

**MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
Wednesday, March 11, 2009**

**CALL TO ORDER/ROLL CALL**

Mayor Hume called the Regular City Council meeting of March 11, 2009 to order at 6:03 p.m.

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

Absent: Council Member Davis

Council Member Cooper led the Pledge of Allegiance.

Mayor Hume asked that a moment of silence be observed.

**APPROVAL OF AGENDA**

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

**CLOSED SESSION**

None.

**PRESENTATIONS/ANNOUNCEMENTS**

Vice Mayor Scherman reported that a letter of reference from the City has been requested on behalf of the Sacramento Academic and Vocational Academy, which is due this Friday to the Sacramento Employment and Training Agency. Following discussion it was decided that City Manager Gill would prepare the response.

**PUBLIC COMMENT**

Joan Masterson introduced herself as a member of the Glenbrooke Steering Committee. She recommended that the City Council and members of the public *not* attend the upcoming Wal-Mart meeting because they have declined to offer a question and answer period. Ms. Masterson stated that the Glenbrooke Steering Committee would organize a community meeting in the near future and would invite Wal-Mart representatives to attend.

Terry White reported that he added a 500 square foot dwelling onto his property. He was told that permit fees would cost \$25,808 if he put in a kitchen, which

included a stove, and only \$1,500 if he did not install a stove. He complained of the unfairness in fees, based solely on whether a stove was placed in the kitchen.

Mayor Hume provided further clarification regarding second dwelling unit permit fees.

Steve Lee learned at 4:30 p.m. today that Wal-Mart has acquiesced to a question and answer period and would provide chairs at its upcoming meeting. Because Glenbrooke residents have already asked its members not to attend the meeting, he stated that Wal-Mart would be asked to reschedule a joint meeting after conferring with stakeholder groups.

### **CONSENT CALENDAR ITEMS**

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

**Agenda Item No. 6.1:** Approved General Warrant No. 43714 through 44281 dated February 1, 2009 through February 28, 2009, and Electronic Fund Transfer 2009096 through 2009108, and Automatic Clearing House

**Agenda Item No. 6.2:** Approved City Council Meeting Minutes: a) February 27, 2009 Special Meeting; and b) February 28, 2009 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 March 4, 2009

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

**Agenda Item No. 6.5:** **Ordinance No. 4-2009** adopted amending the City of Elk Grove Zoning Map from Agricultural Residential-5 acre minimum (AR-5) to General Commercial (GC) for the Shops at Calvine Project (EG-08-018; APN: 121-0190-009) **(Second Reading)**

**Agenda Item No. 6.6:** **Ordinance No. 5-2009** adopted amending the Calvine / 99 Special Planning Area to modify land uses for APNs 115-0162-010, -011, -019, -021, -023, -024, -027, -030, -031, 115-0150-064, -067, and -073 from Low Density Residential and Medium Density Residential to Commercial and High Density Residential and to Rezone APNs 115-0162-010, -011, -019, -021, -023, -024, -027, -030, -031, 115-0150-064, -067, -073, 116-0030-045, -068, -069, -078, -081, -083, and -089 from SPA and AR-5 to GC, LC, and RD-20 **(Second Reading)**

amended its timeline to add public outreach to coincide with drafting the charter, because the survey results showed that a majority of citizens had little understanding of the process or benefits of having a city charter. Public outreach began in December 2008 with the assistance of HDR/The Hoyt Company. A preliminary draft of the charter will be presented to Council in June 2009. He reviewed draft language developed to date, which included:

- City Council – seven members including a mayor; Alternative #1: five districts with each district electing one resident from the district, an elected mayor and one council member elected at large; Alternative #2: six districts with council members elected by district and an elected mayor; Alternative #3: six districts with council members elected from districts and the mayor elected at large.
- Mayor – Directly elected at large for a four year term with administrative suspension authority on executive level management decisions;
- Council-Manager form of government;
- Independent Commission on Council Districts – comprised of 13 city residents appointed for ten year terms; each council member and mayor would appoint one member from his or her district and other members would be randomly drawn from each district;
- Public Works – Projects under \$50,000 would not require a bidding process and could be approved by the city manager without council approval; design-build standards could be used to reduce costs, expedite completion, or incorporate difficult design features; projects could be awarded to either the lowest responsible bidder or by use of best value.

