

**MINUTES OF THE CITY COUNCIL
REGULAR MEETING
Wednesday, October 22, 2008**

CALL TO ORDER/ROLL CALL

Council Member Cooper called the regular City Council meeting of October 22, 2008 to order at 6:03 p.m.

Present: Council Members Cooper, Leary, and Scherman

Absent: Mayor Davis and Vice Mayor Hume

The Elk Grove Police Department posted the colors and led the Pledge of Allegiance.

Council Member Cooper 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: 3; Noes: 0; Absent: 2 (Davis, Hume).

CLOSED SESSION

None.

PRESENTATIONS/ANNOUNCEMENTS

- 4.1 Council Member Scherman presented a certificate of recognition to Stephanie Brown-Trafton 2008 Olympic discus gold medal winner
- 4.2 Judge James P. Henke administered the Oath of Office to Robert M. Lehner, Chief of Police

City Manager Gill noted that Chief Lehner served as Chief of Police for the City of Eugene, Oregon for nearly five years, prior to which he served in the City of Tucson, Arizona Police Department for over 25 years, rising through the ranks to become Assistant Police Chief. Ms. Gill thanked former Police Chief Simmons for his service to the City.

Council Member Cooper thanked former Chief Simmons for his service, mentioning that his law enforcement career spanned 37 years.

Council Member Scherman received consensus from Council to place an item on the next agenda to consider naming the Police Communications Center in honor of former Chief Simmons.

Council Member Leary expressed appreciation to former Chief Simmons, stating that both the City and County of Sacramento improved under his leadership.

Police Chief Lehner thanked former Chief Simmons for having built a remarkable police department with the support of the citizens of the community.

NOTE: The City Council recessed at 6:24 p.m. for a public reception honoring Police Chief Lehner and former Police Chief Simmons. The regular City Council meeting reconvened at 6:38 p.m. with Mayor Davis and Vice Mayor Hume absent.

PUBLIC COMMENT

Leo Fassler commended City Manager Gill for her efforts in reaching out to community organizations, listening to concerns, and sharing opinions. He also thanked Planning Manager Jessica Shalamunec for her forthright manner and seeking input from the public; Planner Christopher Jordan for working with citizens on the tree ordinance; and Engineering Associate Johnny Wynn for his responsiveness and work to improve the roadways.

Jenna Turner stated that, in recognition of Breast Cancer Awareness Month, The Spa at Laguna in collaboration with the Sacramento Breast Cancer Resource Center, will be conducting a fundraiser and donating services to any breast cancer survivor on October 28.

Lynn Wheat asserted that Council ignored citizens input by approving the Bell South project. She pointed out that land has been mitigated away to locations far from Elk Grove. Dozens of beavers were killed because it was thought to be the best method to protect trees and prevent flooding. She recalled that Council voted for the rezone of the proposed Vintara Park project, which would have contributed to the loss of high grade vernal pools, wetlands, and endangered species. Ms. Wheat complained that Elk Grove looks like any other suburbia in any other metropolitan area because the City Council has not been visionary or protected the environment.

Patrick Flannery reported that only 3,700 jobs were created in Elk Grove from 2000 to 2008 according to the State Employment Development Department; however, he received a campaign flier from Michael Leary which stated that 10,000 jobs were created during this time period.

Council Member Leary reported that the Sacramento Area Council of Governments (SACOG) tracks employment estimates for each jurisdiction in the region and

according to its records, between 2000 and 2005 the number of jobs in Elk Grove increased from 14,800 to 24,650.

Council Member Scherman asked whether the SACOG data took into account seasonal work, jobs that were gained and lost during that time period, etc., to which City Manager Gill replied that she would verify the information and report back to Council.

CONSENT CALENDAR ITEMS

In reference to *Item 6.7, Darnetta Lawson stated that she was a driver for MV Transportation and asked for clarification on the item. City Manager Gill explained that the item extends the time period to January 15, 2009 by which the City must notify MV Transportation of its intention to issue a Request for Proposal. Ms. Gill noted that this is to allow time for the newly hired Transit Manager to review the situation.

