

**MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
Wednesday, June 24, 2009**

**CALL TO ORDER/ROLL CALL**

Mayor Hume called the Regular City Council meeting of June 24, 2009 to order at 6:27 p.m.

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

Absent: None.

Council Member Detrick led the Pledge of Allegiance.

Mayor Hume asked that a moment of silence be observed.

**APPROVAL OF AGENDA**

***Motion: M/S Scherman/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 Charter Commission Chairman Jake Allen presented a \$400 prize award to Garrett Harada, winner of the Charter logo design contest.

**PUBLIC COMMENT**

Newton Ekpo presented certificates of appreciation to Mayor Hume and Council Members Davis and Detrick for their participation in the June 20 Fatherhood Conference and to Kara Reddig for her assistance with preparations for the event.

Joe Debbs submitted a written statement (filed) expressing concerns about a construction project underway on west Stockton Boulevard between Laguna Boulevard and Sheldon Road. The project, which involves replacement of the Laguna Creek Bridge, began in May and is scheduled for completion in September. Mr. Debbs' home is 30 feet from the construction site. He complained of noise, close proximity to potentially dangerous vehicle accidents, alteration of the ecosystem, and potential flooding, due to change of the creek's flow contour. He

requested complete restoration of preexisting vegetation, repair of damage to all neighboring streets, restocking of the creek with original species of fish, and building a sound wall and safety barrier around his property. Mr. Debbs alleged that City staff did not place proper signage about the project or distribute a schedule of repairs to notify residents.

Darnetta Lawson asked why the new contract with MV Transportation would require background checks on bus drivers who have been working in Elk Grove since e-tran began serving the City. She reported that, when this occurred in Lodi, there were longtime bus drivers who were fired due to their juvenile records. She asked what the criteria would be and how far back in a person's history they would be checking. Additionally, she inquired whether any documentation would be considered such as certificates of rehabilitation from the Department of Corrections. She felt the process was particularly unfair to persons with lengthy good job records.

In answer to Mayor Hume, Transportation Manager Tiffany Fink confirmed that the new contract would require the same level of screening for bus drivers as is required for City employees. A pass or fail list would be provided by the Police Department. She noted that it is not a condition of the bus drivers' employment; it is a condition of their eligibility to work in the City of Elk Grove.

In response to Council inquiries, Police Chief Lehner stated that he would research the background check criteria and report back. He commented that it was standard practice to run criminal background checks on people who are employed by, or on behalf of, government.

A representative of MV Transportation stated that the company would find other work locations for any bus drivers who were displaced, due to the higher standard imposed by Elk Grove.

Leslie Peete hoped that consideration would be made for bus drivers who may have information on their background investigation, but who have since maintained exemplary employment records. She pointed out that there is an advantage in employing bus drivers with diversified backgrounds because they sometimes have to deal with difficult riders.

Council Member Cooper explained that the City, as a public entity, has an obligation to protect its citizens. He felt that all employees should be held to the same standard, whether as a City employee or contract employee. Further, he stated that persons with certain convictions, such as armed robbery or violent crimes, should be precluded from such employment.

Bishop Ron Allen stated that he was the President of the International Faith Based Coalition. He pointed out that it is very difficult to find employment for those who have served prison time and have been rehabilitated. He urged Council to consider

the far reaching effects of terminating the employment of individuals who have maintained good work records for many years, many of whom have families to support.

Greg Higley stated that frequent fingerprinting and background checks provide more accurate reports because, over time, fingerprints change.

### **CONSENT CALENDAR ITEMS**

***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 City Council Meeting Minutes of: 1) May 27, 2009 Special Meeting; and 2) May 27, 2009 Regular Meeting

**Agenda Item No. 6.2:** Received report on City Manager approved purchases and contracts authorized by Elk Grove Municipal Code Chapter 3.42 Contracts and Purchasing, filed through June 17, 2009

**Agenda Item No. 6.3:** Received report on Requests for Proposals, Qualifications, and Bids

**Agenda Item No. 6.4:** Resolution No. 2009-120 adopted authorizing the City Attorney to provide annual certifications and assurances for all Federal Transit Administration requirements

**Agenda Item No. 6.5:** Resolution No. 2009-121 adopted granting Cosumnes Community Services District a Landscape Maintenance Easement

**Agenda Item No. 6.6:** Received the 2008 Annual Growth Report

**Agenda Item No. 6.7:** Resolution No. 2009-122 adopted authorizing the City Manager to execute a two year agreement with Foothill Transcription Company, Inc. for police transcription services in an amount not to exceed \$180,000

**Agenda Item No. 6.8:** Resolution No. 2009-123 adopted authorizing the City Manager to execute a two year agreement with Phoenix Group Information Systems for parking citation processing in an amount not to exceed \$30,000

**Agenda Item No. 6.9:** Resolution No. 2009-124 adopted authorizing the City Manager to execute a two year contract with Union Bank for Lockbox payment processing services in an amount not to exceed \$120,000

