

**MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
Wednesday, September 10, 2008**

**CALL TO ORDER/ROLL CALL**

Mayor Davis called the regular City Council meeting of September 10, 2008 to order at 6:05 p.m.

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

Absent: None.

Council Member Cooper led the Pledge of Allegiance.

Mayor Davis asked that a moment of silence be observed.

**APPROVAL OF AGENDA**

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

**CLOSED SESSION**

None.

**PRESENTATIONS/ANNOUNCEMENTS**

- 4.1 Mayor Davis presented a proclamation to Carroll Elementary School representatives proclaiming October 8 and October 2008 as Walk to School Day / Month
- 4.2 With the aid of an overhead presentation (filed), Steve Czarnecki, Executive Director of the Elk Grove Economic Development Corporation, reported that the Corporation began operation in January 2008. Its purpose is to bring 1,500 high quality jobs to Elk Grove within five years by new business recruitment, expansion, and retention. A goal of attracting 500 State office jobs to Elk Grove has been added. The corporation is looking at private educational institutions and, specifically, health education and industries focused on environmental sustainability. Additionally, there is hope for a 100 to 200 acre medical research park with a medical incubator, professional offices, teaching and conference room facilities. He outlined the following accomplishments:

- Established good working relationships with City staff, Chamber of Commerce, the Sacramento Municipal Utility District, and developers;
- Created an economic development website;
- Participated in trade shows and conducted advertising and promotions;
- Responded to 38 inquiries and leads;
- The business "Alldata" has remained in Elk Grove, which has retained 400 jobs;
- Cool Hand Luke's restaurant franchise is moving to Elk Grove;
- Prepared and presented to Apple Computer a study of the quality workforce offered in the Elk Grove community;
- Commissioned a study that showed, out of a workforce of 74,000, Elk Grove has 12,600 residents commuting to State jobs in Sacramento;
- Organized a tour of Elk Grove with staff of the State Department of General Services.

Council Member Scherman noted that she serves as an alternate on the Elk Grove Teen Center Board. Due to recent inquiries from the community, she requested that an audit be conducted of the City budget line item identified as the Elk Grove Teen Center and that it be done as soon as possible.

Mayor Davis commented that the Teen Center has not had a meeting since he was appointed to serve on the Board. The first meeting he will attend is scheduled for September 18. He supported the request for an audit, stating that as a general practice, when the City is investing money on behalf of the taxpayers to an organization, there should be accountability.

City Manager Gill acknowledged weaknesses in regard to the City's contracts with nonprofit agencies. She suggested requiring an audit by a Certified Professional Accountant for contracts above \$10,000 or \$20,000. Staff will return to Council with a policy addressing community grants and how those funds should be accounted for.

Council Member Cooper recommended that, to be fair, an audit should be conducted of all nonprofit contracts over a certain dollar threshold amount, rather than singling out one agency.

Mayor Davis and Council Member Scherman voiced agreement with Council Member Cooper's suggestion.

Vice Mayor Hume asked Mayor Davis to address this matter at the September 18 Teen Center Board meeting and report back to Council at its next regularly scheduled meeting.

## **PUBLIC COMMENT**

Randy Wheeler submitted a written statement (filed) objecting to a Notice and Order he received in July regarding a fence setback violation. Mr. Wheeler stated that his fence was installed according to information published by the City and, therefore, Mr. Wheeler contended that he should not be charged an appeal fee. He asked Council to grant a deviation from the setback.

Mayor Davis asked staff to follow up on the matter described by Mr. Wheeler.

Jordan Towers stated that, in October 2007, he returned from serving in Iraq. In December he was honorably discharged from military service. He is currently working 32 to 40 hours a week while taking 15 units of college coursework. He sought housing assistance, but was told he did not qualify.

Mayor Davis asked staff to assist Mr. Towers.

Council Member Cooper offered to assist Mr. Towers if a satisfactory resolution is not achieved.

Davies Ononiwu submitted a written statement (filed) describing an August 29 incident in which he alleged being stopped and cited by a police officer without a valid cause. He believed the City Police Department has quotas for the number of citations officers must issue.

Council Member Cooper suggested that Mr. Ononiwu file a police report or appear in court with witnesses to corroborate his statements.

Denise Aletean spoke on behalf of her 83 year old father who she said was falsely accused by police, who also treated him in an aggressive manner. She believed there to be a misunderstanding because of her father's limited English.

In response to Mayor Davis, Assistant Police Chief Kelly reported that the District Attorney has filed charges in this matter and it is now at the court level.

