

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

**CALL TO ORDER/ROLL CALL**

Mayor Davis called the regular City Council meeting of July 23, 2008 to order at 6:05 p.m.

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

Absent: None.

Mayor Davis led the Pledge of Allegiance.

Mayor Davis asked that a moment of silence be observed.

**APPROVAL OF AGENDA**

***Motion: M/S Hume/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 Leary presented a Certificate of Recognition to Pat Beal in recognition of the Senior Center of Elk Grove's 25<sup>th</sup> Anniversary.

**Agenda Item 4.2:** Vice Mayor Hume presented a Certificate of Appreciation to Gaylene Hall, Event Chair for the Elk Grove Relay for Life event.

**Agenda Item 4.3:** Council Member Scherman presented a Certificate of Recognition to Bonnie Etcheson for over seven years of service to the City of Elk Grove.

**PUBLIC COMMENT**

Bob Gray recalled that, four years ago, he spoke with staff at the Planning and Public Works Departments, as well as the City Council, to ask if the position of traffic sensors could be marked in the roadway so they could detect the presence of

bicyclists, which would trigger a green light. Mr. Gray said everyone replied they would look into it, yet there has been no response.

Public Works Director Creson replied that she would follow up with Mr. Gray.

Mayor Davis asked the City Manager to investigate the cost of making such a change and to bring the matter back to Council in the near future.

Bill Warden complained of non-functioning lifts on transit buses, which make it very difficult for handicapped persons.

Mayor Davis asked the Transit Manager to look into the matter.

Steve Detrick presented a proposal to create an Elk Grove Youth Council. He noted it was written by the Elk Grove Community Connection in collaboration with Mayor Davis, Vice Mayor Hume, and in consultation with Youth Services Manager Jim Miller (filed).

Francis Adams presented a written statement and advertisement from American Furniture (both filed). He stated that the store is located in south Sacramento and yet the store advertises that it is in Elk Grove. He believed it to be false advertising and asked Council Members to contact them.

Ray Harvey, Union Shop Steward, and Executive Board Member of the Amalgamated Transit Union, spoke on behalf of bus drivers and other employees at e-tran. He mentioned that rumors have been circulating about possible changes with the transit system operation. He stated that employees pride themselves in providing good customer service, commitment and dedication. He offered assistance in helping to find ways for the transit system to run more smoothly.

Mayor Davis replied that efforts are being made to address equipment concerns.

Council Members Cooper and Scherman confirmed that no consideration is being made to return to Sacramento Regional Transit.

Daniel Taylor stated that there should be a family health benefit package for bus drivers.

### **CONSENT CALENDAR ITEMS**

In reference to **Item 6.6**, Lynn Wheat asked Council to consider including Vintara Park in the City's habitat conservation plan and changing the zoning to preservation area. She suggested having a conservation center on the property for youth education purposes

***Motion: M/S Leary/Scherman to approve the Consent Calendar as presented, with the exception of Items 6.19, 6.22, and 6.23 which were considered following the Consent Calendar. The motion passed by the following vote: Ayes: 5; Noes: 0.***

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

**Agenda Item No. 6.2:** Approved General Warrant No. 37964 through 38251, Warrant No. 38252 voided, and from 38253 through 38517 dated June 1, 2008 through June 30, 2008, and Electronic Fund Transfer 2008156 through 2008181, and Automatic 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 July 16, 2008

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

**Agenda Item No. 6.5:** Approved request for a second continuance of the adoption (second reading) of Ordinance No. 31-2008 to the regularly scheduled City Council meeting of August 27, 2008; Ordinance No. 31-2008 amends the City of Elk Grove Zoning Map from RD-15 to Shopping Center ("SC") Zone District for the Vineyard at Madeira Project (EG-07-123; APNs: 132-0050-074 and 132-0050-075)

**Agenda Item No. 6.6:** Ordinance No. 34-2008 adopted repealing Ordinance No. 5-2006 which previously amended the City of Elk Grove Zoning Map from RD-2, RD-4, RD-5, RD-5(F) and O to RD-5, RD-10, and O for the Vintara Park Project, returning the Zoning Map of the City of Elk Grove to the applicable zoning prior to adoption of Ordinance No. 5-2006 (EG-04-787 APNs: 127-0010-002,-017,-018,-019,-020, and -040) (Second Reading)

**Agenda Item No. 6.7:** Resolution No. 2008-164 adopted authorizing the City Manager to execute a construction contract with Valley Slurry Seal Company for the Micro-Surfacing and Chip Seal Project 2008 in the amount of \$1,102,879.34, authorizing a contingency fund of \$165,432, and authorizing the City Engineer to approve change orders not to exceed the contingency amount