In reference to *Items 6.8 and 6.11, Council Member Cooper reported that Council secured over \$1.5 million in federal grants through the Sacramento Area Council of Governments, which made these projects possible. He noted that this illustrates how Council has focused on maintaining streets, providing bicycle lanes, and making transportation improvements.

Motion: M/S Scherman/Leary to approve the consent calendar as presented. The motion passed by the following vote: Ayes: 3; Noes: 0; Absent: 2 (Davis, Hume).

Agenda Item No. 6.1: Approved General Warrant No. 40110 through 40772 dated September 1, 2008 through September 30, 2008, Electronic Fund Transfer 2009024, and 2009031 through 2009048, and Automatic Clearing House

Agenda Item No. 6.2: Approved City Council Meeting Minutes of: a) October 8, 2008 Special Meeting; and b) October 8, 2008 Regular 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 14, 2008

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

Agenda Item No. 6.5: Ordinance No. 49-2008 adopted 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 (**Second Reading**)

Agenda Item No. 6.6: **Ordinance No. 50-2008** adopted adding Article III E to Chapter 4.10 of the Elk Grove Municipal Code, regulating smoking lounges
(Second Reading)

Agenda *Item No. 6.7: **Resolution No. 2008-229** adopted authorizing the City Manager to execute a contract amendment with MV Transportation, Inc. for the provision of fixed route transit services to extend the non-renewal notification and termination dates by two months

Agenda *Item No. 6.8: **Resolution No. 2008-230** adopted accepting the Stockton Boulevard Rehabilitation 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. 6.9: **Resolution No. 2008-231** adopted accepting the Intelligent Transportation Systems Phase 1B 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. 6.10: **Resolution No. 2008-232** adopted authorizing the City Manager to execute contracts with Dell Inc. in the amount of \$84,569.69 for the purchase of computers, and EnvisionWare in the amount of \$70,939.45 for the purchase self-checkout equipment for the Elk Grove (Old Town) Library Project utilizing State of California and Sacramento Public Library cooperative purchasing agreements

Agenda *Item No. 6.11: **Resolution No. 2008-233** adopted accepting the East Stockton Boulevard Bikeway 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. 6.12: **Resolution No. 2008-234** 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. 11)

Agenda Item No. 6.13: **Resolution No. 2008-235** adopted authorizing the City Manager to act on behalf of the project and submit the grant assurances for Proposition 1B Fiscal Year 2007-08 Transit System Safety, Security and Disaster Response Account funds and amending the Fiscal Year 2008-09 Transit and 2009-13 Capital Improvement Program Budgets in the amount of \$111,856

PUBLIC HEARINGS

Agenda Item No. 7.1: A public hearing to consider a rezone and design review for the Meadows Senior Assisted Living Facility Project located at 9325 East Stockton Boulevard (EG-07-126; APN 116-0090-020)

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 for a 3.2 acre parcel from Residential - Five Units per Acre (RD-5) to Residential - 30 Units per Acre (RD-30) for the Meadows Senior Assisted Living Facility Project; and
2. Adopt resolution approving the design review for the Meadows Senior Assisted Living Facility project, subject to the findings and Conditions of Approval.

Council Member Cooper declared the public hearing open.

With the aid of an overhead presentation (filed), Planner Nina Stevens reported that the project includes design review for the addition of 14 living units and 406 square feet of dining area to an existing assisted living facility and a rezone from RD-5 to RD-30 to allow the expansion. Pursuant to the Planning Commission's recommendation, a condition of approval was added to remove two of the proposed new parking spaces in order to keep the existing landscaping intact.

Joseph Tucker representing Ankrom Moisan Architects of Portland, Oregon and Christine Golden, Project Coordinator and Planner with Cunningham Engineering offered to answer questions.

In answer to Council Member Scherman, Mr. Tucker stated that the new units would be sized adequately for couples.

PUBLIC COMMENT:

None.

Council Member Cooper declared the public hearing closed.