## **CONSENT CALENDAR ITEMS**

In reference to Item 6.12, Council Member Cooper reported that the Sacramento Area Council of Governments has secured \$1 million in funding for transit projects in Elk Grove through State Proposition 1B funding. Due to the action being taken under Item 6.12, Elk Grove buses will not have to travel to Lodi for fuel, which will save taxpayers money.

In reference to Item 6.10, Council Member Scherman asked about the Youth Commission recruitment to which City Manager Gill anticipated a 30 day recruitment

period to begin when the ordinance becomes effective, as well as a comprehensive advertising effort.

In reference to Item 6.13, Council Member Scherman voiced her support of the item and cautioned citizens to be careful not to inadvertently pour pollutants in drains.

In reference to Item 6.18, Council Member Scherman noted that the action will result in money savings, which is why it is being expedited.

***Motion: M/S Scherman/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 General Warrant No. 38518 through 38686, Warrant No. 38687 and 38688 voided, and from 38689 through 39058 dated July 1 through July 31, 2008, Electronic Fund Transfer 2009001 through 2009012, and Automatic Clearing House

**Agenda Item No. 6.2:** Approved the July 9, 2008 City Council Regular Meeting Minutes

**Agenda Item No. 6.3:** Received report on City Manager approved purchases and contracts authorized by City Purchasing Ordinance, filed through August 29, 2008

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

**Agenda Item No. 6.5:** Ordinance No. 40-2008 adopted amending the City of Elk Grove Zoning Map for an approximately 1.12 acre parcel from Travel Commercial (TC) to General Commercial (GC) for the Longport Court Rezone Project (EG-08-038; APN 119-1990-007) (Second Reading)

**Agenda Item No. 6.6:** Ordinance No. 41-2008 adopted repealing and adopting Chapter 1.04 of the Elk Grove Municipal Code Relating to Enforcement of the Code (Second Reading)

**Agenda Item No. 6.7:** Ordinance No. 42-2008 adopted adding Chapter 1.08 of the Elk Grove Municipal Code Relating to Code Enforcement (Second Reading)

**Agenda Item No. 6.8:** Ordinance No. 43-2008 adopted amending Chapter 1.11 of the Elk Grove Municipal Code relating to appeals (Second Reading)

**Agenda Item No. 6.9:** Ordinance No. 44-2008 adopted adding Chapter 1.12 of the Elk Grove Municipal Code Relating to Administrative Citations (Second Reading)

**Agenda Item No. 6.10:** Ordinance No. 45-2008 adopted adding Chapter 2.12 to the Elk Grove Municipal Code creating a Youth Commission (**Second Reading**)

**Agenda Item No. 6.11:** Resolution No. 2008-209 adopted authorizing the Mayor to execute Reimbursement Agreement RC2008-02 for Privately Constructed Public Facilities included in the Elk Grove Roadway Fee Program with JJV, LLC

**Agenda Item No. 6.12:** Resolution No. 2008-210 adopted amending the Fiscal Year 2008-09 Transit budget by approving the allocation of \$703,166 in Public Transportation Modernization, Improvement and Service Enhancement Account Funds for Transit Programs

**Agenda Item No. 6.13:** Resolution No. 2008-211 adopted approving the Environmental Preferable Purchases Policy and authorizing the City Manager to submit a grant application to the California Integrated Waste Management Board for a Local Government Household Hazardous Waste 17<sup>th</sup> Cycle Grant

**Agenda Item No. 6.14:** Resolution No. 2008-212 adopted authorizing the City Manager to execute a construction contract with Pacific Excavation, Inc. in the amount of \$116,506 to furnish 22 City Standard Zone 2 Electroliers for the Sheldon Road/State Route 99 Interchange Reconstruction Project

**Agenda Item No. 6.15:** Resolution No. 2008-213 adopted finding an exception to Ordinance 9-2008 that dispenses with bidding in the best interest of the City and authorizing the City Manager to execute a consultant services contract with Parsons Brinckerhoff Quade & Douglas, Inc. in an amount not to exceed \$98,549 for the Quiet Zone #3 Project

**Agenda Item No. 6.16:** Resolution No. 2008-214 adopted accepting the Franklin Boulevard / Percheron Drive and Franklin Boulevard / Blossom Ridge Drive Signal Upgrade Project as complete and authorizing the City Engineer to prepare and the City Clerk to file the Notice of Completion with the Sacramento County Recorder

