

**MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
Wednesday, October 8, 2008**

**CALL TO ORDER/ROLL CALL**

Mayor Davis called the regular City Council meeting of October 8, 2008 to order at 6:08 p.m.

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

Absent: Council Member Scherman

Council Member Leary led the Pledge of Allegiance.

Mayor Davis asked that a moment of silence be observed.

**APPROVAL OF AGENDA**

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

**CLOSED SESSION**

None.

**PRESENTATIONS/ANNOUNCEMENTS**

4.1 With the aid of an overhead presentation (filed), Assistant Police Chief Ed Kelly described traffic impacts and detour route related to the October 17 Elk Grove High School 50<sup>th</sup> annual homecoming parade. He reported that, in early 2009, the City Manager would meet with Elk Grove Unified School District representatives to make plans for next year's parade, so that it has less of an impact on the commuting public and businesses in the area.

Mayor Davis thanked staff for cooperating to allow the school's tradition to continue. He noted that Elk Grove Olympic Gold Medalist Stephanie Cox-Lopez would be honored at the event.

4.2 Vice Mayor Hume presented a proclamation declaring October as Disability Awareness Month to the Disability Advisory Committee.

4.3 Disability Advisory Committee Chairman David Morgan recognized the Committee's 2<sup>nd</sup> Annual Above and Beyond Program Accessibility Award recipients

- Organizational Award – EGCAN – Community Garden
- Organizational Award – Project R.I.D.E., Inc.
- Individual Award – David Stincelli

### **PUBLIC COMMENT**

Olga Batey, president of Friends of the Library, announced that, on October 19, an open house celebrating the library's 100<sup>th</sup> anniversary would be held at the Grange Hall. She noted that Elk Grove had the first free county library in the state.

Lynn Wheat referenced the Bell South project and expressed concern about the daycare center play area being adjacent to the drive through of a coffee shop. Ms. Wheat asserted that citizens this year would be voting for Council Members with a "citizen vision", not a "developer vision."

### **CONSENT CALENDAR ITEMS**

In reference to Item 6.10, Council Member Leary expressed his support for reviewing and, hopefully, reducing roadway and capital facilities development impact fees.

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

**Agenda Item No. 6.1:** Approved General Warrant No. 39059 through 40109, dated August 1, 2008 through August 31, 2008, Electronic Fund Transfer 2009013 through 2009023, and 2009025 through 2009030, and Automatic Clearing House

**Agenda Item No. 6.2:** Approved City Council Meeting Minutes of: a) July 23, 2008 Regular Meeting; b) August 19, 2008 Special Meeting; c) August 27, 2008 Special Meeting; d) August 27, 2008 Regular Meeting; e) September 10, 2008 Special Meeting; f) September 10, 2008 Regular Meeting; and g) October 1, 2008 Special Meeting

**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 October 1, 2008

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

**Agenda Item No. 6.5:** Ordinance No. 46-2008 adopted levying and apportioning the special tax in territory annexed to Community Facilities District No. 2006-1 (Maintenance Services) Annexation No. 10 (**Second Reading**)

**Agenda Item No. 6.6:** Ordinance No. 47-2008 adopted 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 (EG-07-055; APN 116-0011-011) (**Second Reading**)

**Agenda Item No. 6.7:** Ordinance No. 48-2008 adopted repealing Title 8 of the Elk Grove Municipal Code and enacting a new Title 8 regarding animals (**Second Reading**)

**Agenda Item No. 6.8:** Resolution No. 2008-223 adopted establishing eight intermittent part-time Police Dispatcher positions in the Police Department

**Agenda Item No. 6.9:** Resolution No. 2008-224 adopted authorizing the City Manager to execute a contract with The Sign Center for vehicle graphic installation in an amount not to exceed \$75,000 over a three year period

**Agenda Item No. 6.10:** Resolution No. 2008-225 adopted authorizing the City Manager to execute a contract and related documents with Economic and Planning Systems, Inc. to update Assembly Bill 1600 Roadway and Capital Facilities Development Impact Fees in the amount of \$88,000