Motion #1: *M/S Leary/Scherman* to introduce and waive the full reading, by substitution of title only, **Ordinance No. 51-2008** amending the City of Elk Grove Zoning Map for a 3.2 acre parcel from Residential - Five Units per Acre (RD-5) to Residential - 30 Units per Acre (RD-30) for the Meadows Senior Assisted Living Facility Project. ***The motion passed by the following vote: Ayes: 3; Noes: 0; Absent: 2 (Davis, Hume).***

Motion #2: *M/S Leary/Scherman* to adopt **Resolution No. 2008-236** approving the design review for the Meadows Senior Assisted Living Facility project, subject to the findings and Conditions of Approval. ***The motion passed by the following vote: Ayes: 3; Noes: 0; Absent: 2 (Davis, Hume).***

Agenda Item No. 7.2: A public hearing to consider adoption of resolutions: 1) approving an abandonment of a portion of West Stockton Boulevard adjacent to the Lent Ranch Marketplace, 2) quitclaiming a portion of the aforementioned West Stockton Boulevard to M & H Realty Partners Affiliated Fund III, L.P. and 3) approving Parcel Map No. 08-009, Elk Grove Promenade - Lot G, (Promenade Square) (EG-08-009)

RECOMMENDATION:

1. Adopt resolution approving the abandonment of a portion of West Stockton Boulevard adjacent to State Highway 99 and the Lent Ranch Marketplace and reserving three easements from said abandonment; and
2. Adopt resolution quitclaiming a portion of abandoned West Stockton Boulevard to M & H Realty Partners Affiliated Fund III, L.P.; and
3. Adopt resolution approving Parcel Map No. 08-009, Elk Grove Promenade - Lot G, (Promenade Square).

Council Member Cooper declared the public hearing open.

With the aid of an overhead presentation (filed), Project Manager Jon Crawford provided an overview of the staff report and recommendation.

PUBLIC COMMENT:

None.

Council Member Cooper declared the public hearing closed.

Motion #1: *M/S Scherman/Leary to adopt Resolution No. 2008-237 approving the abandonment of a portion of West Stockton Boulevard adjacent to State Highway 99 and the Lent Ranch Marketplace and reserving three easements from said abandonment. **The motion passed by the following vote: Ayes: 3; Noes: 0; Absent: 2 (Davis, Hume).***

Motion #2: *M/S Scherman/Leary to adopt Resolution No. 2008-238 quitclaiming a portion of abandoned West Stockton Boulevard to M & H Realty Partners Affiliated Fund III, L.P. **The motion passed by the following vote: Ayes: 3; Noes: 0; Absent: 2 (Davis, Hume).***

Motion #3: *M/S Scherman/Leary to adopt Resolution No. 2008-239 approving Parcel Map No. 08-009, Elk Grove Promenade - Lot G, (Promenade Square). **The motion passed by the following vote: Ayes: 3; Noes: 0; Absent: 2 (Davis, Hume).***

Agenda Item No. 7.3: *(Request for continuance)* A public hearing to consider the rezone for the Treasure Homes Subdivision located at 7401 Bilby Road within the Laguna Ridge Specific Plan (EG-03-486: APN 132-0050-066) [p.1]

RECOMMENDATION:

Continue the Treasure Homes Rezone public hearing to the regularly scheduled meeting of December 10, 2008.

PUBLIC COMMENT:

None.

Motion: *M/S Leary/Scherman* to continue the Treasure Homes Rezone public hearing to the regularly scheduled meeting of December 10, 2008. ***The motion passed by the following vote: Ayes: 3; Noes: 0; Absent: 2 (Davis, Hume).***

REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

Agenda Item No. 8.1: Consider adopting resolution approving the third amendment to the Allied Waste Franchise Agreement for residential refuse collection and transportation to disposal facilities, recyclables and green waste collection, processing and marketing

RECOMMENDATION:

Adopt resolution authorizing the City Manager to execute the Third Amendment to the Franchise Agreement with Allied Waste Services of North America, LLC

With the aid of an overhead presentation (filed), Cedar Kehoe, Integrated Waste Program Manager, provided an overview of the staff report and recommendation. Beginning in November, Allied Waste, by appointment will collect medical sharps containers left at customers' doorsteps without charge. Also in November, Allied Waste will accept e-waste (i.e. items powered by batteries or electricity) either by appointment or at its transfer station without charge.

