

**MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
Wednesday, November 12, 2008**

**CALL TO ORDER/ROLL CALL**

Mayor Davis called the regular City Council meeting of November 12, 2008 to order at 6:04 p.m.

Present: Mayor Davis, Vice Mayor Hume, Council Members Cooper, Leary, and Scherman  
Absent: None.

Mayor Davis led the Pledge of Allegiance, which was followed by observance of a moment of silence.

Mayor Davis commended Council Member Scherman and Vice Mayor Hume for their work on the Veterans Day Parade and thanked the following clubs for providing food at the event: Elk Grove Rotary, Lions, Optimist, and Kiwanis.

**APPROVAL OF AGENDA**

***Motion: M/S Hume/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 With the aid of an overhead presentation (filed), Sacramento Regional Transit General Manager Mike Wiley gave a presentation regarding Transit Master Plan phase 2 efforts. He explained that Scenario A was based on the level of funding in place today. Scenario B was based on the assumption that, by 2012, \$50 million a year in funding would be generated by an additional half cent sales tax. Scenario C would cost \$800 per year per household over the next 30 years of development. Mr. Wiley reported that 2,300 people participated in an online survey in which 20% were in favor of Scenario B and 61% were in favor of Scenario C. Priorities are being developed from feedback gathered from an interactive online survey. A draft plan is expected to be presented to the Regional Transit Board in February, with plan adoption in April 2009. The Federal environmental process on phase two of the south line will be completed next week. Final design is

anticipated to be completed by June, with construction to begin by September 2009.

- 4.2 Jacqui Langenberg, Management Analyst, reported that the Time Capsule Ad Hoc Committee was formed several months ago with a goal of entering a community time capsule on July 1, 2010 in honor of the Elk Grove's tenth birthday, with a retrieval date of July 1, 2035. The Committee is obtaining best practices from other cities and is working with the International Time Capsule Society through the University of Atlanta, Georgia. The time capsule container is 15" by 24". A temporary display will be created in the foyer of City Hall with relocation to the Civic Center once it is constructed.

### **PUBLIC COMMENT**

Steve Lee read a statement (filed) alleging that the City Manager, with the City Attorney's support, discouraged several non-union employees from attending an event sponsored by a City Council candidate and intimated that their jobs would be in jeopardy if they did so. Mr. Lee asserted that the civil rights of these employees were violated and they are fearful to file a complaint because they are at-will employees with no job protection. He recommended that an investigation be conducted into the matter.

City Manager Gill explained that a member of her staff received an invitation and asked for her guidance as to whether they should attend a City Council candidate's fundraising event. Ms. Gill advised the employee not to attend the event, because as a professional manager, they would not want their objectivity questioned. Ms. Gill noted that this position is supported by the International City/County Management Association Code of Ethics.

Council expressed support for the City Manager's position on the matter.

Howard Sihner, representing the Old Town Elk Grove Foundation, thanked the City for its support of the Dickens Faire.

Council Member Scherman thanked Mr. Sihner for his perseverance in seeing that the Parade of Lights and Tree Lighting Ceremony traditions are continued in Elk Grove.

Sheryl Brea presented an award to the City for its support of the Strauss Festival.

Steve Detrick thanked citizens of Elk Grove for their support during the election. He commended Council Member Leary for his well fought, positive, and professional campaign, as well as for his years of public service as a Sacramento Sherriff's Commander, Cosumnes Community Services District Board Member, and eight years as City Council Member.

Jake Allen expressed gratitude to Council Member Leary for appointing him to the Charter Exploratory and Election Reform Committee and Charter Commission and thanked him for his many years of public service.

### **CONSENT CALENDAR ITEMS**

In reference to \*Agenda Item No. 6.9, Vice Mayor Hume inquired why the lease pricing was tied to a bid contract issued by Kern County, to which Finance Director Craig explained that staff found the prices to be competitive, so it was decided to participate in the cooperative purchasing agreement of the public agency.