**Agenda Item No. 6.17:** Resolution No. 2008-215 adopted accepting the public improvements for Laguna Ridge Specific Plan – Civic Center Drive / Big Horn Boulevard and Lotz Parkway

**Agenda Item No. 6.18:** Resolution No. 2008-216 adopted adding the positions of Public Works Director / City Engineer, Planning Director, and Building Official and amending the Fiscal Year 2008-09 budget

**Agenda Item No. 6.19:** Resolution No. 2008-217 adopted authorizing the Mayor to execute Reimbursement Agreement RC2008-01 for privately constructed

public facilities included in the Elk Grove Roadway Fee Program and Acquisition Agreement for privately-constructed facilities within Community Facilities District No. 2005-1 with Nevada Pacific West Homes, LLC

**Agenda Item No. 6.20:** Resolution No. 2008-218 adopted authorizing the City Manager to execute a consultant contract amendment with Wood Rodgers, Inc. in an amount not to exceed \$57,250 and to extend the contract termination date to December 31, 2010 for the Franklin Boulevard/Elk Grove Boulevard Intersection Widening and Bus Turnouts Project

## **PUBLIC HEARINGS**

**Agenda Item No. 7.1:** 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. 10)

## **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 September 10, 2008 for the tenth 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. 10.

Mayor Davis declared the public hearing open.

Council waived the verbal staff report.

## **PUBLIC COMMENT:**

None.

Mayor Davis declared the public hearing closed.

**Motion #1:** *M/S Hume/Scherman* to adopt Resolution No. 2008-219 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: Ayes: 5; Noes: 0.*

City Clerk Blackston reported that, of 21 possible votes, 21 affirmative votes were cast, authorizing the City of Elk Grove to levy a special tax at the rate apportioned and described. The measure passes 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. 2008-220** declaring the results of the special election held on September 10, 2008 for the tenth 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. 46-2008** levying and apportioning the special tax in territory annexed to Community Facilities District No. 2006-1 (Maintenance Services) Annexation No. 10. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 7.2:** A public hearing to consider adoption of resolution approving the 2007-08 Consolidated Annual Performance and Evaluation Report

**RECOMMENDATION:**

Adopt resolution approving 2007-08 Consolidated Annual Performance and Evaluation Report and authorizing the City Manager to submit the Report to the Department of Housing and Urban Development.

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 Consolidated Annual Performance and Evaluation Report is required each year by the U.S. Department of Housing and Urban Development. The Report provides details regarding implementation of the City's activities as a Community Development Block Grant grantee. The 2007-08 grant year will be Elk Grove's fifth year of being an entitlement community. Elk Grove received \$475,000 directly in 2007-08 and also spent \$158,000 from the previous year. Also included is a report on the implementation of the City's consolidated plan goals for 2002-07.

**PUBLIC COMMENT:**

None.

Mayor Davis declared the public hearing closed.

**Motion:** *M/S Cooper/Leary* to adopt **Resolution No. 2008-221** approving 2007-08 Consolidated Annual Performance and Evaluation Report and authorizing the City Manager to submit the Report to the Department of Housing and Urban Development. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 7.3:** A public hearing to consider a Rezone, Design Review, and Uniform Sign Program for the Laguna Creek Courtyard Project located at 9150 Bruceville Road (EG-07-055; APN: 116-0011-011)

**PLANNING COMMISSION RECOMMENDATION:**

1. Introduce and waive the full reading, by substitution of title only, an Ordinance amending the City of Elk Grove Zoning Map from Agricultural Residential – 10 Acre Minimum (AR-10) to Shopping Center (SC) for the Laguna Creek Courtyard project; and
2. Adopt resolution approving a Design and Uniform Sign Program for the Laguna Creek Courtyard project subject to the findings and conditions of approval.

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 noted that Council received a “green sheet” communication with information that was inadvertently left out of the staff report (filed). The Laguna Creek Courtyard project includes a rezone from AR-10 to SC, design review for two retail buildings, as well as a uniform sign program. Staff negotiated an interim condition site plan as well as an ultimate condition site plan. Under these plans the buildings are located on the western and southern sides of the site, recreating a courtyard feature. The landscape corridor is along Bruceville Road with a pedestrian pathway to connect through to the site. Access will be provided through a connection to the existing center to the south, as well as a temporary access point to Bruceville Road. Under the ultimate site plan, the access to Bruceville Road is removed and replaced with a northern connection into the Laguna Creek Shopping Center once it is under construction. The Planning Commission considered the project on August 7, 2008. During public comment there was discussion from the adjacent property owner expressing concern over safety and landscaping. There is a condition of approval (#8) for the applicant to provide funding to partially pay for the landscaping on the Laguna Creek Shopping Center site. The Planning Commission agreed with the condition, as well as the adjacent property owner. The safety issues were reviewed and resolved by the Police Department. Since the publication of the staff report, two property owners have met and come to agreement based on the placement of condition 22 that requires the Laguna Creek Courtyard applicant obtain the necessary easements and/or rights-of-entry from the adjacent property owner(s) for any private off-site improvements. Additionally, the applicant has agreed to have loading occur on his property, as opposed to the rear of the buildings.