Council Member Scherman expressed concern about unintentional access by others of medical sharps containers left at residents' doorsteps.

Keith Hester, General Manager of Allied Waste Services, replied that he would be amenable to having one point of collection, such as the Elder Creek Transfer Station, which is open on Saturdays.

Council Member Scherman asked whether the City would be held responsible if residents placed medical sharps containers at their doorsteps and someone else picked them up, to which City Attorney Cochran replied she was unsure and would need time to research the matter.

Council Members Cooper and Leary voiced support for the program, believing that the benefit outweighed the risk.

City Attorney Cochran suggested that, since this item needed three affirmative votes to pass, the matter could be continued to the next regularly scheduled City Council meeting when all Council Members would be present or approve the contract without the provision relating to medical sharps containers and return that matter to a future agenda for consideration.

PUBLIC COMMENT:

None.

Motion: M/S Scherman/Leary to adopt Resolution No. 2008-240 authorizing the City Manager to execute the Third Amendment to the Franchise Agreement with Allied Waste Services of North America, LLC as recommended with the exception of the program for collection of medical sharps containers and directed staff to bring the matter (i.e. Article 4, 4.02 Special Services, g. Collection of Sharps by Appointment) back to Council at its regularly scheduled meeting on November 12, 2008. The motion passed by the following vote: Ayes: 3; Noes: 0; Absent: 2 (Davis, Hume).

Agenda Item No. 8.2: Fiscal Year 2008-09 1st Quarter Financial Review

RECOMMENDATION:

Information only; no City Council action is required.

With the aid of an overhead presentation (filed), Troy Brown, Budget Manager, reported that the City is in an economic downturn, due to a declining housing market and decreasing sales taxes. From 2003-06 the General Fund saw double digit growth in both property and sales taxes. Property and sales taxes make up 50% of General Fund revenue. A zero based budget was instituted for 2008-09 and intended to maintain existing levels of service in the General Fund. A \$2 million structural deficit was closed without the use of reserves. The first disbursement of property tax will occur in January and again in May or June 2009. Two months of sales tax receipts show a continual decline. Compared to the same period last year, sales tax has decreased by 10%. Overall, the revenue in the General Fund remains flat and is at 16% of projected expenses. Expenses within the Enterprise Funds (solid waste and transit) remain below projections. In the Development Fund revenue is at 19% and expenses are of 22% of projections. Mr. Brown reported that, preliminarily, it appears a reserve surplus of \$2.2 million in General Fund operations exists from the 2007-08 budget.

Council Member Scherman asked if Council would be addressing the necessity for downsizing at some point. She suggested that some departments may be “top heavy”.

City Manager Gill replied that, in January, staff would present a mid-year report and a five year fiscal forecast. Department heads have been asked to monitor their budgets carefully and not expend money for things such as travel, unless absolutely necessary. A retreat will be scheduled to discuss the next year or two and what actions should be taken proactively to maintain a balanced budget.

Council Member Leary believed that staff had administered the City’s budget well thus far. He pointed out that new businesses are expected to open soon and in two years the revenue neutrality agreement with the County of Sacramento will be reduced.

Council Member Cooper was in favor of a hiring freeze, as he believed economic conditions would worsen over the next two years. He asked whether there have been mandatory budget cuts to departments.

Ms. Gill replied that she preferred to evaluate vacancies on a case-by-case basis, particularly for public safety positions. She had not yet instituted mandatory budget cuts. She asked if Council would like a list of possible reductions brought forth at the November 12 meeting, to which Council Member Cooper answered in the affirmative.