**Agenda Item No. 6.10:** Resolution No. 2009-125 adopted authorizing the City Manager to execute a two year contract with InfoSend, Inc. for Utility Billing services in an amount not to exceed \$500,000

**Agenda Item No. 6.11:** Authorized recruitment to fill two vacancies on the Youth Commission

## **PUBLIC HEARINGS**

**Agenda Item No. 7.1:** A public hearing to consider setting solid waste service rates and authorizing the City Manager to execute the fifth amendment to the Franchise Agreement with Allied Waste Services of North America, LLC for residential refuse collection and transportation to disposal facilities and recyclables and green waste collection, transportation, processing and marketing

### **RECOMMENDATION:**

Adopt resolutions:

- 1) Setting monthly solid waste services rates, effective July 1, 2009; and
- 2) Authorizing the City Manager to execute the Fifth Amendment to the Franchise Agreement with Allied Waste Services of North America, LLC related to payment of contractor compensation.

Mayor Hume declared the public hearing open.

With the aid of an overhead presentation (filed), Cedar Kehoe, Integrated Waste Program Manager, provided an overview of the staff report and recommendation. She reported that no majority protest was received, as it would have required 22,300 written protests and only 32 were received. She reviewed the proposed rates as detailed in Exhibit A to the resolution (filed).

### **PUBLIC COMMENT:**

None.

Mayor Hume declared the public hearing closed.

***Motion:*** ***M/S Cooper/Detrick*** to adopt **Resolution No. 2009-126** setting monthly solid waste services rates, effective July 1, 2009 and **Resolution No. 2009-127** authorizing the City Manager to execute the Fifth Amendment to the Franchise Agreement with Allied Waste Services of North America, LLC related to payment of contractor compensation. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 7.2:** A public hearing to consider the rezone of approximately 2.0 acres from Highway Travel Commercial to General Commercial for the Harbour Point Rezone project located at 9180 and 9186 Harbour Point Drive (EG-09-016; APN 119-1970-003)

### **PLANNING COMMISSION RECOMMENDATION**

Introduce and waive the full reading, by substitution of title only, an ordinance amending the City of Elk Grove Zoning Map for a 2.0 acre parcel from Highway Travel Commercial (TC) to General Commercial (GC) for the Harbour Point Rezone project.

Mayor Hume declared the public hearing open.

With the aid of an overhead presentation (filed), Mike Costa, Planner, explained that rezoning this parcel would afford the property more permitted commercial uses than otherwise permitted under the commercial land use category in the Zoning Code. Staff had analyzed the project and found the rezone to be consistent with the General Plan's commercial land use designation and found that Travel and General Commercial uses are both encouraged at this location which is within close proximity to a freeway, major arterial and major intersection. The project was approved by the Planning Commission for design review in 2005; it was completed in 2007 and remains vacant.

### **PUBLIC COMMENT:**

None.

Mayor Hume declared the public hearing closed.

***Motion: M/S Davis/Cooper*** to introduce and waive the full reading, by substitution of title only, **Ordinance No. 13-2009** amending the City of Elk Grove Zoning Map for a 2.0 acre parcel from Highway Travel Commercial (TC) to General Commercial (GC) for the Harbour Point Rezone project. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

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

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

### **RECOMMENDATION:**

Receive Quarterly Report from Chair Allen of the Elk Grove Charter Commission and provide direction as deemed appropriate.

With the aid of an overhead presentation (filed), Jake Allen, Charter Commission Chair, reviewed the draft charter language, which was included as an attachment to the staff report (filed). Mr. Allen stated that, between now and November, the Charter Commission would conduct public outreach to discuss the preliminary draft charter and the potential of other topics for inclusion in the charter. He asked that Council review the draft charter and provide feedback to the Commission within the next four to six weeks.

**PUBLIC COMMENT:**

Leo Fassler stated that he had attended many of the Charter Commission meetings and commended them for their perseverance and good work product.

Council Member Davis recalled that, when Elk Grove incorporated, the premise was to have local control. He believed parochialism occurs in cities that have council members elected "by" districts. He felt that every council member should be working toward the City vision, not just one or two that are elected citywide. He emphasized that there must be City accountability by the voters to every council member so that the strengthening of neighborhoods could continue. In regard to Public Works, he suggested that a prequalification program be included in the charter. Further, he expressed support for a program that would give priority to regional businesses, as well as local businesses. He felt that a final charter product should include language ensuring the City works with quality contractors who pay employee health benefits and provide certified training programs for their employees.

Vice Mayor Scherman asked the Commissioners to estimate the amount of time they have contributed thus far to their work.

Council Member Detrick expressed agreement with Council Member Davis' statements.

Mayor Hume suggested that the Commission recess from further meetings until July 22 at which time the City Council would provide feedback on the draft charter language.