In reference to \*Agenda Item No. 6.12, Council Member Cooper commended Public Works staff for successfully working with residents on the Harbour Point Drive Median Project.

***Motion: M/S Cooper/Scherman 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. 40773 through 41389 dated October 1, 2008 through October 31, 2008, Electronic Fund Transfer 2009049 through 2009060, and Automatic Clearing House

**Agenda Item No. 6.2:** Approved City Council Meeting Minutes of: a) October 22, 2008 Special Meeting; and b) October 22, 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 November 4, 2008

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

**Agenda Item No. 6.5:** **Ordinance No. 51-2008** adopted 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 (EG-07-126; APN 116-0090-020) **(Second Reading)**

**Agenda Item No. 6.6:** **Ordinance No. 52-2008** adopted amending Elk Grove Municipal Code Chapter 3.42 – Contracts and Purchasing to add an exemption from competitive bidding for internship programs **(Second Reading)**

**Agenda Item No. 6.7:** **Resolution No. 2008-241** adopted granting Landscape Maintenance Easements to the Cosumnes Community Services District for the trail on the east side of Laguna Creek south of Laguna Boulevard

**Agenda Item No. 6.8:** Resolution No. 2008-242 adopted authorizing destruction of certain records retained by the City Clerk's Office

**\*Agenda Item No. 6.9:** Resolution No. 2008-243 adopted authorizing the City Manager to execute a master agreement and subsequent task orders with Ray Morgan Company for copier equipment and maintenance services

**Agenda Item No. 6.10:** Resolution No. 2008-244 adopted accepting subdivision improvements for French's Estates (EG-05-902-00)

**Agenda Item No. 6.11:** Resolution No. 2008-245 adopted accepting the Elk Grove Boulevard / Elk Grove-Florin Road Intersection Improvements 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. 2008-246 adopted authorizing the City Manager to execute a consultant services Task Order with Mark Thomas & Company, Inc. for the Harbour Point Drive Median Project in an amount not to exceed \$98,396

## **PUBLIC HEARINGS**

**Agenda Item No. 7.1:** A public hearing to consider waiving specific timing requirements included within the Lent Ranch Special Planning Area Development Agreement for the Promenade Square Project (EG-05-940; APN 134-0600-039)

## **RECOMMENDATION:**

Adopt resolution waiving the timing restrictions established by Section 13(a) of the Lent Ranch Special Planning Area Development Agreement and authorizing the Promenade Square Project to proceed.

Mayor Davis declared the public hearing open.

With the aid of an overhead presentation (filed), Jessica Shalamunec, Planning Manager, recalled that, in 2001, Council adopted the Lent Ranch Special Planning Area (SPA) which established development standards. Included in the SPA is a 100 acre site for the Elk Grove Promenade as well as 295 acres of additional commercial and office development space. Also adopted as part of the entitlement for the SPA was a development agreement which vested the development rights for the SPA for all of the property owners and clarified the City's expectations with regard to timing. The development agreement established timing restrictions which tie development outside of the mall area to the mall development. The grading permits for development outside of the mall could not be issued until the mall had been rough graded, which has now occurred. Building permits outside of the mall

cannot be issued until one anchor foundation is poured at the mall site. Ms. Shalamunec recommended that a waiver of this provision would be appropriate given the uncertainty related to the Elk Grove Promenade. This would allow the Promenade Square Project to move forward; it would not relinquish any other provisions. The developer of the medical office building intends to start construction in May 2009. The project would bring 160 jobs to Elk Grove in addition to property tax revenue and Transient Occupancy Tax associated with hotel development.

**PUBLIC COMMENT:**

None.

Mayor Davis declared the public hearing closed.