Council Member Leary agreed that any positions other than the Public Works Director, Planning Director and Building Official should not be filled until figures from the mid-year budget report are known.

PUBLIC COMMENT:

Connie Conley commended the efforts of staff and suggested that, before Council consider downsizing, staff should be allowed to recommend and institute cost saving measures for each individual department budget.

NOTE: No action was taken on Item 8.2.

Agenda Item No. 8.3: Introduce an ordinance amending the purchasing ordinance to exempt student internship programs from competitive bid requirements

RECOMMENDATION:

Introduce and waive the full reading, by substitution of title only, an ordinance amending the Elk Grove Municipal Code Chapter 3.42 – Contracts and Purchasing to add an exemption from competitive bidding for internship programs.

Jeannine Seher, Human Resources Manager, provided an overview of the staff report and recommendation.

In answer to Council inquiries, Ms. Seher reported that the City currently employed seven to ten interns in departments of youth services, communications, integrated waste, and transit.

Council asked that a written report be provided to include the exact number of interns working for the City, in which departments, salaries paid, and a description of the selection process.

Deputy City Manager Cody Tubbs stated that a number of interns work in the Neighborhood Services division. Applications are submitted, reviewed, and an interview process takes place in an effort to match the student's career interest to the division they would be placed in.

PUBLIC COMMENT:

None.

Motion: ***M/S Leary/Scherman*** to introduce and waive the full reading, by substitution of title only, **Ordinance No. 52-2008** amending the Elk Grove Municipal Code Chapter 3.42 – Contracts and Purchasing to add an exemption from competitive bidding for internship programs. ***The motion passed by the following vote: Ayes: 3; Noes: 0; Absent: 2 (Davis, Hume).***

GENERAL ADMINISTRATION INFORMATION

City Manager Laura Gill reviewed the October 22, 2008 Administrative Report (filed).

Assistant Police Chief Kelly announced that the Elk Grove Police Department received an award of appreciation from the Contractors State License Board for its partnering efforts in combating illegal and fraudulent construction activity. Sergeant Eric White received special recognition for his support to the Board.

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 recommended that City Manager Gill submit an article to the local newspaper with photos and descriptions of responsibilities for newly hired management employees.

City Manager Gill introduced Assistant City Manager Patrick Blacklock who oversees the divisions of Development Services, Planning, Public Works, and Building.

Council Member Leary reported that he met this week with representatives of the Automall dealership. He recommended that the Economic Development Corporation reach out to the dealerships and do whatever is necessary to ensure their survival through these difficult economic times. He suggested that a committee be formed to provide ongoing advice and assistance to homeowners facing foreclosure.

Ms. Gill reported that information regarding the Neighborhood Stabilization Program would be discussed at the November 12 meeting.

Council Member Cooper noted that City committees and commissions can drain staff resources and should be reviewed in light of current financial constraints.

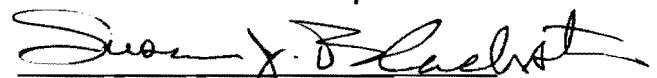
In reference to the Youth Commission, Ms. Gill believed that it could be operated without the need for full-time staff assistance and she would bring a recommendation back to Council for consideration.

Council Member Cooper reported that the Sacramento Area Council of Governments recently held a public hearing regarding transit needs.


Council Member Scherman asked that a certificate of recognition be prepared and signed by Council for Bob and Lisa Lent who were selected as Citizens of the Year. She asked that tonight's meeting be adjourned in memory of Elk Grove Citizen newspaper reporter Jamie Gonzales who passed away last week at the age of 25. Ms. Scherman noted that she was a kind individual, who took her job seriously, and reported accurately on City Council meetings.

ADJOURNMENT

With no additional business to conduct, the October 22, 2008 City Council meeting was adjourned at 8:07 p.m. in memory of Elk Grove Citizen news reporter Jamie Gonzales.


SUSAN J. BLACKSTON,
CITY CLERK

ATTEST


JAMES COOPER, COUNCIL MEMBER
AND PRESIDING OFFICER