**PUBLIC COMMENT:**

None.

Mayor Davis declared the public hearing closed.

**Motion #1:** *M/S Leary/Cooper* to introduce and waive the full reading, by substitution of title only, **Ordinance No. 47-2008** amending the City of Elk Grove Zoning Map from Agricultural Residential – 10 Acre Minimum (AR-10) to Shopping Center (SC) for the Laguna Creek Courtyard project. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Motion #2:** *M/S Leary/Scherman* to adopt **Resolution No. 2008-222** approving a Design and Uniform Sign Program for the Laguna Creek Courtyard project subject to the findings and conditions of approval. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

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

**Agenda Item No. 8.1:** Receive Quarterly Report from Charter Commission

### **RECOMMENDATION:**

Receive Quarterly Report from Chair Allen of the Elk Grove Charter Commission and provide direction as deemed appropriate.

Jake Allen, Charter Commission Chair, highlighted the following accomplishments achieved by the Commission to date:

- On June 17 the Commission elected officers and set its regular meeting dates of every other Tuesday at 6:00 p.m.;
- Received a presentation on roles, responsibilities, and The Brown Act;
- Initiated a telephone survey, which was conducted by Public Opinion Strategies. The survey reached 400 likely voters. 88% of the participants polled had no idea Elk Grove was considering becoming a charter city. Results showed a desire to directly elect a mayor, though not a strong mayor concept;
- Topics discussed have included bidding public works projects, financing mechanisms, campaign finance, mayoral duties, number of council members, by-district and at-large elections, term length, primary and general elections;
- An outreach was conducted that reached 60 civic organizations, which resulted in presentations to a homeowners association, the Elk Grove Rotary, the Building Industry Association, the Old Town Elk Grove Foundation, and a neighborhood watch group. It is estimated that 250 citizens were reached through these efforts;
- Initial charter language has been drafted for public works projects, mayoral duties, and the number of districts;
- Consideration of proposals from public outreach consultant firms; formed a subcommittee to define the scope of the contract

**PUBLIC COMMENT:**

Constance Conley commended the Charter Commission for accepting the public, valuing its opinion, and believing in community participation. She did not want a public outreach firm to "preach" to citizens and preferred that the community and Council be more involved in the process. She noted that good attendance has been achieved at meetings coordinated by community groups. She encouraged staff involvement and urged that money be spent wisely.

Mayor Davis agreed that outreach coordinated by community groups has been far superior to that done by hired consultants.

Council Member Cooper preferred that the Charter Commission have autonomy, rather than being guided by Council. He noted that the Commissioners were selected based on their qualifications and, in his opinion, Council should allow them the freedom to work independently and return with a final product for consideration.

Mayor Davis stated that he would do his best to attend Charter Commission meetings. He asked that the Commission bring its public engagement plan to the Council, particularly if the Council will be approving funding for a facilitator to provide public outreach services.

Shirley Peters reported that, at the August 25 Charter Commission meeting, it was stated that the development of a charter proposal would be guided by results of the telephone survey. She cautioned using the results, due to the low number of people who knew anything about it. She reported that the survey showed 37% of the respondents were strongly in favor of council members being voted on by-district; however, she recalled one of the major issues driving citizens to vote for the incorporation of Elk Grove was to vote from-district. She emphasized that public involvement in this process is vitally important.

Council Member Scherman suggested having Elk Grove Community Connection coordinate one or two outreach sessions. She preferred utilizing City staff as much as possible, rather than paying consultants. She believed that Council presence at Charter Commission meetings might intimidate some people from speaking, and expressed her opinion, that Council should not interfere with the Charter Commission process.

Vice Mayor Hume emphasized the importance of outreach and education efforts, as well as carefully crafting a palatable charter, explaining why deviances from State law are beneficial.

