.

In response to Mayor Davis, Ms. Shalamunec suggested that potential changes to the masonry wall be considered after it is known what would be located on the eastern side of the wall and what would be appropriate from a landscape perspective to provide for pedestrian connectivity.

Kim Whitney of Taylor Properties stated that his firm placed special attention on the aesthetic details of this project in terms of architecture and design elements of the Target building and the smaller freestanding pad buildings on the north end of the project in keeping with the pedestrian orientation of Whitelock Parkway. He acknowledged that a community meeting was held on June 18, following which additional conditions of approval were agreed to. The monument signs are of high quality, using no-glare materials. There is also an abundance of landscaping and trees to improve the aesthetic appeal of the project.

### **PUBLIC COMMENT:**

Linda Hargan thanked Taylor Properties for meeting with Del Webb residents and agreeing upon the additional conditions of approval. She felt it was imperative that the residential character of Whitelock Parkway be retained. She asked that another condition be imposed to limit the height of the sign placed on Whitelock Parkway to 12 feet. She voiced concern about the size and number of signs in general.

Mr. Whitney responded that, in general, there was broad consensus by the residents of the Del Webb community and most were satisfied with the sign program and presentation. The rear building signage on Whitelock Parkway cannot

exceed 24 inches for tenant names. The signs are softly haloed and backlit around the perimeters of the text letters.

In response to Mayor Davis, Mr. Whitney confirmed that signs facing homes would be turned off at night. Additionally, he affirmed that signs had been posted on the property for five years identifying it as a shopping center site.

Mayor Davis declared the public hearing closed.

Mayor Davis noted that parking is being decreased by eight percent. He asked if there could be an entryway in the wall adjacent to the pharmacy to allow for pedestrian access and encourage people to walk.

Ms. Shalamunec replied that, another condition of approval could be added, i.e. *"the applicant shall provide pedestrian connectivity along the eastern property boundary. The connection shall be landscaped and provide secure access for pedestrians while maintaining the noise attenuation functions of the masonry wall."* Ms. Shalamunec noted that the details could be decided upon at the improvement plan stage.

Vice Mayor Hume and Council Member Cooper commented that "crime prevention through environmental design" should be considered, to which Police Chief Simmons responded that he would check with the City's crime prevention specialist about the most appropriate location for a pedestrian access location and whether additional lighting would be necessary.

Council Member Scherman suggested that pedestrian access be considered when homes on the east side are developed.

Planning Director Christine Crawford stated that, legally, the City needs to make the requirement on both sides of the property in order to acquire the legal access. She explained that the proposed additional condition language Ms. Shalamunec suggested could be considered at the improvement plan stage with collaboration from the Police Department and Public Works to ensure an acceptable solution is agreed upon by all parties involved. This could be done at the staff level, following approval of the project tonight.

**Motion #1: M/S Scherman/Cooper** to adopt **Resolution No. 2008-152** approving Laguna Ridge Specific Plan Amendment, Tentative Parcel Map, Conditional Use Permit, and Design Review for the Vineyard at Madeira Project subject to conditions of approval as outlined in exhibit B of the resolution, in "green sheet" as filed, and an additional condition of: *"The Applicant shall provide pedestrian connectivity along the eastern property boundary. The connection shall be landscaped and provide secure access for pedestrians while maintaining the noise attenuation functions of the masonry wall. The access will be subject to approval of the Police*

*Chief and will not be required if an acceptable solution is not possible.” The motion passed by the following vote: The motion passed by the following vote: Ayes: 5; Noes: 0.*

**Motion #2: M/S Cooper/Scherman** to adopt Ordinance No. 31-2008 amending the City of Elk Grove Zoning Map from RD-15 to Shopping Center (“SC”) Zone District for the Vineyard at Madeira Project. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 7.6:** A public hearing to consider the Laguna Ridge Town Center Project Specific Plan Amendment and Rezone (EG-07-066; APNs: 132-2120-001, -003, -004, -005, -006, -008; 132-2110-001, -002; 132-0270-083, -084)