**Agenda Item No. 6.8:** Resolution No. 2008-165 adopted authorizing the City Manager to execute a consultant contract amendment with Vali Cooper & Associates, Inc. for the Grant Line Road/State Route 99 Interchange Reconstruction Project in an amount not to exceed \$307,000

**Agenda Item No. 6.9:** Resolution No. 2008-166 adopted: 1) authorizing the City Manager to execute a construction contract with Central Valley Engineering &

Asphalt, Inc. for the Asphalt Concrete Overlay and Curb Ramp Improvements Project 2008 in the amount of \$3,028,011.84; 2) authorizing the City Engineer to approve change orders not to exceed \$302,801; and 3) amending the 2008-13 Capital Improvement Program to include \$200,000 in CFD 2005-1 funds for the Annual Pavement Resurfacing Program

**Agenda Item No. 6.10:** Resolution No. 2008-167 adopted authorizing the Mayor to execute an amendment to the Cooperative Agreement with Caltrans for the Sheldon Road/State Route 99 Interchange Reconstruction Project

**Agenda Item No. 6.11:** Resolution No. 2008-168 adopted authorizing the City Manager to execute a contract with Motivational Systems, Inc. for fabrication and installation of various types of signage for the Elk Grove (Old Town) Library Project in the amount of \$51,873.53

**Agenda Item No. 6.12:** Resolution No. 2008-169 adopted accepting the public improvements for Laguna Ridge Specific Plan – Central Drainage Channel (EG-00-062 and EG-03-479)

**Agenda Item No. 6.13:** Resolution No. 2008-170 adopted authorizing the City Manager to execute a contract with Les Schwab Tire Center of Elk Grove for replacement tires and roadside services for Police and other City vehicles in an amount not to exceed \$58,500

**Agenda Item No. 6.14:** Resolution No. 2008-171 adopted authorizing the City Manager to execute an agreement with S&G Enterprises for the installation, repair and removal of emergency response equipment and safety lighting for Police and City vehicles in an amount not to exceed \$73,000

**Agenda Item No. 6.15:** Resolution No. 2008-172 adopted authorizing financing of certain public capital improvements through the Statewide Community Infrastructure Program, approving form and substance of the Acquisition Agreement, authorizing changes thereto, and execution by the City Manager

**Agenda Item No. 6.16:** Resolution No. 2008-173 adopted declaring intention to annex territory to Community Facilities District No. 2006-1 (Maintenance Services) and to levy a special tax to pay for certain maintenance services (Annexation No. 10)

**Agenda Item No. 6.17:** Resolution No. 2008-174 adopted approving the Fiscal Year 2008-09 Transportation Development Act Claim and authorizing submission by the City Manager to Sacramento Area Council of Governments for Local Transportation Funds and State Transit Assistance in an amount of \$5,179,397

**Agenda Item No. 6.18:** Resolution No. 2008-175 adopted approving Parcel Map No. 06-1150.00 Richert Parcel Map

**Agenda Item No. 6.20:** Resolution No. 2008-176 adopted: 1) amending the Fiscal Year 2008-09 budget to reflect \$275,000 in Proposition 1B Transit Funding from Sacramento Area Council of Governments to the Compressed Natural Gas Facility; 2) authorizing the City Manager to execute a construction contract with Performance Mechanical, Inc. in the amount of \$176,679; 3) authorizing a contingency fund of \$26,502; 4) and authorizing the City Engineer to approve change orders not to exceed the contingency amount

**Agenda Item No. 6.21:** Resolution No. 2008-177 adopted authorizing an amendment to the 2008-13 Capital Improvement Program to include the Elk Grove-Florin Road and Brown Road/Silverberry Avenue Traffic Signal and Intersection Improvement Project

***NOTE: The following items were heard out of order as listed:***

**Agenda Item No. 6.19:** Adopt resolution authorizing the City Manager to execute a construction contract with Granite Construction Company for the Elk Grove Boulevard/Elk Grove-Florin Road Intersection Improvements Project in the amount of \$413,054, authorizing a contingency fund of \$61,958, and authorizing the City Engineer to approve change orders not to exceed the contingency amount

Council Member Scherman questioned whether there was adequate room to add a left turn lane. She also requested that maps be included in staff reports for these types of items.

Public Works Director Creson confirmed that there was adequate space to add an additional turn lane.

**Agenda Item No. 6.22:** Adopt resolution authorizing the City Manager to ratify the expenditure of funds, without contract, to Parsons Brinckerhoff Quade & Douglas, Inc. for the Railroad Crossing Safety and Train Whistle Study and establishment of Quiet Zones Project in an amount of \$11,535.37

Council Member Scherman pointed out that this item illustrates the importance of the Sinclair Report recommendation to have staff members assigned to oversee contracts.