Mr. Allen noted that future topics to be discussed by the Charter Commission include:

- March 17 – Public Works issues such as local and green business preferences, authorization for a city maintenance department.
- April 24 – Public Safety meeting to consider the position of city prosecutor, taxpayer and free speech protection, preamble to the charter, and term limits.
- May 5 – Employment issues, campaign finance reform, and civil service.

He noted that HDR/The Hoyt Company has developed key messages, a fact sheet, compiled a database of community groups, and is coordinating a logo contest with Elk Grove Unified School District. Commissioners have attended five community meetings in January and four in February. The Commission has partnered with Elk Grove Community Connection to hold a public information meeting on March 24.

**PUBLIC COMMENT:**

None.

Council Member Cooper recalled that, when the Charter Commission was originally established, there was a list of six items that were to be addressed prior to starting public outreach, i.e. 1) selection of the mayor; 2) number of council districts, 3) form of governance: strong mayor v. council-manager; 4) bidding of public work projects,

**Agenda Item No. 6.7:** Resolution No. 2009-47 adopted authorizing the City Manager to ratify the disbursement of funds without contract to Phoenix Group Information Systems in the amount of \$13,000 and execute an agreement through June 30, 2009 for parking citation processing services in the amount of \$4,000

**Agenda Item No. 6.8:** Resolution No. 2009-48 adopted authorizing the City Manager to execute a contract amendment with S&G Enterprises for the installation, repair and removal of emergency response equipment for Police and City vehicles increasing the total not to exceed amount to \$165,000

**Agenda Item No. 6.9:** Resolution No. 2009-49 adopted approving an updated parking violation fine schedule that implements California state mandated surcharges as identified in Government Code 76000 and SB1407 including an increased proof of correction fee

**Agenda Item No. 6.10:** Resolution No. 2009-50 adopted authorizing the City Manager to execute a consultant services contract amendment with Mark Thomas & Company, Inc. for the Grant Line Road / State Route 99 Interchange Reconstruction Project to extend the termination date to January 31, 2010

**Agenda Item No. 6.11:** Resolution No. 2009-51 adopted approving Parcel Map No. 05-866.01 Center Pointe at Laguna

**Agenda Item No. 6.12:** Resolution No. 2009-52 adopted accepting the public improvements for Laguna Ridge Specific Plan – Whitelock Parkway Landscaping

**Agenda Item No. 6.13:** Resolution No. 2009-53 adopted authorizing the City Manager to execute an on-call consultant contract with Stewart Title of Sacramento for title, escrow and related services in an amount not to exceed \$100,000 annually

#### **PUBLIC HEARINGS**

None.

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

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

#### **RECOMMENDATION:**

Receive Charter Commission quarterly report and provide direction as deemed appropriate.

With the aid of an overhead presentation (filed), Jake Allen, Charter Commission Chair, noted that this was the Commission's third quarterly report to Council. In June 2008, a telephone survey was conducted to understand the public's perception and preferences regarding a city charter. The Charter Commission

5) availability of financing mechanisms, and 6) campaign finance. He expressed concern that the Commission appears to have veered off in many directions. He cited public safety and the city prosecutor position as examples, noting that the City is currently low on staff and adding positions would be very expensive. He advised Chair Allen to narrow the Commission's focus to the originally assigned topics and begin public outreach once they are complete.

Mr. Allen pointed out that the establishing resolution allowed for other topics to be considered by the Commission. Various ideas have been brought up during public outreach sessions. A meeting with the Elk Grove Police Officers Association (POA) also took place. Additionally, during consideration by the Commission of main topics, discussion often blended into associated areas. He assured the Council that the Commission would meet the June 2009 target date to bring a draft charter forward for Council's consideration.

Council Member Cooper suggested that the Commission make a list of topics brought up by members of the public and begin addressing them after the seven main topics have been completed.

Vice Mayor Scherman agreed with Mr. Cooper's comments and emphasized that community outreach should have proceeded after the main topics were addressed. She noted that only two staff members were assigned to the Charter Commission meetings and the research tasks given to the City Attorney are monopolizing a lot of her time. Ms. Scherman was opposed to adding a city prosecutor position. She expressed concern that the Commission was going in too many different directions.

In response to Vice Chair Scherman, Mr. Allen stated that he met with many board members of the POA and the topic of having a city prosecutor was voiced out of frustration that officers make arrests, take them to the County, pay booking fees, and then they are released the next day because the District Attorney feels that there is not enough time or money to deal with the matter. It is believed that having a city prosecutor would ameliorate this situation.