**PLANNING COMMISSION RECOMMENDATION:**

1. Adopt resolution certifying the Final Subsequent Environmental Impact Report, making findings of fact, adopting a statement of overriding considerations and adopting a Mitigation Monitoring and Reporting Program for the Laguna Ridge Town Center Project; and
2. Adopt resolution approving the Specific Plan Amendment for the Laguna Ridge Town Center Project; and
3. Introduce and waive the full reading, by substitution of title only, an ordinance amending the City of Elk Grove Zoning Map from RD-10 and RD-15 to RD-20 and SC to be consistent with the Laguna Ridge Specific Plan for the Laguna Ridge Town Center Project.

Mayor Davis declared the public hearing open.

With the aid of an overhead presentation (filed), Christine Crawford, Planning Director, provided an overview of the staff report and recommendation.

In answer to questions posed by Council Members, Ms. Crawford confirmed that the property could be rezoned to BP or MP and it would not affect allowable uses. A hospital requires a conditional use permit in either the SC or MP zone. Between 305 and 366 housing units would be lost due to the proposed zoning change. They are sites that were included in the City’s affordable housing inventory; however, Ms. Crawford pointed out that the Laguna Ridge Specific Plan provided more than its fair share of multi-family housing. She confirmed that the remainder of the parcels could be changed from RD-20 to RD-30 without causing any California Environmental Quality Act issues.

Mike Winn, representing Reynen & Bardis Development, commented that, in the 25 years he had been involved with Elk Grove area planning and building, no application had involved the combination of economic development, mixed land uses, and attention to vehicular and pedestrian access, as did the Laguna Ridge Town Center proposal. Of the 155 acre Laguna Ridge Town Center, 95 acres

between Bruceville Road and Bighorn are being considered in this application. The proposal would affect only the southern half of the medical office campus, where zoning would be changed from RD-20 to SC. It was determined to look at the site as one SC property. Catholic Healthcare West (CHW) would like to begin construction on Mercy Hospital of Elk Grove as soon as next year. Panattoni Development Company intends to construct at Bruceville Road and Elk Grove Boulevard and will return for design review and compliance with the Town Center design guidelines. Two tenants are proposed for the commercial corner. The densities are being increased on the two multi-family sites to mitigate for the decrease in residential acreage that this rezone proposes. They had been RD-10 and RD-15 previously, and it is now being recommended to increase the density to RD-20. Taken as a whole, this plan builds upon the 2004 Laguna Ridge Specific Plan. Mr. Winn state that, at a minimum, the proposed medical office and retail center would generate hundreds of jobs, many of them higher paying and professional in nature. The developers intend to work with the surrounding neighbors.

Vice Mayor Hume recalled that discussion had taken place regarding increasing the overall density for commercial and office, as well as residential. He suggested that a public financed parking structure would relieve some of the parking burden from the property owners. Additionally, he recommended that the development team phase the project, i.e. phase one traditional, phase two increased density, and phase three additional density. He voiced support for building multiple stories to save land space.

In reply to Mayor Davis, Wendy Hoyt representing CHW, reported that the application for the medical office building was expected to be filed this fall with construction to begin as early as next year. Work has begun on the application for the hospital use, which is a two year process. The hospital will be between four and six stories.

**PUBLIC COMMENT:**

Mayor Davis declared the public hearing closed.

Mayor Davis recommended that the zoning be changed to RD-30 (instead of RD-20), to which Vice Mayor Hume expressed agreement.

Forrest Grimes of Reynen & Bardis agreed to the RD-30 zoning.

Ms. Crawford confirmed that changing the zoning to RD-30 would not cause any significant impacts that were not disclosed in the Environmental Impact Report, so no subsequent work would be required. Additionally, she confirmed that multi-family is permitted in the CS zone in the Laguna Ridge Specific Plan.