**Agenda Item No. 8.2:** Introduction of Ordinance repealing Title 8 of the Elk Grove Municipal Code and enacting a New Title 8 regarding animals

**RECOMMENDATION:**

Introduce and waive the full reading, by substitution of title only, an ordinance repealing Title 8 of the Elk Grove Municipal Code and enacting a new Title 8 regarding animals.

With the aid of an overhead presentation (filed), Shane Diller, Community Enhancement Manager, provided an overview of the staff report and recommendation. He noted that beekeeping language includes definitions and explained that, once this ordinance is adopted, staff will work with the Planning Department on a Title 23 amendment that would allow the Council and Planning Commission to have input on what areas of the City, and what restrictions, they would like to place on beekeeping. He noted that Council received two "green sheets" providing supplemental information on this topic (both filed).

**PUBLIC COMMENT:**

Pamela Mendoza, joined by her husband Scott, expressed support for the ordinance. She asked that, when it becomes effective, staff be adequately trained so that it is enforced properly. Additionally, she suggested that a quality assurance program be implemented to gain feedback on how the ordinance is working.

Discussion ensued regarding beekeeping restrictions, following which Mr. Diller stated that staff would return to Council with a recommendation after gathering information from bee experts, local universities, organizations, the Planning Department and the City Attorney.

Mayor Davis asked that staff also conduct outreach in the community regarding this matter.

**Motion:** *M/S Cooper/Leary* to introduce and waive the full reading, by substitution of title only, **Ordinance No. 48-2008** repealing Title 8 of the Elk Grove Municipal Code and enacting a new Title 8 regarding animals with the addition of the following:

*8.01.020 V, (3), (b) Any animal previously determined to be and currently listed as a dangerous animal which, after its owner or keeper has been notified of this determination, continues the behavior described in Sections 8.06.040 or 8.06.050, or is maintained in violation of Section 8.06.070(C), (1) through (6).*

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

**GENERAL ADMINISTRATION INFORMATION**

City Manager Laura Gill reviewed the September 10 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 Scherman attended the Elk Grove Senior Center Board of Directors meeting at which it was reported that a sign will be erected on the property at Poppy Ridge and Whitelock notifying citizens that it will be the site of the new Senior Center. She attended the Harvest of Hope event. The Old Town Elk Grove Foundation is having a workshop on September 30 regarding building permits and plans in the Old Town area. She attended a closed session meeting of the Sacramento Public Library Authority Board of Directors.

In reply to questions posed by Council Member Scherman, Community Enhancement Manager Shane Diller stated that three sweeps have been conducted for illegally posted signs. Assistant Police Chief Kelly explained that, if someone were to remove an illegally posted sign, it would be considered the same as removing trash. City Manager Gill reported that Common Sense Grants were submitted for the Civic Center and the Planning Academy.

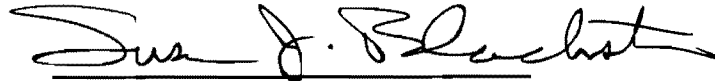
Council Member Cooper attended the Sacramento Area Council of Governments (SACOG) Governmental Relations Public Affairs Committee at which an update on State transportation funding was given. The State has suspended transfer of gas tax. Nominations are now open for the 10<sup>th</sup> Annual SACOG *Salutes!* Regional award program. Awards recognize efforts in the areas of transportation, land use planning and air quality. He asked the City Attorney to report back on enacting an ordinance that would prevent sex offenders from living within close proximity to daycare centers.

Vice Mayor Hume reported that the Sacramento Transportation Authority is accepting applications for its Taxpayer Oversight Committee. The Sacramento Regional Transit District Board of Directors discussed bus shelter advertising contracts. Media companies pay to install bus shelters and pay back 26% of advertising revenue. He suggested that Elk Grove consider a similar arrangement. In reference to the Elk Grove High School Homecoming Parade, he explained that it would not be canceled; there are ongoing discussions about rerouting it so that closure of Elk Grove Boulevard is not necessary. The Spotlight on Elk Grove event will be held tomorrow, which is a fundraiser for the Elk Grove Community Foundation.

Mayor Davis asked staff to bring forward an ordinance, similar to what the City of Sacramento enacted, regarding ammunition registration.

**ADJOURNMENT**

With no additional business to conduct, the September 10, 2008 City Council meeting was adjourned at 8:01 p.m. in memory of City of Fairfield Council Member Matt Garcia.



SUSAN J. BLACKSTON,  
CITY CLERK

ATTEST:

  
GARY DAVIS, MAYOR