**Agenda Item No. 6.23:** Adopt resolution authorizing the City Manager to execute a consultant services contract with URS Corporation for the Elk Grove Creek Trail Crossing at State Route 99 Project in an amount not-to-exceed \$945,015

At the request of Council Member Scherman, Public Works Director Creson described the location of the Elk Grove Creek Trail Crossing.

**Motion: M/S Scherman/Cooper to adopt:**

1. **(Item 6.19) Resolution No. 2008-178** authorizing the City Manager to execute a construction contract with Granite Construction Company for the Elk Grove Boulevard/Elk Grove-Florin Road Intersection Improvements Project in the amount of \$413,054, authorizing a contingency fund of \$61,958, and authorizing the City Engineer to approve change orders not to exceed the contingency amount;
2. **(Item 6.22) Resolution No. 2008-179** authorizing the City Manager to ratify the expenditure of funds, without contract, to Parsons Brinckerhoff Quade & Douglas, Inc. for the Railroad Crossing Safety and Train Whistle Study and establishment of Quiet Zones Project in an amount of \$11,535.37; and
3. **(Item 6.23) Resolution No. 2008-180** authorizing the City Manager to execute a consultant services contract with URS Corporation for the Elk Grove Creek Trail Crossing at State Route 99 Project in an amount not-to-exceed \$945,015.

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

**PUBLIC HEARINGS**

**Agenda Item No. 7.1:** A public hearing (*continued from July 9, 2008*) to consider a Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, General Plan amendment and Rezone for the CMD Court project located at the northeast corner of Grant Line Road and East Stockton Boulevard (EG-07-050; APNs: 134-0600-014,-016,-029,-031,-032,-034,-040,and-049)

**RECOMMENDATION:**

1. Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the CMD Court Project; and
2. Introduce and waive the full reading, by substitution of title only, an ordinance amending the City of Elk Grove Zoning Map from General Commercial (GC) and Heavy Industrial (M-2) to Special Planning Area (SPA) for the CMD Court Project.

Mayor Davis declared the public hearing open.

Gerald Park, Senior Planner, provided an overview of the staff report and recommendation. He noted that the action for the General Plan amendment will occur as part of Item 7.3 for the purpose of consolidating it with other General Plan amendments.

Drew Mickel, applicant, addressed Council and offered to answer inquiries.

**PUBLIC COMMENT:**

None.

Mayor Davis declared the public hearing closed.

***Motion #1: M/S Cooper/Leary*** to adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the CMD Court Project. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Vice Mayor Hume reported that he spoke with staff and was told that the issue he raised previously, regarding the signalized intersection and safe movement for trucks with propane, would be included in the overall traffic study. He also pointed out that the City of Elk Grove is the owner on some of these parcels, due to eminent domain proceedings and takings for the interchange.

***Motion #2: M/S Cooper/Leary*** to introduce and waive the full reading, by substitution of title only, an Ordinance 35-2008 amending the City of Elk Grove Zoning Map from General Commercial (GC) and Heavy Industrial (M-2) to Special Planning Area (SPA) for the CMD Court Project. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 7.2:** A public hearing to consider an Environmental Impact Report, Mitigation Monitoring and Reporting Program, General Plan Amendment, Rezone from Residential five units per acre (RD-5) to Shopping Center Commercial, Tentative Parcel Map, Design Review, Variance and Uniform Sign Program for the Reynolds and Brown Plaza III Project located at 9603-9641 East Stockton Boulevard (EG-06-1051; APN 125-0030-029)

**RECOMMENDATION:**

1. Adopt resolution certifying the Final Environmental Impact Report for the Reynolds and Brown Plaza III project, making findings of fact, adopting a Statement of Overriding Considerations, and adopting a Mitigation Monitoring and Reporting Program;
2. Introduce and waive the full reading, by substitution of title only, an ordinance amending the City of Elk Grove Zoning Map for an approximately four acre parcel from Residential- five units per acre (RD-5) to Shopping Center Commercial (SC); and
3. Adopt resolution approving the Tentative Parcel Map, Design Review, Variance, and Uniform Sign Program for the Reynolds and Brown Plaza III project, subject to the findings and conditions of approval.

Mayor Davis declared the public hearing open.