At the request of Ms. Crawford, the Council confirmed that its direction to change the zoning to RD-30 was also applicable to the Specific Plan Amendment.

**Motion #1:** *M/S Hume/Leary* to adopt **Resolution No. 2008-153** certifying the Final Subsequent Environmental Impact Report, making findings of fact, adopting a statement of overriding considerations and adopting a Mitigation Monitoring and Reporting Program for the Laguna Ridge Town Center Project. ***The motion passed by the following vote: The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Motion #2:** *M/S Hume/Leary* to adopt **Resolution No. 2008-154** approving the Specific Plan Amendment for the Laguna Ridge Town Center Project. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Motion #3:** *M/S Hume/Leary* to introduce and waive the full reading, by substitution of title only, **Ordinance No. 32-2008** amending the City of Elk Grove Zoning Map from RD-10, RD-15 and RD-20 to RD-30 and SC to be consistent with the Laguna Ridge Specific Plan for the Laguna Ridge Town Center Project. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

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

**Agenda Item No. 8.1:** Receive the Development Services System Assessment Report from the Ad Hoc Committee for Comprehensive Review of City Services and its consultant, Sinclair & Associates, Inc.

### **RECOMMENDATION:**

Receive report and provide direction as appropriate.

Heather Ross, Management Analyst, recalled that, following Council's formation of the Ad Hoc Committee for Comprehensive Review of City Services, it entered into a contract with Sinclair & Associates to review development services functions. The report produced by Sinclair was posted to the City's website a month ago, following approval by the Ad Hoc Committee members.

Mayor Davis stated that there were three main objectives: 1) provide better customer service to all users of processes performed by Public Works and Planning, 2) streamline processes to make it easier for businesses to locate in Elk Grove; and 3) continuous improvements.

With the aid of an overhead presentation (filed), Tom Sinclair of Sinclair & Associates explained that the report focuses on planning, engineering, and building services. It did not address capital improvement project management or City facilities. The report is an assessment of the City's development service systems

and practices and a review of the City's contract model for services. During the process, 54 stakeholders were interviewed. The report includes the following recommendations:

- Develop methods to build teamwork among the Council, Planning Commission, and staff.
- Build cooperative relations with agencies involved in Elk Grove development projects.
- Contracts currently have scopes of work that are general in nature with few measureable performance measures. Contracts should be revised to include standard contract principles and practices including identification of specific tasks to be performed, quantifiable standards of performance, and evaluation procedures.
- Require contractors to develop and implement quality controls systems.
- Implement changes to contract procedures and administration of contracts.
- Conduct an annual evaluation of contractors' performance.
- Adopt a citywide policy requiring periodic requests for qualifications or proposals for contract services for all city contracts, e.g. development services, audits, banking, bond counsel, etc.
- Assign specific staff members as contract managers for each contract to provide clear oversight of services, performance, and payment requests.
- Reorganize development services into a community development department managing all development services.
- Authorize the City Manager to appoint a Director of Community Development. Create three divisions: 1) planning, 2) development engineering and inspection, and 3) public safety inspection.
- Maintain a separate Public Works Department responsible for City constructed capital projects and maintenance of City facilities.
- Transition to a core level of City staff, i.e. the staff that is required to support the very lowest level expected for development services in the future.
- Continue to contract for services above that core level of service to supplement City staff.
- Recruit for management team, i.e. Community Development Director, City Engineer, Planning Director, and Building Official.

Mr. Sinclair made the following recommendations based on observations and comparisons with other cities:

- The City currently designates a project planner as a lead on development applications. It is recommended to transition to a project manager empowered to represent all the City disciplines in a review process.
- Reestablish a one stop permit center.