Council Member Detrick agreed with comments made by Council Member Cooper and Vice Mayor Scherman. He recommended Chair Allen return the focus of the Charter Commission to its original charge.

Mayor Hume pointed out that the City Council can revise the draft charter once it is presented for consideration. He had heard criticisms that Commission members were initiating topics for discussion themselves, rather than reacting to comments and suggestions made at public outreach meetings. Additionally, an inordinate amount of time is spent on the minutia of editing and punctuating the document, which would be better left to final stages of the process.

## **Agenda Item No. 8.2: Special Event Permit Process**

### **RECOMMENDATION:**

Provide direction on streamlining the Temporary Use Permit process and establishing a new process for issuing special event permits in the City of Elk Grove.

Police Chief Robert Lehner provided an overview of the staff report and seven recommendations as outlined on page 3 of the staff report.

Council expressed concern regarding small non-profit organizations and did not want the cost to increase to an extent that it negatively affected their efforts.

Chief Lehner replied that different categories and fee structures could be created to recognize the burden some events have on the community, e.g. additional security. Additionally, a fee or security structure based on previous experience with groups could be created. Staff desires to create a process that coordinates with other agencies as well.

In response to Vice Mayor Scherman, Chief Lehner suggested that Council authorize which events and how much to sponsor, as well as specifically authorizing expenditures such as police support, rather than having it absorbed into the cost.

In answer to Council Member Detrick, Chief Lehner estimated that between \$100,000 and \$150,000 is spent annually on police services costs related to special events.

### **PUBLIC COMMENT:**

Jeri Retzlaff spoke in support of staff's recommendation. She expressed hope that the process would incorporate interagency functions, so applicants understand all the processes that are involved. She stated that non-profit groups generally meet monthly for six months prior to events and suggested that staff take that into consideration when setting deadlines. She urged Council to weigh the cost versus the benefit to the City, noting that the Harvest Festival brings many people to Elk Grove.

Council asked Chief Lehner to return with a cost estimate for each of the regular events.

Mayor Hume made the following recommendations:

- Some costs should be waived for the Western, Harvest, and Strauss Festivals and the Red, White, and Blue 4<sup>th</sup> of July event;
- There should be a fee differential between small and large scale events, as well as for profit and non-profit organizations;

- 30 to 45 days would be a reasonable lead time, with a higher cost for expedited service or a late fee if deadlines are not adhered to;
- A renewal rate that is less than an initial rate, or discount for those groups that consistently create no problems;
- Outline all the steps involved so that the full process can be understood by applicants.

Vice Mayor Scherman suggested that a notice about the proposed changes be posted on the City's website and in the monthly newsletter. She emphasized the importance of coordinating the process with the Cosumnes Community Services District.

**Agenda Item No. 8.3:** Urban Study Area and Sphere of Influence (SOI) Amendment Project Update

**RECOMMENDATION:**

Direct staff to work collaboratively with the County to complete an accelerated community outreach effort; seek to develop a draft agreement (for future City Council consideration) that reflects a shared vision and common interests for the SOI and south County area; and simultaneously ask LAFCo to begin the environmental review consultant procurement process.

With the aid of an overhead presentation (filed), Taro Echiburú, Environmental Planning Manager, provided an overview of the staff report and recommendation.

Assistant City Manager Patrick Blacklock reported that the City and County have been working collaboratively over the last few months to identify what types of planning issues need to be addressed in order for the Sphere of Influence (SOI) application to proceed. Issues discussed include the agricultural urban interface, recreation corridors flood plain protection and consistency with the City and County General Plans. Community representatives including landowners from the Wilton area have expressed concerns, interests, and alternative strategies that they suggest be considered before moving forward. Additional outreach in collaboration with City and County representatives could be undertaken. Information collected would be reviewed to identify whether there were common interests or planning elements that could form the basis for an agreement that could describe a shared vision, which could be incorporated into the Local Area Formation Commission (LAFCo) process and become part of the SOI as it moved forward. Simultaneously, staff could work with LAFCo to initiate the environmental review consultant procurement process.