***Motion: M/S Cooper/Scherman*** to adopt **Resolution No. 2008-247** waiving the timing restrictions established by Section 13(a) of the Lent Ranch Special Planning Area Development Agreement and authorizing the Promenade Square Project to proceed. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 7.2:** A public hearing to consider approval of the Neighborhood Stabilization Program Substantial Amendment to the 2008-09 Community Development Block Grant Action Plan Amendment; anticipated funding of \$2,389,651

**RECOMMENDATION:**

Adopt resolution approving the Neighborhood Stabilization Program Substantial Amendment for the Fiscal Year 2008-09 Community Development Block Grant Action Plan and authorizing the City Manager to execute related documents to submit the amendment to the U.S. Department of Housing and Urban Development.

Mayor Davis declared the public hearing open.

With the aid of an overhead presentation (filed), Sarah Bontrager, Grants Specialist, explained that the Neighborhood Stabilization Program is intended to address foreclosures and abandoned property by reinvesting in residential neighborhoods. Goals are to preserve the housing stock and help maintain property values within neighborhoods suffering from high foreclosure rates. Elk Grove received a preliminary allocation of \$2.4 million, which must be spent by June 2010. Use of the funds must benefit low- and moderate-income households. An action plan is due to the U.S. Department of Housing and Urban Development (HUD) on December 1. The legislation requires that funds be distributed to the areas of greatest need, which staff recommends be designated as the City boundaries. Twenty-five percent of the funds (\$600,000) must be spent for very-low income households. Staff recommends providing funds to a non-profit that could purchase and rehabilitate foreclosed properties and either rent or resell them. Sixty-five percent of the funds (\$1.5 million) are available for housing activities that serve low- or moderate-income

households. Staff recommends a down payment assistance program that would help purchasers of foreclosed property throughout the City. It is anticipated that 40 to 60 loans could be offered, with the possibility of more in the future as the loans are paid off. HUD recommends setting aside 10% (\$240,000) for administrative costs.

In reply to Vice Mayor Hume, Ms. Bontrager reported that the City could purchase some vacant properties with the redevelopment funds if the City were to put the properties in that category. If the City were to purchase a property currently zoned residential, it could use the funds to do a mixed use development as long as it had a housing component and served the low- or moderate-income population.

Council Member Scherman asked who would oversee the program, to which Ms. Bontrager reported that it would be done by Planning Department staff that currently monitor the Community Development Block Grant program. City Manager Gill interjected that Assistant City Manager Blacklock and Finance Director Craig would ensure all regulations are carried out.

In reply to Council Member Scherman, Ms. Bontrager confirmed that staff intends to contact Women Escaping a Violent Environment (WEAVE) regarding the program.

Council Member Cooper recommended that staff also contact the Children's Receiving Home of Sacramento.

In answer to Mayor Davis, Ms. Bontrager reported that funds could be used toward landscaping uncompleted subdivisions only if they were occupied by low- or moderate-income residents.

**PUBLIC COMMENT:**

None.

Mayor Davis declared the public hearing closed.

***Motion: M/S Scherman/Leary to adopt Resolution No. 2008-248 approving the Neighborhood Stabilization Program Substantial Amendment as recommended for the Fiscal Year 2008-09 Community Development Block Grant Action Plan and authorizing the City Manager to execute related documents to submit the amendment to the U.S. Department of Housing and Urban Development. *The motion passed by the following vote: Ayes: 5; Noes: 0.****

**REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS**

**Agenda Item No. 8.1:** Consider approving the Speed Control Program Guidelines, amending the 2008-13 Capital Improvement Program to modify the Speed Control Program scope, and transferring \$250,000 in Gas Tax funds to the program

**RECOMMENDATION:**

Adopt resolution: 1) approving the Speed Control Program Guidelines, 2) amending the 2008-13 Capital Improvement Program (CIP) to modify the Speed Control Program scope, 3) approving CIP amendment to the Fiscal Year 2008-09 budget to transfer \$250,000 in Gas Tax funds from the Annual Pavement Program to the Speed Control Program, and 4) directing staff to initiate the program.

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

Steve Brown, representing Fehr & Peers transportation consultants, reviewed the Speed Control Program and processes.