With the aid of an overhead presentation (filed), Nina Stevens, Planner, provided an overview of the staff report and recommendation. She stated that the proposed

commercial designation supports the General Plan economic development policy that encourages full and efficient utilization of vacant and underutilized parcels. The rezone is proposed from RD-5 to Shopping Center Commercial. The project location is not an appropriate site for RD-5 development. The location, which is near the freeway, major intersections, and commercial and high-density residential, does make the site appropriate for the Shopping Center Commercial designation. The project is a four-story hotel. The applicant has applied for a variance to the 25-foot side street setback. The site includes the Caltrans right-of-way between the parcel and the proposed freeway onramp. The Planning Commission recommended approval of the variance request. The applicant proposed to have signs on all four sides of the hotel; however, the Planning Commission recommended that the project be approved with signs on only two sides. The applicant has requested two monument signs. A draft Environmental Impact Report (EIR) was prepared and circulated for this project. Mitigation measures were identified that reduced most of the project impacts to less than significant. There were significant and unavoidable impacts to two intersections and noise impacts resulting from increases in traffic. Three comments were received from the draft EIR, which were addressed in the final report. The Planning Commission recommended that Council certify the EIR, adopt the findings and statement of overriding considerations, adopt the Mitigation Monitoring and Reporting Plan, and approve the General Plan amendment, rezone, tentative parcel map design review variance and uniform sign program.

Vice Mayor Hume disclosed that his family no longer owned the shopping center across the street from this project, nor did he have a vested financial interest in the vacant acreage to the south. He confirmed that he had no direct financial conflict of interest.

Drew Mickel, representing Reynolds & Brown, submitted an informational sheet to Council (filed) and stated that this project is an opportunity to infuse new investment in the Elk Grove corridor. It will benefit neighboring businesses, generate additional tax revenue, and create a gateway site. Twenty-five park and ride stalls will be maintained on the site in perpetuity. A Marriot Hotel has been secured for the site. He asked Council to consider a Transient Occupancy Tax (TOT) sharing agreement for years one through 15 of the hotel's operation. He proposed a 50% split for the first ten years, following which the City would receive 67%. He estimated the project would generate \$7.4 million in additional tax revenue for the City. He noted that the Planning Commission asked that signs on the western and eastern end be removed; however, Mr. Mickel believed the sign on the eastern end is warranted.

In response to Council Member Leary, architect Greg Meyers reported that heavy composition shingle roofing material is planned, to which Mr. Leary asked that 50-year quality roofing be used.

**PUBLIC COMMENT:**

None.

Mayor Davis declared the public hearing closed.

In answer to Council Member Cooper, City Attorney Cochran explained that a general law city has only those powers specifically granted to it by the state legislature. Under the Revenue and Taxation Code that describes transient occupancy taxes and the ordinances that can implement them in a community, there is no provision for these types of agreements. Ms. Cochran stated that her research to date indicates that no such agreement would be possible. Further, Council cannot act on the request this evening because the matter was not included on the agenda.

Mayor Davis asked Ms. Cochran to do further research to discern whether such an agreement can legally be done.

Vice Mayor Hume asked Ms. Cochran to find out how many rooms in the hotel will be extended stay and whether that would affect delivery of the TOT tax payment.

Council Member Scherman voiced support for the proposal because the site is a blighted area and the project will enhance the entrance into Elk Grove.

Council Member Leary stated that he would favorably consider the TOT sharing agreement because the developer is making improvements to the site.

**Motion #1: M/S Leary/Scherman to adopt Resolution No. 2008-181 certifying the Final Environmental Impact Report for the Reynolds and Brown Plaza III project, making findings of fact, adopting a Statement of Overriding Considerations, and adopting a Mitigation Monitoring and Reporting Program. *The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Motion #2: M/S Leary/Hume to introduce and waive the full reading, by substitution of title only, Ordinance 36-2008 amending the City of Elk Grove Zoning Map for an approximately four acre parcel from Residential- five units per acre (RD-5) to Shopping Center Commercial (SC). *The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Motion #3: M/S Leary/Hume to adopt Resolution No. 2008-182 approving the Tentative Parcel Map, Design Review, Variance, and Uniform Sign Program for the Reynolds and Brown Plaza III project, subject to the findings and conditions of approval including the use of 50-year roofing material and approval of a third sign on the east side of the property. *The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 7.3:** A public hearing to consider General Plan Amendments and Zoning Code Text Amendments

**RECOMMENDATION:**

1. Adopt resolution: 1) amending Policy LU-3 and LU-3-Action 1 in the Land Use Element of the General Plan Project EG-08-002, 2) amending the General Plan Land Use Designation from Heavy Industrial to Commercial for the CMD Court Project EG-07-050, and 3) amending the General Plan Land Use Designation from Public/Quasi-Public to Commercial for the Reynolds and Brown Plaza III Project EG-06-1051; and
2. Introduce and waive the full reading, by substitution of title only, an ordinance amending Table 23.24-1 to delete the "General Plan Land Use Designation Implemented by Zoning District" column and making minor text revisions to reflect this change within Zoning Code Chapters 23.24, 23.28, and 23.30

Mayor Davis declared the public hearing open.