- Discuss co-locating staff from other agencies to City offices beginning on selected days of the week to facilitate communication and coordination of the development review process.
- Consider a pre-application review program where a meeting with City staff and developers can identify opportunities, constraints, and potential requirements early on.
- Designate one staff member as project manager for each project and empower them to make decisions to resolve conflicting City conditions or other processing decisions.
- Consider implementing project schedules.
- Adopt performance standards for turnaround times, track and publish actual performance compared to those standards.
- Establish procedures to provide 30-day review of applications.
- Adopt procedures requiring City staff to review and approve recommendations for discretionary studies, e.g. traffic studies.
- Consider designation of an in-house staff member as an Economic Development Coordinator to facilitate economic development projects, interface with Economic Development Corporation staff, the business community, commercial brokers, and City staff.
- Review the topic of a planning academy to educate the public.
- Continue to encourage developers to meet with community associations and groups at an early stage in the planning process to resolve issues.
- Consider early study sessions on major projects.
- Adopt a policy reinforcing the importance of customer service and initiate a formal customer service program for all City employees and contract staff including the establishment of customer service objectives, standards, training, and checking back with customers to evaluate how successful the program has been.
- Conduct periodic review of development impact fees to ensure costs reflect the true cost of infrastructure requirements and allow the City to remain competitive in attracting new development projects.
- Conduct annual review of current service/processing fees to make sure they fully cover the cost of services.
- Reconcile all the deposit accounts on a monthly basis and send out monthly invoices.
- Adopt administrative policy regarding deposit procedures and responsibilities.
- Require a standard deposit agreement from developers that confirms the initial deposit is a deposit only and that additional deposits may be required if the costs exceed the original deposit.
- Establish a development services fund separate from the City's general fund

**PUBLIC COMMENT:**

Constance Conley reminded Council that it has a duty of safeguarding public funds. She urged Council to take appropriate measures to ensure the City, at all times, conducts every one of its operations as economically, efficiently, and effectively as possible. She believed that changes are needed in the contract model if the City is to improve accountability, responsiveness, and innovation.

Keith Long voiced support for the recommendations contained in the report prepared by Sinclair & Associates.

Council Member Cooper expressed support for the recommendations outlined by Mr. Sinclair.

Vice Mayor Hume agreed with the report recommendations and urged that fees, e.g. traffic fees, roadway fees, development impact fees, etc. also be reviewed in the near future and compared with other cities.

Council Member Leary supported recommendations outlined in the report. He asked Mr. Sinclair to clarify the salary comparison between Elk Grove and Roseville.

Mr. Sinclair replied that Elk Grove's costs are 60% higher than what Roseville pays for equivalent divisions and employees. He noted, however, that Roseville's figures did not include support costs.

***NOTE: Council Member Leary left at 9:07 p.m.***

Council Member Scherman felt that the recommendations included in the report are part of a natural progression the City needs to make and it demonstrates that the Council is listening. She noted that Phil Carter of Pacific Municipal Consultants informed her that he thoroughly agreed with the recommendations in the report and was proud to have led the City up to this point.

Mayor Davis also expressed support for the report recommendations and agreed with Vice Mayor Hume's assertion that City fees are on the high end when compared with other cities. He added, however, that the City's bond debt and other infrastructure fees are much lower than comparable sites in the region. He emphasized that the report recommendations in no way reflect negatively on the dedication and skill level of contract employees, it merely is an evolutionary aspect of the City organization.

City Manager Gill recalled that Council had expressed to her the need to improve intergovernmental relationships and to keep it as a key priority. The finding that Mr. Sinclair made regarding contract preparation, administration, and monitoring is

one that will need to be considered citywide, as well as implementing performance standards and assigning contract managers. Ms. Gill confirmed that she would look into the differences between the Roseville and Elk Grove models and identify best practices. The development community had expressed to her the need for consistency. Ms. Gill stated that an implementation plan would be presented to Council at its regularly scheduled meeting on July 23.

**Agenda Item No. 8.2:** Affordable Homeownership Program Individual Regulatory Agreement Amendments

**RECOMMENDATION:**

Provide direction to staff to amend Individual Regulatory Agreements of homeowners to allow them to rent their units, with approval of the homeowners' association, for a period of two years, or until July 1, 2010, whichever occurs first.

