

**MINUTES OF THE CITY COUNCIL
SPECIAL MEETING
Wednesday, February 11, 2009**

CALL TO ORDER/ROLL CALL

Mayor Hume called the Special City Council meeting of February 11, 2009 to order at 5:03 p.m.

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

Absent: None

CLOSED SESSION

There were no public requests to speak.

The City Clerk announced the following closed session items prior to Council adjourning to closed session at 5:05 p.m.:

A) CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code § 54956.8

Property Description: 8821 E. Stockton Boulevard
Elk Grove, CA 95624
APN: 116-0030-001-0000

City Negotiators: John Almazan, Real Property Manager

Negotiating parties: Brian Manning of Desmond, Nolan, Livaich & Cunningham, representing S & S Fencing

Under negotiation: Price and Terms

B) CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code § 54956.8

Property Description: 8821 East Stockton Blvd.
Elk Grove, California
APN: 116-0030-001-0000

City Negotiators: John Almazan, Real Property Manager

Negotiating parties: Brian Manning of Desmond, Nolan, Livaich & Cunningham, representing Stockmens Supply

Under negotiation: Price and Terms

C) CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code § 54956.8

Property Description: 9679 Johnston Road
Elk Grove, CA 95757
APN: 132-0270-022-0000

City Negotiators: John Almazan, Real Property Manager

Negotiating parties:

- Barbara J. Foster, Trustee Foster Family Trust (undivided 9/27th);
- William M. Foster, Trustee William M. Foster Revocable Living Trust (undivided 6/27th);
- Keith Elwood Foster, Successor Trustee Foster Trust (undivided 6/27th);
- Keith Foster, sole and separate property (undivided 3/27th);
- Lester Foster, sole and separate property (undivided 3/27th)

Under negotiation: Price and Terms

D) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code §54956.9(a):

One (1) matter:

1. City of Elk Grove v. ISE Corporation, et al.
Sacramento County Superior Court
Case No. 34-2008-00011409-CU-BC-GDS

E) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code §54956.9(c):

Five (5) matters

F) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code §54956.9(b):

One (1) matter

The City Council reconvened at 6:23 p.m. with all Members present. In reference to closed session Item E), Mayor Hume reported that the following actions were taken:

Motion #1: M/S Cooper/Scherman authorizing Susan Feller of Sherman & Feller to initiate litigation against Reynan and Bardis, and any of its successors, to foreclose the City's tax lien for unpaid special taxes from CFD 2005-1 in Laguna Ridge. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Motion #2: M/S Cooper/Scherman authorizing the City Attorney to commence litigation against Elk Grove Water Service for unpaid fees for work done in the City's roads and rights-of-way. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

No other reportable action was taken in closed session.

REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

Agenda Item No. 3.1: Discuss Wal-Mart proposal in Laguna Ridge

RECOMMENDATION:

Discuss Wal-Mart proposal in Laguna Ridge and provide direction.

Mayor Hume read a summary of facts related to the Wal-Mart store proposed to be constructed on the southeast corner of Bruceville Road and Whitelock Parkway (filed). He explained that, along with the entitlements for the project, certain assumptions were made, such as the size of the store and hours of operation. Mr. Hume reported that he would be meeting with developer and Wal-Mart representatives. Additionally, he stated that the City would be pursuing an urgency ordinance to establish a Zoning Code amendment making it a requirement that certain commercially zoned properties citywide obtain a Conditional Use Permit for extended hours of operation.

Vice Mayor Scherman reported that she also had a meeting scheduled tomorrow with corporate and local Wal-Mart representatives.

Council Member Detrick mentioned that he had been working for the past two weeks on this matter with citizens, staff, and Wal-Mart representatives.

Council Member Davis ensured the large number of meeting attendees that he would vigorously fight for their interests.

PUBLIC COMMENTS:

The following individuals, many of whom identified themselves as Glenbrooke (Del Webb age-restricted community) residents, spoke in opposition to the proposed Wal-Mart project, voicing concerns about its intent to operate the store 24 hours a

day, seven days a week, increased traffic, lighting, noise, crime, litter, transient overnight vehicle parking, sale of firearms and liquor, and general negative effects on the quality of life for adjacent residents; preferred hours of operation offered during the comments included 8:00 a.m. to 10:00 p.m. Monday through Saturday and 8:00 a.m. to 9:00 p.m. on Sunday, or 7:00 a.m. to 10:00 p.m., or 5:00 a.m. to 11:00 p.m.:

Linda Hargan
Peter Gaffney
Howard Perlman
Les McCargo
*Richard Huff
Ronald Larson
Bill Elliott
Betsy Elliott

Jeff Olsen
*Alex Gould
*Steve Lee
Leo Plumley
Harold Dye
Sonja Shurr
Linda Ford
*Debbie Sareeram

Kathy Lee
Laurye Gage
Nichole Munoz-Murrillo
Rob Meyer
Donna Munoz
William Moser
Margaret Moser

*Notes:

- Steve Lee submitted a three page document entitled *Target Site Criteria* (filed);
- Richard Huff, Debbie Sareeram, and Alex Gould, submitted written statements (all filed).
- 29 letters of opposition to the Wal-Mart proposal from Glenbrooke Community residents were submitted (filed).

City Manager Laura Gill stated that email updates would be sent to interested persons and notices would be posted on the City's website as progress proceeds.

Mayor Hume asked that communications be sent to the Glenbrooke lodge to disseminate to its members.

Council Member Davis pointed out that, due to current difficult economic conditions, there is pressure to accept any kind of economic stimulus; however, he believed the City should demand better than what has been proposed in this project. He pledged to meet with Wal-Mart representatives and ask them to choose a more suitable site for the store and, at a minimum, for its representatives to meet with surrounding residents.

Council Member Cooper expressed a concern regarding public safety and reported that the number of calls for service and arrests for shoplifting were greater at Wal-Mart than any other retail establishment. He did not believe the site was a good location for the proposed store.


Vice Mayor Scherman was opposed to the store's proposal to operate 24 hours a day and resultant increased litter that would be generated. She suggested hours of

operation to be 6:00 a.m. to 10:00 p.m. Ms. Scherman explained that she was unavailable to attend Sunday's community meeting, due to a medical condition.

Council Member Detrick stated that he also would be asking Wal-Mart to relocate the project. Additionally, he stated that restricting the hours of operation would be his highest priority.


ADJOURNMENT

With no additional business to conduct, the February 11, 2009 Special City Council meeting was adjourned at 7:30 p.m.



SUSAN J. BLACKSTON,
CITY CLERK

ATTEST:



PATRICK HUME, MAYOR