With the aid of an overhead presentation (filed), Jessica Shalamunec, Planning Manager, provided an overview of the staff report and recommendation. She explained that the amendment to policy three includes deletion of references to new zoning districts, which were incorporated by the multi-family overlay zone. The MP zoning district is being included as an implementing zone of the office multi-family. This land use was a result of Council's previous direction to add RD-4 as an implementing zoning district in the estate residential land use category. There is additional clarifying language to other land use categories to reflect these minor maintenance amendments. Additionally, there is an amendment to land use action one, which also reflects the multi-family overlay zone. Also included in the project is an amendment to the Zoning Code, which is specific to land use table 23.24-1. The General Plan actions for Items 7.1 and 7.2 are included in the resolution for this item.

**PUBLIC COMMENT:**

None.

Mayor Davis declared the public hearing closed.

**Motion #1:** *M/S Hume/Leary* to adopt **Resolution No. 2008-183:** 1) amending Policy LU-3 and LU-3-Action 1 in the Land Use Element of the General Plan Project EG-08-002, 2) amending the General Plan Land Use Designation from Heavy Industrial to Commercial for the CMD Court Project EG-07-050, and 3) amending the General Plan Land Use Designation from Public/Quasi-Public to Commercial for the Reynolds and Brown Plaza III Project EG-06-1051. ***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 37-2008** amending Table 23.24-1 to delete the "General Plan Land Use Designation Implemented by Zoning District" column and making minor text revisions to reflect this change within Zoning Code Chapters 23.24, 23.28, and 23.30. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 7.4:** A Public Hearing to consider approval of the report of delinquent utility charges and their collection on the tax roll

**RECOMMENDATION:**

Adopt resolution approving and confirming the report of delinquent utility charges and requesting Sacramento County to collect such charges on the Fiscal Year 2008-09 tax roll.

Mayor Davis declared the public hearing open.

Rebecca Craig, Finance Director, provided an overview of the staff report and recommendation. She submitted a revised report of delinquent utilities to be added as a special assessment on the 2008-09 property tax roll (filed).

**PUBLIC COMMENT:**

Ai-Hong Ma stated that she was the owner of 3908 Babson Drive. She purchased the home in January 2008. The delinquent bill is related to the previous owner. She requested the lien be removed from her property and collection be sought from the previous owner.

City Attorney Cochran explained that state law precludes collection from the new property owner. She confirmed that Ms. Ma's property would be removed from the list of properties to be liened.

Bradford Brooks of 9024 Testermen Way stated that the delinquent bill on his property is based on charges that occurred prior to his ownership.

Ms. Cochran suggested that all property owners who have received delinquent bills for charges that took place prior to their ownership, should submit copies to the Finance Department of their closing documents from escrow that indicate when the title was transferred.

Mayor Davis declared the public hearing closed.

**Motion:** **M/S Cooper/Leary** to adopt **Resolution No. 2008-184** approving and confirming the report of delinquent utility charges and requesting Sacramento County to collect such charges on the Fiscal Year 2008-09 tax roll. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 7.5:** A Public Hearing to consider adoption of resolution confirming the Written Report of Fiscal Year 2008-09 service charges and establishing Fiscal Year 2008-09 services charges for certain miscellaneous extended services in the Laguna West Service Area (formerly County Service Area 5)

**RECOMMENDATION:**

Adopt resolution confirming the Written Report of Fiscal Year 2008-09 Service Charges and Establishing Fiscal Year 2008-09 Service Charges for certain miscellaneous extended services within the Laguna West Service Area.

Mayor Davis declared the public hearing open.

With the aid of an overhead presentation (filed), Andrew Keys, Finance Analyst, provided an overview of the staff report and recommendation.

**PUBLIC COMMENT:**

None.

Mayor Davis declared the public hearing closed.

***Motion:*** ***M/S Leary/Cooper*** to adopt **Resolution No. 2008-185** confirming the Written Report of Fiscal Year 2008-09 Service Charges and Establishing Fiscal Year 2008-09 Service Charges for certain miscellaneous extended services within the Laguna West Service Area. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS**

**Agenda Item No. 8.1:** Review and approve the proposed Development Services System Assessment Report Implementation Plan

**RECOMMENDATION:**

Adopt a resolution approving the proposed Implementation Plan for the report entitled "Development Services System Assessment Report" and approving a statement prioritizing process streamlining and customer service.