**PUBLIC COMMENT:**

Tom Mahon, representing the Mahon Family Partnership, which raises beef cattle, corn, alfalfa and other types of hay crops, stated that his family has been farming the bottom lands and floodplain for over 100 years and intends to continue for as

many years to come. In the future, they plan to include limited types of agri-tourism on a seasonal basis with a focus on sustainable agriculture. He believed the County of Sacramento has done a good job with its agricultural policies and continuing refinement of the agricultural element of its General Plan. The County Urban Services Boundary has been drawn at the edge of the floodplain for many years. The Mahon Family Partnership plans to make sure that any future development on the upland portion of its property is compatible with its agricultural operations.

Michael Winn stated that he was representing South Elk Grove's Owners Group, an affiliation of landowners directly adjacent to the current city limits on the south side of Kammerer Road and across the street from the partially constructed Promenade Mall. He voiced strong support to restart the LAFCo process and begin the year long environmental review. He asked that the City be expedient throughout the SOI process.

Constance Conley announced that Elk Grove Community Connection (EGCC) was sponsoring a SOI Summit meeting on March 18, at which many stakeholders would be participating. She asked Council to recognize EGCC when outreach is considered in the future.

Council supported staff's recommendation to work collaboratively with the County to complete an accelerated community outreach effort; seek to develop a draft agreement (for future City Council consideration) that reflects a shared vision and common interests for the SOI and south County area; and simultaneously ask LAFCo to begin the environmental review consultant procurement process.

**Agenda Item No. 8.4:** Receive the Sacramento Tree Foundation Urban Forest Canopy Assessment report and consider resolution authorizing funding for the Sacramento Tree Foundation Greenprint Program

**RECOMMENDATION:**

1. Provide direction on the preparation of a plan to achieve 35% canopy cover; and
2. Adopt resolution:
  - a) Authorizing a Fiscal Year 2008-09 Tree Mitigation Fund budget amendment in the amount of \$15,000;
  - b) Authorizing the City Manager to expend \$15,000 from the Tree Mitigation Fund for the Sacramento Tree Foundation Greenprint Program; and
  - c) Directing staff to allocate \$15,000 in the Tree Mitigation Fund budget for each of the next four fiscal years to fund the Sacramento Tree Foundation Greenprint Program.

Taro Echiburú, Environmental Planning Manager, provided an overview of the staff report and recommendation.

**PUBLIC COMMENT:**

None.

**Motion:** *M/S Cooper/Scherman to direct staff to prepare a plan to achieve a 35% canopy cover and adopt Resolution No. 2009-54 a) authorizing a Fiscal Year 2008-09 Tree Mitigation Fund budget amendment in the amount of \$15,000, b) authorizing the City Manager to expend \$15,000 from the Tree Mitigation Fund for the Sacramento Tree Foundation Greenprint Program and c) directing staff to allocate \$15,000 in the Tree Mitigation Fund budget for each of the next four fiscal years to fund the Sacramento Tree Foundation Greenprint Program. **The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Davis)***

**Agenda Item No. 8.5:** Consider possible future amendments to the Elk Grove Municipal Code pertaining to the utility billing process

**RECOMMENDATION:**

Direct staff to: 1) prepare an ordinance to amend the existing Elk Grove Municipal Code creating new methods for instituting drainage and solid waste services, including requiring customer deposits and providing for suspension of trash hauling service for non-payment; and 2) develop a Temporary Assistance Program to help qualified customers temporarily pay their City utility bills.

With the aid of an overhead presentation (filed), Rebecca Craig, Finance Director, provided an overview of the staff report and recommendation. She reported that there are 46,000 customers in utility billing, which prior to last year had a 4% delinquency factor averaging a balance of \$650,000. Currently there is a 9% delinquency factor which exceeds \$1 million. Bankruptcies and foreclosures are discharging some of the liens and increasing the uncollectible amount. Ms. Craig made the following suggestions for Council's consideration:

- Collect deposits;
- Require applications to open accounts;
- Suspend service on accounts that are 107 days delinquent; and
- Develop a temporary assistance program.

**PUBLIC COMMENT:**

None.