The verbal staff report on Item 8.2 was waived.

**PUBLIC COMMENT:**

None.

Council concurred with staffs' recommendation to amend Individual Regulatory Agreements of homeowners to allow them to rent their units, with approval of the homeowners' association, for a period of two years, or until July 1, 2010, whichever occurred first.

**Agenda Item No. 8.3:** Sacramento Metropolitan Cable Television Commission Joint Powers Agreement; consider introduction of an ordinance implementing the provisions of the Digital Infrastructure and Video Competition Act of 2006

**RECOMMENDATION:**

Introduce, and waive the full reading by substitution of title only, an ordinance amending the Cable Television Franchise and License Ordinances to add Article 5D to Chapter 5.50 and amending section 5.50.108C of the Elk Grove Municipal Code implementing the Digital Infrastructure and Video Competition Act of 2006 and delegating authority to the Sacramento Metropolitan Cable Commission to administer and enforce the Act

The verbal staff report on Item 8.3 was waived.

**PUBLIC COMMENT:**

None.

**Motion:** *M/S Cooper/Scherman* to introduce and waive the full reading, by substitution of title only, **Ordinance No. 33-2008** amending the Cable Television Franchise and License Ordinances to add Article 5D to Chapter 5.50 and amending

section 5.50.108C of the Elk Grove Municipal Code implementing the Digital Infrastructure and Video Competition Act of 2006 and delegating authority to the Sacramento Metropolitan Cable Commission to administer and enforce the Act. ***The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Leary)***

**Agenda Item No. 8.4:** Calvin Pointe Swainson's Hawk Mitigation Request for Deferral

**RECOMMENDATION:**

Consider Petrovich Development Company's request to defer the Calvin Pointe Swainson's Hawk mitigation to May 2009 and provide direction to staff.

The verbal staff report on Item 8.4 was waived.

Jim Migliore, Senior Development Manager for Petrovich Development Company, reported that his firm had two development agreements, one was the occupancy of the Kohl's building and the other is anticipated in August. An alternative site to put a conservation easement on has been sought, which is hoped to be more cost effective than the City's fee; however, it has not yet been identified. He requested deferral of the Calvin Pointe Swainson's Hawk mitigation.

**PUBLIC COMMENT:**

None.

Following discussion, Council consensus was not to grant the deferral request.

Taro Echiburu, Environmental Manager, clarified that Council's denial of the applicant's request would mean that the City would make whole the one deposit on the Kohl's site and the second agreement would be in place until occupancy.

***NOTE: No action was taken by Council on Item 8.4.***

**Agenda Item No. 8.5:** Adopt resolution amending the Fiscal Year 2007-08 budget and appropriating additional funds in the amount of \$1,620,000 to the Transit Division to fund customer service adjustments, safety incentives, and maintenance and fueling of compressed natural gas buses

**RECOMMENDATION:**

Adopt resolution amending the Fiscal Year 2007-08 budget and appropriating an additional \$1,620,000 for expenses within the Transit Division.

Cody Tubbs, Deputy City Manager, reported that staff is recommending an increase in the fiscal year 2007-08 transit budget by \$1.6 million, which is due to increased costs associated with fueling the City's compressed natural gas buses and providing paratransit services to the disabled and senior communities within Elk

Grove. Staff is anticipating a \$2.1 million shortfall in the transit enterprise fund for the current fiscal year. As a short term solution, the funding deficit will come out of pooled cash to be repaid by the transit fund as soon as resources become available. In the long term, adjustments to fares, as well as to levels of service, will be necessary. Staff will bring back recommendations at a future meeting to address the structural challenge facing the transit enterprise fund.

Mayor Davis asked who authorized the \$196,000 increase for additional staff.

Mr. Tubbs replied that the prior transit manager made the authorizations; however, Mr. Tubbs stated that he took full responsibility for the matter, acknowledging that such expenditures should have been brought to the City Council for consideration.

Mayor Davis pointed out that the MV Transportation contract exceeded its approved amount by \$395,000.