**Agenda Item No. 6.11:** Received Biennial Notice of Intent to Amend the Elk Grove Conflict of Interest Code

**Agenda Item No. 6.12:** Resolution No. 2008-226 adopted ratifying the over expenditure of funds, without contract, to University Enterprises for student internship services in an amount not to exceed \$65,000

**Agenda Item No. 6.13:** Resolution No. 2008-227 adopted ratifying the over expenditure of funds, without contract, to AppleOne and Corestaff for temporary employee services in an amount not to exceed \$75,000

## **PUBLIC HEARINGS**

**Agenda Item No. 7.1:** A public hearing to consider introduction of an ordinance amending various sections of the Elk Grove Zoning Code, Title 23 of the Municipal Code, pertaining to Planning Director interpretations, appeals, Uniform Sign Programs, Second Dwelling Units, and Zoning Code definitions

**RECOMMENDATION:**

Introduce and waive the full reading, by substitution of title only, an ordinance amending sections 23.12.040, 23.12.050, 23.14.050, 23.62.070(2)(D), 23.90.020, 23.90.040, 23.98.030, and Table 23.14-1 of the Elk Grove Zoning Code, Title 23 of the Municipal Code, pertaining to Planning Director interpretations, appeals, Uniform Sign Programs, Second Dwelling Units, and Zoning Code definitions.

Mayor Davis declared the public hearing open.

With the aid of an overhead presentation (filed), Planning Manager Jessica Shalamunec reported that the proposed Zoning Code amendments stem from direction by Council on August 27 related to secondary dwelling units. Additionally, staff included amendments from previously approved Planning Director interpretations. These amendments will make the Planning Commission the final approving authority of Planning Director interpretations and clarify that the Planning Commission action on the interpretation would be appealable to the City Council at no cost. Items related to Planning Director interpretations include clarifying the allowable deviations of a uniform sign program, as well as adding acupuncture as a definition under medical services. The amendments related to secondary dwelling units include specifying the difference between a guesthouse and secondary dwelling unit. Also provided is a definition of "kitchen". Amendments will allow staff to consider the primary use of secondary dwelling units with an attached garage. Setbacks in the agricultural and agricultural-residential zones will be equal to the height of the structure.

**PUBLIC COMMENT:**

None.

Mayor Davis declared the public hearing closed.

***Motion: M/S Cooper/Leary*** to introduce and waive the full reading, by substitution of title only, **Ordinance No. 49-2008** amending sections 23.12.040, 23.12.050, 23.14.050, 23.62.070(2)(D), 23.90.020, 23.90.040, 23.98.030, and Table 23.14-1 of the Elk Grove Zoning Code, Title 23 of the Municipal Code, pertaining to Planning Director interpretations, appeals, Uniform Sign Programs, Second Dwelling Units, and Zoning Code definitions. ***The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Scherman).***

**REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS**

**Agenda Item No. 8.1:** Affordable Housing Loan Committee Formation

**RECOMMENDATION:**

Appoint members and alternates to the Affordable Housing Loan Committee.

No verbal staff report was given.

In answer to Mayor Davis, Planning Manager Jessica Shalamunec explained that staff recommended Ken Cross over another applicant because his experience was more directly related to the activities of the Affordable Housing Loan Committee.

**PUBLIC COMMENT:**

None.

***Motion:*** ***M/S Leary/Cooper*** to adopt **Resolution No. 2008-228** appointing Ken Cross and John Costa as members of the Affordable Housing Committee and Rachel Iskow and Michael Craig Nagler as alternate members. ***The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Scherman).***

**Agenda Item No. 8.2:** Consider the location of a future Fixed Transit Station Location near Big Horn Boulevard and Laguna Boulevard

**RECOMMENDATION:**

Provide policy direction to locate a future Fixed Transit Station on Big Horn Boulevard.

With the aid of an overhead presentation (filed), Interim Public Works Director Fritz Buchman noted that the City's 2003 General Plan provides a general alignment for future fixed route transit facilities. A study, primarily funded through a Federal grant, is underway to refine the proposed alignment and identify feasible station locations. The study is expected to be completed in early 2009, following which it will be brought to Council for its consideration. Mr. Buchman explained that, after the study was initiated, an application to expand the existing Sutter Medical Center was submitted to the City. Staff is seeking direction from Council for the location of a future fixed transit station so that Sutter can proceed with its site planning. Mr. Buchman reviewed four site alternatives and recommended alternative four, due to the availability of right-of-way and desire to minimize disruption on adjacent land use.