With the aid of an overhead presentation (filed), Heather Ross, Management Analyst, reported that the City contracted with Sinclair & Associates in 2007 to perform an assessment of the development services system. The final report was presented to Council on June 25, 2008. A key priority in the implementation plan is to hire City department heads for Planning, Public Works, and the Building Department, all of which will be headed by the Assistant City Manager. Staff

recommends that Public Works remains one department, rather than separating out the development engineering portion. Other priorities include: 1) continuing to build cooperative, positive relationships with other agencies 2) revising contracts to include performance measures; and 3) implementation of project schedules for major projects. At priority levels two and three, the implementation plan transitions to core level staff. Ms. Ross pointed out an error in Development Services Assessment Report Section VI.3, which erroneously indicates priority one; however, it should be identified as priority level two. The implementation plan includes: 1) workshops with other agencies to work cooperatively to streamline the development review process; 2) tracking and publishing performance standards that were developed under priority level one items; 3) appointing an economic development coordinator and development ombudsman; and 4) instituting a formal customer service program. Ms. Ross estimated that implementation of all, or a majority of, the recommendations will take 18 months.

Council Member Leary cautioned a hurried transition from contract employees to in-house staff at the core level, pointing out the financial benefit of being able to lower the number of contract staff when work levels decrease.

Ms. Ross replied that department level directors would make the determination regarding core level staff needed to operate the department, which would be brought to Council for consideration.

**PUBLIC COMMENT:**

June Coats recalled that her father-in-law desired to build a porch on his manufactured home. His contractor came to the City with drawings for the porch in September 2006. He complied with everything the City asked for; however, he repeatedly was told more information was needed and eventually was informed by City staff that he was required to have the job engineered and the project surveyed. It took three months to get approval on the porch plans. Ms. Coats encouraged Council to implement the recommendations in the Sinclair Report and to see that citizens are provided better service in the future.

Vice Mayor Hume commented that he had heard staff was making a concerted effort recently to improve the level of service. He was aware of complaints being raised regarding engineering and building inspection. He acknowledged the need for accountability and hoped that the ombudsman position would be a point of contact for people unsure of who to talk to to resolve problems.

Council Member Scherman was opposed to setting a timeline for department heads to recommend a core level of City staff needed [to replace contract employees].

City Manager Gill assured Council that staff would not move forward in a reckless fashion on implementation and would return to Council with periodic updates.

Council Member Cooper expressed support for the implementation plan.

Mayor Davis suggested that report section VI.3 be moved to priority level three.

**Motion:** *M/S Scherman/Hume* to adopt **Resolution No. 2008-186** approving the proposed Implementation Plan for the report entitled "Development Services System Assessment Report" and approving a statement prioritizing process streamlining and customer service. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 8.2:** Consider introduction of an ordinance amending Elk Grove Municipal Code sections 6.20.030 and 6.20.520 relating to residential solid waste handling service charges

**RECOMMENDATION:**

Introduce and waive the full reading, by substitution of title only, an ordinance amending Article 1, Section 6.20.030 - *Definitions* and Article 5, Section 6.20.520 - *Owner Liability for Service Charges* of the City of Elk Grove Municipal Code relating to residential solid waste handling service charges.

With the aid of an overhead presentation (filed), Cedar Kehoe, Integrated Waste Manager, provided an overview of the staff report and recommendation. She noted that the City of Elk Grove is experiencing a high number of home foreclosures. Homes are being abandoned and trash services are not being terminated by the owner before they vacate the property. Under current regulations in the Elk Grove Municipal Code the City is not able to terminate the service without the property owner's written consent. Allied Waste continues to be paid on accounts in which the City is billing, including vacant properties. Elk Grove experienced a 52% increase over last year's liens for delinquent bills. The requested amendment to the Municipal Code would remove the requirement of the owner to submit the garbage exemption form, and instead, the City would simply turn off the garbage service if the property is vacant. This would reduce the property owner's debt by eliminating the service fee. A negative impact would be potentially increasing blight because the carts would be removed, eliminating a place to put trash and green waste.

**PUBLIC COMMENT:**

None.

**Motion:** *M/S Leary/Scherman* to introduce and waive the full reading, by substitution of title only, **Ordinance 38-2008** amending Article 1, Section 6.20.030 - *Definitions* and Article 5, Section 6.20.520 - *Owner Liability for Service Charges* of the City of Elk Grove Municipal Code relating to residential solid waste handling service charges. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 8.3:** Consider approval of compensation survey jurisdictions

**RECOMMENDATION:**

Approve use of jurisdictions listed in the staff report to conduct the total compensation (salary and benefits) survey for employees.