*Note: Council Member Cooper left temporarily at 8:00 p.m.*

**Motion:** *M/S Scherman/Detrick directing staff to: 1) prepare an ordinance to amend the existing Elk Grove Municipal Code creating new methods for instituting drainage and solid waste services, including requiring customer deposits and providing for suspension of trash hauling service for non-payment; and 2) develop a Temporary Assistance Program to help qualified customers temporarily pay their City utility bills. **The motion passed by the following vote: Ayes: 3; Noes: 0; Absent: 2 (Davis and Cooper)***

*Note: Council Member Cooper returned at 8:02 p.m.*

**Agenda Item No. 8.6:** Consider proposal from Allied Waste Services of North America, LLC for an extension of the Residential Solid Waste Franchise Agreement through June 30, 2018

**RECOMMENDATION:**

Receive proposal submitted by Allied Waste Services of North America, LLC (Allied) to extend the Collection Franchise Agreement and Disposal Agreement entered into on April 23, 2004 (and set to expire on June 30, 2011) for an additional seven year period and provide direction to staff to either:

- 1) Accept the Allied proposal and return at the April 8, 2009 City Council meeting with information to prepare the required public notice information for the annual rate adjustment including Allied's proposal; OR
- 2) Receive and file the Allied proposal and take no further action.

With the aid of an overhead presentation (filed), Cedar Kehoe, Integrated Waste Services Manager, provided an overview of the staff report and recommendation.

With the aid of an overhead presentation (filed), Keith Hester, General Manager of Allied Waste Services reviewed the contract extension proposal. He stated that the contract extension would provide ongoing future rate stabilization through 2018.

Ms. Kehoe reported that Allied Waste provided a cost estimate of what they would charge to perform the solid waste billing function currently provided by the City utility billing division. She explained that, having Allied perform this function, would alleviate the City of any bad debt incurred from delinquent accounts. The Finance Department is developing a cost allocation plan to appropriately account for direct and indirect costs of all City services including utility billing and solid waste. If Council directs staff to proceed with the Allied Waste contract extension, an analysis would be brought back to Council for consideration. A public hearing on proposed rate increases is planned for June 24, at which time Council could elect to approve the Allied Waste contract extension, with the new rates taking effect on July 1, 2009. Ms. Kehoe stated that, given the current market and potential for limited competition, the City's consultant advised that a rate increase higher than what Allied Waste is proposing in its extension is likely if the City were to wait two years and issue a Request for Proposal.

**PUBLIC COMMENT:**

Carol McDaris believed that Allied Waste was doing a good job and felt it was in the City's best interest to extend its contract.

William Hayes stated that Allied Waste cleans up any spills, has personable staff, and is a good company.

Council supported staff's recommendation to accept the Allied proposal and return at the April 8, 2009 City Council meeting with information to prepare the required public notice information for the annual rate adjustment including Allied's proposal.

**Agenda Item No. 8.7:** Consider establishing a Council Ad-Hoc Committee to review and provide direction regarding selection of lobbying firms for the provision of Federal and State Legislative Advocacy Services

**RECOMMENDATION:**

Appoint a two-member Council Ad-Hoc Committee to review and provide direction on the selection of lobbying firms for the provision of Federal and State legislative advocacy services.

Kara Reddig, Assistant to the City Manager, provided an overview of the staff report and recommendation.

**PUBLIC COMMENT:**

None.

**Motion:** *M/S Detrick/Cooper* appointing Council Member Cooper and Vice Mayor Scherman to the Council Ad-Hoc Committee to provide selection of lobbying firms. ***The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Davis)***

**GENERAL ADMINISTRATION INFORMATION**

City Manager Laura Gill reviewed the March 11, 2009 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)*):

Vice Mayor Scherman reported on the following items:

- She had received calls about the maintenance of creeks and canals, noting that they are clogged with weeds;
- The Habitat Conservation Plan was discussed at the Sacramento Regional County Sanitation District Board meeting;
- The Library Board will complete its recruitment for Library Director at the end of next month;
- She attended the retirement luncheon for Police Captain Burich today;
- Congressman Lungren will have a Town Hall meeting on April 7 and will also be unveiling the Communication Center plaque in honor of former Police Chief Robert Simmons; and

- Requested recognition be given to Lovelie Sterling who will be celebrating her 100<sup>th</sup> birthday on May 20.


Mayor Hume reported that the Elk Grove segment of the Capital Southeast Connector will be discussed at the next Joint Powers Authority Board meeting. The City Council set long and short term goals at its recent retreat. He and Vice Mayor Scherman traveled to Washington D.C., accompanied by the City Manager and Assistant to the City Manager, for the purpose of lobbying for City projects, he believed the effort would result in funding this year.

**ADJOURNMENT**

With no additional business to conduct, the March 11, 2009 City Council meeting was adjourned at 8:40 p.m.

  
SUSAN J. BLACKSTON,  
CITY CLERK

ATTEST:

  
PATRICK HUME, MAYOR