In answer to Council inquiries, Traffic Engineer Gwen Owens reported that the restaurant near site alternative four had a condition placed on its project, which required removal of the patio when space was needed for transit.

Council Member Cooper noted that the parking lot at the theater often has empty spaces, which would be convenient for dropping off and picking up transit passengers.

Mayor Davis asked staff to ensure there would not be significant disruption to businesses on the corner if site four was chosen.

**PUBLIC COMMENT:**

None.

***Motion: M/S Hume/Leary*** authorizing staff to locate a future fixed transit station on Big Horn Boulevard along the frontage of the Century 16 Movie Theatre. ***The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Scherman).***

**Agenda Item No. 8.3:** Introduce ordinance regulating smoking lounges

**RECOMMENDATION:**

Introduce and waive the full reading, by substitution of title only, an ordinance adding Article III E to Chapter 4.10 of the Elk Grove Municipal Code, regulating smoking lounges.

Elias Guzman, Deputy City Attorney, reported that the proposed ordinance would require smoking lounges to obtain special business licenses and impose a number of operational requirements related to window coverings, ventilation, parking, prohibiting sale of food and beverages, persons under the age of 18 would not be permitted, and no live entertainment or cover charges would be allowed. He noted that there are currently no smoking lounges in Elk Grove.

**PUBLIC COMMENT:**

Janet Toppenberg, Executive Director of the Elk Grove Chamber of Commerce, spoke in favor of the ordinance as it was not for the purpose of impeding business, but rather a health and safety matter.

***Motion: M/S Cooper/Leary*** to introduce and waive the full reading, by substitution of title only, Ordinance No. 50-2008 adding Article III E to Chapter 4.10 of the Elk Grove Municipal Code, regulating smoking lounges. ***The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Scherman).***

**GENERAL ADMINISTRATION INFORMATION**

City Manager Laura Gill reviewed the October 8 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 expressed concern that a staff member was treated harshly at a Charter Commission meeting. Additionally, at a Charter Commission meeting, interviews of firms who had submitted proposals were conducted in an

open session. He pointed out that such a practice creates a disadvantage for firms giving their presentations first.

Mayor Davis pointed out that the City adopted a Code of Ethics that applies to all its committees and commissions.

In response to Council Member Leary, Planning Manager Jessica Shalamunec reported that the survey of Swainson's hawk mitigation fees had been completed and staff would bring the matter to Council following additional stakeholder outreach.

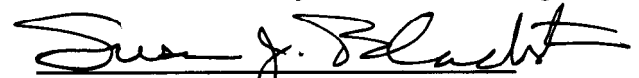
Council Member Leary noted that the Governor recently signed several bills and he asked the City Manager to return to Council with a report identifying those applicable to Elk Grove. He expressed concern about the increased rate of metal theft and catalytic converters from vehicles.

Mayor Davis reported that he attended the League of California Cities annual conference and focused on opportunities to learn about ways to improve air quality, climate protection, and develop policies for healthy children and communities. A number of cities, including Santa Rosa and Stockton, have good models that he hoped Elk Grove would work toward. Some cities have climate protection advisory committees comprised of citizens and industry representatives that write and oversee municipal policies. He felt that Elk Grove should be more aggressive and asked the City Manager to determine if this would be financially feasible. He also attended workshops on destination sports complexes, which have benefits for citizens of all ages and are an economic development generator and revenue producer for cities. He noted that staff is working on a Healthy Community Initiative, which he felt should be done in conjunction with Elk Grove Unified School District and the Cosumnes Community Services District.

Council Member Cooper expressed strong support for the concept of a destination sport complex, noting that they inject a significant amount of money in local economies.

**ADJOURNMENT**

With no additional business to conduct, the October 8, 2008 City Council meeting was adjourned at 7:11 p.m.

  
SUSAN J. BLACKSTON,  
CITY CLERK

ATTEST:

  
GARY DAVIS, MAYOR