Frank Oviedo, Deputy City Manager of Administrative Services, provided an overview of the staff report and recommendation.

Doug Johnson, of Johnson & Associates, explained that compensation salary jurisdictions are selected by geographic proximity, comparable jobs and services, size, and economic similarity. A survey will be conducted over the next four to six weeks, from which the data will be used in developing an updated compensation plan for the City.

Council Member Cooper noted that Citrus Heights offers employees a 30-day sabbatical per year, to which Mr. Johnson acknowledged that it is a benefit component that would be analyzed.

**PUBLIC COMMENT:**

None.

***Motion:*** ***M/S Leary/Cooper*** to approve the use Sacramento Council and the following city jurisdictions to conduct the total compensation (salary and benefits) survey for employees: Citrus Heights; Davis; Fairfield; Folsom; Modesto; Rancho Cordova; Rocklin; Roseville; Sacramento; Stockton; Vacaville; and West Sacramento. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 8.4:** Consider introduction of an ordinance to amend the Historic Preservation Ordinance adding an alternate member to the Historic Preservation Committee, and adoption of a resolution appointing an alternate member to the Historic Preservation Committee

**RECOMMENDATION:**

1. Introduce and waive the full reading, by substitution of title only, an ordinance amending Subsection B in Section 7.00.040 of the City of Elk Grove Municipal Code adding an alternate position to the Historic Preservation Committee; and
2. Adopt resolution appointing an alternate member to the Historic Preservation Committee

Council waived the verbal staff report for Item 8.4.

**PUBLIC COMMENT:**

None.

Vice Mayor Hume suggested that the makeup of the Commission be reviewed prior to appointing an alternate member, to which Planning Manager Jessica Shalamunec stated she would bring a recommendation back to Council for consideration at its next meeting.

**Motion:** *M/S Hume/Scherman* to introduce and waive the full reading, by substitution of title only, **Ordinance 39-2008** amending Subsection B in Section 7.00.040 of the City of Elk Grove Municipal Code adding an alternate position to the Historic Preservation Committee. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 8.5:** Adopt resolution levying the Fiscal Year 2008-09 special taxes or special assessments for seven Community Facilities and Special Districts and recognizing Ordinance No. 32-2008 amending the Elk Grove Zoning Map from RD-10, RD-15 and RD-20 to RD-30 and SC for the Laguna Ridge Town Center Project recorded after June 1, 2008 as the applicable designation when applying the levy

**RECOMMENDATION:**

Adopt resolution levying the Fiscal Year 2008-09 special taxes or special assessments for seven Community Facilities and Special Districts and recognizing Ordinance No. 32-2008 amending the Elk Grove Zoning Map from RD-10, RD-15 and RD-20 to RD-30 and SC for the Laguna Ridge Town Center Project recorded after June 1, 2008 as the applicable designation when applying the levy.

With the aid of an overhead presentation (filed), Troy Brown, Budget Manager, provided an overview of the staff report and recommendation. He noted that some changes have been made to the levy amounts since the staff report was prepared for this item, which is outlined on a "green sheet" memorandum distributed to Council (filed). He stated that there will not be a levy assessment on tentative map properties within Community Facilities District 2005-1 Laguna Ridge.

**PUBLIC COMMENT:**

None.

**Motion:** *M/S Leary/Scherman* to adopt **Resolution No. 2008-187** levying the Fiscal Year 2008-09 special taxes or special assessments for seven Community Facilities and Special Districts and recognizing Ordinance No. 32-2008 amending the Elk Grove Zoning Map from RD-10, RD-15 and RD-20 to RD-30 and SC for the Laguna Ridge Town Center Project recorded after June 1, 2008 as the applicable designation when applying the levy. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 8.6:** Cosumnes Community Services District Roadway Impact Fee Waiver Request

**RECOMMENDATION:**

Consider the request from the Cosumnes Community Services District to waive the Roadway fee related to its facility expansion project application.

Rebecca Craig, Finance Director, provided an overview of the staff report and recommendation.

Tracy Hansen, Deputy Chief of Operations with the Cosumnes Community Services District (CSD) Fire Department, expressed concern about the roadway impact fee of nearly \$80,000 for the CSD replacement fleet maintenance facility. She acknowledged that the new facility is larger; however, it would not have additional staff and the number of apparatus and vehicles would remain unchanged. She asked Council to grant the fee waiver request.

**PUBLIC COMMENT:**

None.

Council Member Scherman suggested placing a condition on the fee waiver so that it stays in place only as long as the Fire Department owns the property.