Mr. Tubbs stated that the agreement between the City and MV Transportation needs to be reviewed by the City Attorney and City Manager to ensure it is structured properly to serve the City's needs.

City Manager Gill reported that the MV Transportation contract expires on June 30, 2009 and includes a "rolling" one-year extension for the next five years. Under the current contract, the City must notify MV Transportation by November 15 about its intention to extend the contract for another year.

Raquel Chavarria, Interim Transit Manager, reported that the City's commuter fares are below, in some instances, by 50% compared to surrounding transit agencies.

Mr. Tubbs mentioned that Public Works is out to bid on behalf of transit for the construction of the City's own compressed natural gas fuel facility at the Elk Grove corporation yard.

Council Member Cooper agreed that fares should be increased, as well as comparing what others in the region are offering for paratransit services.

Ms. Gill explained that a minimum of 20% fare box recovery is a condition for qualifying to get federal and state operating grants.

Vice Chair Hume suggested making a general fund transfer at a future date to make the transit fund whole again. He asked staff to ensure the routes are being run as productively as possible and that they are getting the ridership they need. He noted that Mike Wiley, General Manager of the Sacramento Regional Transit District, has offered his assistance in researching possible solutions to this situation.

**PUBLIC COMMENT:**

None.

**Motion:** *M/S Hume/Cooper* to adopt **Resolution No. 2008-155** amending the Fiscal Year 2007-08 budget and appropriating an additional \$1,620,000 for expenses within the Transit Division. ***The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Leary)***

**GENERAL ADMINISTRATION INFORMATION**

City Manager Laura Gill reviewed the June 25 Administrative Report (filed).

**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 suggested that Elk Grove consider offering advertising on buses, as other agencies do to produce revenue. He asked staff to look into a situation where a secondary dwelling on a five acre parcel is being built within five feet of the property line off Grantline Road.

Council Member Scherman mentioned that she read a newspaper article on June 21, which indicated the City may be eligible for reimbursement for hazardous materials decontamination and responses costs, to which Police Chief Simmons replied that he would look into the matter. The Business Journal recently reported that Elk Grove ranked second of seven communities for the highest restaurant sales tax in 2007. Elk Grove Police Officer Shane Glaser was recognized at a recent Teen Center event. The Strauss Festival recently held a fundraiser. Ms. Scherman noted that she serves on the Library Joint Powers Authority and is on the committee assigned to respond to the Grand Jury Report. She thanked the City Clerk for providing Council with a monthly report on the activity of her office. She commented that responding to Public Records Act requests involves a significant amount of time and resources. She commended Vice Mayor Hume for his past service as Rotary president.

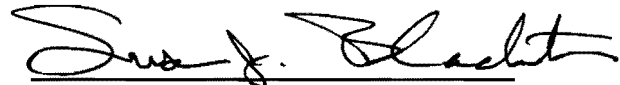
Mayor Davis received a request from a community member asking that the City participate in a time capsule planning committee. He asked staff to contact fifth grade teacher Jim Bentley of Foulks Ranch Elementary School and invite students to make a presentation regarding their light pollution study at an upcoming City Council meeting. Mayor Davis also made the following comments:

- He attended the recent Teen Center dinner;
- He received a number of compliments about Elk Grove Police Officers;
- The Neighborhood Leaders Summit is being held on June 30;

- He and other city mayors met with the County Assessor who is attempting to communicate to the public that companies who offer, for a fee, to assist with paperwork to reduce property tax for homeowners whose property has decreased in value, should not respond to them, because the Assessor's office provides the service for free;
- Playground Partners is working on building a community playground at Morse Park; he encouraged citizens to purchase a tile for its public art project.

**ADJOURNMENT**

With no additional business to conduct, the June 25, 2008 City Council meeting was adjourned at 10:05 p.m.



SUSAN J. BLACKSTON,  
CITY CLERK

ATTEST:



---

GARY DAVIS, MAYOR