Ms. Owens reported that staff intends to put a call out for projects with a due date of January 2009. Data will be collected during January and February with scoring and ranking being done in March. Surveys would then be sent to residents that qualify for the program asking them to vote, followed by construction during the summer of 2009.

**PUBLIC COMMENT:**

None.

**Motion: M/S Cooper/Hume to adopt Resolution No. 2008-249:** 1) approving the Speed Control Program Guidelines, 2) amending the 2008-13 Capital Improvement Program (CIP) to modify the Speed Control Program scope, 3) approving CIP amendment to the Fiscal Year 2008-09 budget to transfer \$250,000 in Gas Tax funds from the Annual Pavement Program to the Speed Control Program, and 4) directing staff to initiate the program. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 8.2:** Consider waiving the Annual Inflationary Increase for the Citywide Roadway, Capital Facilities, Affordable Housing, and Laguna Ridge Park Fees

**RECOMMENDATION:**

Adopt resolution waiving the 2009 inflationary increase for City-administered development impact fees including the Citywide Roadway, Capital Facilities, Affordable Housing, and Laguna Ridge Park Fees.

Heather Ross, Management Analyst, provided an overview of the staff report and recommendation. She noted that the waiver would apply only to City administered fees. The inflationary increase would still apply to fees the City collects on behalf of other agencies.

**PUBLIC COMMENT:**

None.

***Motion: M/S Hume/Scherman*** to adopt **Resolution No. 2008-250** waiving the 2009 inflationary increase for City-administered development impact fees including the Citywide Roadway, Capital Facilities, Affordable Housing, and Laguna Ridge Park Fees. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 8.3:** Consider accepting a grant award from the U.S. Department of Justice for the development of a Domestic Violence Response Team and establish a revenue and expense budget in the amount of \$248,612

**RECOMMENDATION:**

Adopt resolution authorizing the City Manager to: 1) accept a grant award in the amount of \$248,612 from the U.S. Department of Justice for the development of a Domestic Violence Response Team, 2) execute all contracts, reports and other documents required for receiving such funds, and 3) establish a program revenue and expense budget.

Police Chief Lehner provided an overview of the staff report and recommendation.

Police Lieutenant Art Olsen reported that the grant would allow the City to partner with Women Escaping a Violent Environment (WEAVE) and place a full-time WEAVE advocate in the Elk Grove Police department to respond to domestic violence calls and provide support services to victims.

Michelle Coleman of WEAVE noted that the goal is to implement a holistic process to assist survivors of domestic violence.

**PUBLIC COMMENT:**

None.

***Motion: M/S Scherman/Hume*** to adopt **Resolution No. 2008-251** authorizing the City Manager to: 1) accept a grant award in the amount of \$248,612 from the U.S. Department of Justice for the development of a Domestic Violence Response Team, 2) execute all contracts, reports and other documents required for receiving such funds, and 3) establish a program revenue and expense budget. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 8.4:** Consider approving the fourth amendment to the Allied Waste Services of North America, LLC Franchise Agreement [for residential refuse collection and transportation to disposal facilities and recyclables and green waste collection, transportation, processing and marketing] addressing the proper handling and disposal of approved sharps containers

**RECOMMENDATION:**

Adopt resolution authorizing the City Manager to execute the Fourth Amendment to the Franchise Agreement with Allied Waste Services of North America, LLC providing for collection of medical sharps containers from residential premises.

With the aid of an overhead presentation (filed), Cedar Kehoe, Integrated Waste Program Manager, provided an overview of the staff report and recommendation. She explained that the proposed program would benefit residents by allowing them to safely dispose of medical sharps in accordance with State law. Residents could either deliver their sharps container to the Elder Creek Transfer Station without charge or pay \$4.85 per pound at the Sacramento Household Hazardous Waste Collection Facility. Ms. Kehoe reviewed options and explained that staff recommended Option 1 which allows for Allied Waste to pick up medical sharps containers by appointment only at residents' homes without charge. Containers would be collected at front doorsteps and either hand delivered by the resident or the container would be placed in a predetermined location near the front door. Ms. Kehoe stated that Allied Waste will cover all costs associated with this program.