Vice Mayor Hume agreed with Ms. Scherman and recommended that a policy be considered in which no such fees are charged to governmental agencies.

Council Member Leary was in favor of granting the fee waiver request without restrictions.

Mayor Davis supported the concept of a broader policy as recommended by Vice Mayor Hume.

***Motion:*** ***M/S Scherman/Hume*** directing staff to meet with Cosumnes Community Services District (CSD) representatives and return to Council with an agreement to approve the Roadway fee waiver request until such time as the property is sold, leased, or otherwise disposed of by the CSD. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 8.7:** Adopt resolution ordering the collection of delinquent special taxes in Community Facilities Districts 2002-1 (East Franklin), 2003-1 (Poppy Ridge) and 2005-1 (Laguna Ridge) by action to foreclose the lien of special tax

**RECOMMENDATION:**

Adopt resolution ordering the collection of delinquent special taxes in Community Facilities Districts 2002-1 (East Franklin), 2003-1 (Poppy Ridge) and 2005-1 (Laguna Ridge) by action to foreclose the lien of special tax.

The City Council waived the verbal staff report for Item 8.7.

**PUBLIC COMMENT:**

None.

***Motion: M/S Cooper/Scherman to adopt Resolution No. 2008-188 ordering the collection of delinquent special taxes in Community Facilities Districts 2002-1 (East Franklin), 2003-1 (Poppy Ridge) and 2005-1 (Laguna Ridge) by action to foreclose the lien of special tax. The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 8.8:** Designation of voting delegate and alternate to the 2008 League of California Cities Annual Conference

**RECOMMENDATION:**

Appoint a voting delegate and alternate delegate to represent the City of Elk Grove at the 2008 League of California Cities Annual Conference business meeting.

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

**PUBLIC COMMENT:**

None.

***Motion: M/S Scherman/Leary to appoint Mayor Davis as the voting delegate and Council Member Scherman as the alternate delegate to represent the City at the League of California Cities Annual Conference business meeting on September 27, 2008. The motion passed by the following vote: Ayes: 5; Noes: 0.***

**GENERAL ADMINISTRATION INFORMATION**

City Manager Laura Gill reviewed the July 23 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)*):

Council Member Cooper stated that he would be unable to attend the July 26 Flapjack Forum because he would be in Texas coaching the national championship for the girls fast pitch 14 years and under team.

Vice Mayor Hume reported that he would be attending the Sacramento Transportation Authority meeting tomorrow and the Sacramento Regional Transit District Board of Directors meeting on Monday. Progress is being made on creating a logo for the Elk Grove – Rancho Cordova – El Dorado Connector Joint Powers Authority. In reference to the Youth Council proposal as discussed under Item 5, he gave credit solely to the Elk Grove Community Connection and hoped that Youth Services Manager Jim Miller would see that it comes to fruition.

Council Member Scherman recalled that creation a youth commission is in the job description for the Youth Services Manager and she expressed support for it to proceed. She asked for a status report on the Police Chief recruitment.

City Manager Gill reported that the executive recruitment firm has completed its review of 42 applicants and narrowed the field down to 15. Finalist interviews are to take place in September.

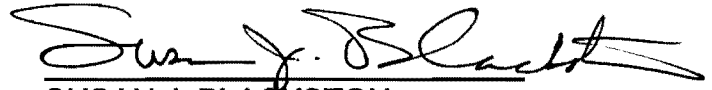
Council Members asked Ms. Gill to see that the recruitment process is expedited.

In reply to Council Member Scherman, Deputy City Manager Tubbs stated that he was working with the City Manager's Office on how to proceed with the "Common Sense Grant". Ms. Scherman announced that the Elk Grove Senior Center Board of Directors changed their regular meeting day to the first Tuesday of each Month. In response to Ms. Scherman, Building Official Rick Renfro stated that he would change the monthly report on building status to identify developers on the map. Ms. Scherman reported that the Sacramento Regional County Sanitation District Board of Directors met this morning. She also attended a District workshop regarding storm water regulatory requirements and marking underground service alerts.

Mayor Davis expressed support for the youth council proposal. Mr. Davis stated that he would be attending the Flapjack Forum and National Night Out community events. He announced that the August 13 Council meeting would not be held due to recess and the September 24 meeting would be canceled due to lack of a quorum.

**ADJOURNMENT**

With no additional business to conduct, the July 23, 2008 City Council meeting was adjourned at 8:56 p.m. in memory of Denny Lippincott and Bill Mosher, Sr.

  
SUSAN J. BLACKSTON,  
CITY CLERK

ATTEST:

  
GARY DAVIS, MAYOR