**Agenda Item No. 8.2:** Consider the introduction of an ordinance amending Section 15.10.045(C) of the Elk Grove Municipal Code entitled *Levy of Charge in South Elk Grove Storm Drainage Utility Fee Area* and adoption of a resolution setting the monthly fee calculation for the South Elk Grove Storm Drainage Utility Fee Area

**RECOMMENDATION:**

- 1) Introduce and waive the full reading, by substitution of title only, an ordinance amending Elk Grove Municipal Code Section 15.10.045(C) entitled *Levy of Charge in South Elk Grove Storm Drainage Utility Fee Area*; and
- 2) Adopt resolution setting the monthly fee calculation for all non-residential, non-exempt parcels in the South Elk Grove Storm Drainage Utility Fee Area.

Darren Wilson, Development Engineering Manager, provided an overview of the staff report and recommendation. He noted that, after the City received several protests from commercial customers within the Zone 2 area, staff looked into the original report and determined that there were some inequities in the way the commercial fee was structured. This item will correct the inequities by reducing the fee.

**PUBLIC COMMENT:**

None.

***Motion #1: M/S Cooper/Scherman*** to introduce and waive the full reading, by substitution of title only, **Ordinance No. 14-2009** amending Elk Grove Municipal Code Section 15.10.045(C) entitled *Levy of Charge in South Elk Grove Storm Drainage Utility Fee Area*. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

***Motion #2: M/S Cooper/Davis*** to adopt **Resolution No. 2009-128** setting the monthly fee calculation for all non-residential, non-exempt parcels in the South Elk Grove Storm Drainage Utility Fee Area. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 8.3:** Informational item regarding the Transmission Agency of Northern California's Transmission Project

***Motion: M/S Scherman/Davis*** to continue Item 8.3 to the regularly scheduled meeting of July 22, 2009. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 8.4:** Consider adopting a resolution regarding claims settlement

**RECOMMENDATION:**

Adopt resolution regarding settlement authority for claims against the City of Elk Grove.

Susan Cochran, City Attorney, provided an overview of the staff report and recommendation.

**PUBLIC COMMENT:**

None.

***Motion: M/S Cooper/Scherman*** to adopt **Resolution No. 2009-129** regarding settlement authority for claims against the City of Elk Grove. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**GENERAL ADMINISTRATION INFORMATION**

City Manager Laura Gill reviewed the June 24, 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)*):

Council Member Detrick noted that the Vice President of the Elk Grove Airport has invited everyone to its open house on June 27. He attended the McConnell Estates Winery fundraiser for Hank Gibbs and a fundraiser on June 21 for Stephen Benetti, the son of an Elk Grove police officer who had been injured. On June 20 he participated in the Fatherhood Conference. He commended the Police Chief and his staff for the "beat" meeting held on June 23.

Vice Mayor Scherman commented that she spent a week in Disneyland hosting a trip for her grandchildren.

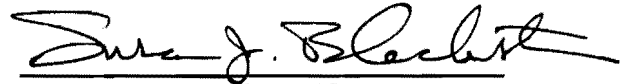
Council Member Davis reported that policy priorities were considered at the Sacramento Area Council of Governments meeting. Assembly Bill 1006 will be considered by the Senate Committee on Governmental Organization. He reminded citizens that the 4<sup>th</sup> of July Run for Independence event is being coordinated by Elk Grove Community Assistance Network. He participated in the June 20 Fatherhood Conference and emphasized the importance of staying involved in children's lives. He received consensus from Council Members to direct staff to draft a water conservation ordinance for Council's consideration. He asked for a report back regarding criteria used for bus driver background investigations, to which Deputy City Manager Cody Tubbs confirmed it would be provided. Mr. Tubbs noted that contract negotiations with MV Transportation would proceed and, if Council desires to amend the background investigation criteria, the City Manager can process an amendment to the contract.

Council Member Cooper mentioned that he was unable to participate in the June 20 Fatherhood Conference because his daughter's softball team was qualifying for the Class A Girls' National Championship; in July, they will be playing in Marietta, Georgia.

Mayor Hume reported that the Sacramento Regional Transit District Board of Directors authorized its General Manager to execute a transfer agreement with Elk Grove. Additionally, they raised its regular bus fare to \$2.50 and the unlimited paratransit monthly pass to \$125. At the recent District 2 meeting sponsored by Elk Grove Community Connection, a concern was raised in relation to the Rural Road Standards being applied to the Catholic Church Project. He inquired about the driveways for the apartments at the corner of Bond and Waterman Roads, to which Planning Manager Jessica Shalamunec confirmed they would both be right-in right-out and one is temporary. She stated that, in the future, if there is a road on the northern side, a secondary access would be added.

**ADJOURNMENT**

With no additional business to conduct, the June 24, 2009 City Council meeting was adjourned at 8:03 p.m.

  
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SUSAN J. BLACKSTON,  
CITY CLERK

ATTEST:

  
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PATRICK HUME, MAYOR