Council Member Cooper supported Option 1 with the exception of dispatching a Code Enforcement Officer should problems be encountered with the collection of the containers.

Council Member Scherman was opposed to allowing residents to leave medical sharps containers outside their homes.

Mayor Davis favored Option 2.

**PUBLIC COMMENT:**

None.

***Motion: M/S Cooper/Hume to adopt Resolution No. 2008-252 authorizing the City Manager to execute the Fourth Amendment to the Franchise Agreement with Allied Waste Services of North America, LLC providing for collection of medical sharps containers from residential premises as outlined in Option 1 of staff's recommendation, excluding the element of dispatching a Code Enforcement Officer. The motion passed by the following vote: Ayes: 3; Noes: 2 (Davis and Scherman).***

**GENERAL ADMINISTRATION INFORMATION**

City Manager Laura Gill reviewed the November 12, 2008 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 reported that she attended a Senior Center Board retreat to discuss the future of the Center and particularly its younger patrons. The Sacramento Public Library Authority Board of Directors is conducting an evaluation of the library and seeking to hire an interim library director and permanent library director.

Council Member Cooper announced that Elk Grove was approved for a grant of \$105,000 from the Office of Homeland Security, which is being administered by the Sacramento Area Council of Governments. The City plans to use these funds to install fencing and security cameras on the Compressed Natural Gas Fueling Facility, which is currently under construction. He asked that the meeting be adjourned in memory of Larry Canfield, a motorcycle officer who died today in an accident while on duty.

Vice Mayor Hume reported that the Elk Grove - Rancho Cordova – El Dorado Connector Joint Powers Authority Board of Directors discussed at its last meeting how El Dorado County will pay their fair share given that they are not a contributor or recipient of Measure A funds. A meeting regarding the Transit Master Plan will be held tomorrow. He expressed appreciation to Council Member Leary for his many years of public service.

Mayor Davis reported that a Neighborhood Leaders Summit would be held on December 8 to introduce new City staff to the community and discuss how the City can better serve its residents and assist neighborhood associations.

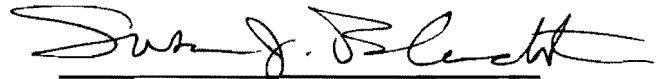
In reference to the Summit meeting, Council Member Cooper stated that the entire City Council should be involved in decisions regarding scheduling special meetings of the Council, pointing out that all five Council Members represent the City.

Council Member Leary congratulated Council Member Elect Detrick. He recalled that, 20 years ago, he responded to a newspaper article asking for interested citizens to submit applications for the Franklin Laguna Area Community Planning Advisory Council. He applied and was appointed by then County Supervisor Toby Johnson. He served on the Advisory Council for two years and was then asked by the Fire Department if he would be interested in running for elective office on the Cosumnes Community Services District Board. He was elected to the Board in 1990 and reelected in 1994 and 1998. He was elected to the Elk Grove City Council in 2000. Mr. Leary mentioned that he came from a family with a dedicated public service foundation. His father worked for the Highway Patrol for 37 years, his mother retired from the Sacramento County Sheriff's Department, and his sister retired from the Riverside County Sheriff's Department. He expressed appreciation

to the community for the opportunity to serve and thanked his three children for their support during the last six campaigns, and to his father for being an inspiration and example to his family. Mr. Leary expressed a love for Elk Grove and best wishes for its future.


**ADJOURNMENT**

With no additional business to conduct, the November 12, 2008 City Council meeting was adjourned in memory of Sacramento Sheriff's Department motorcycle officer Deputy Lawrence Canfield at 8:21 p.m.



SUSAN J. BLACKSTON,  
CITY CLERK

ATTEST:

  
GARY DAVIS, MAYOR