

**MINUTES OF THE CITY COUNCIL  
SPECIAL MEETING  
Wednesday, July 8, 2009**

**CALL TO ORDER/ROLL CALL**

Mayor Hume called the Special City Council meeting of July 8, 2009 to order at 5:03 p.m.

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

Absent: Council Member Cooper (arrived at 5:06 p.m.)

**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 5:03 p.m.:

**A) CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
Pursuant to Government Code § 54956.8

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

City Negotiators: John Almazan, Real Property Manager  
Negotiating parties: Carrie Cathalifaud representing Barbara Foster

Under negotiation: Price and Terms

**B) CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
Pursuant to Government Code § 54956.8

Property Description: 8821 East Stockton Boulevard  
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 LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Government Code §54956.9(a):

Four (4) matters:

1. Alexander v. City of Elk Grove  
Sacramento County Superior Court  
Case No. 06AS05371
2. Smith, James, Smith, Desmond, and Yerba, Juan v. City of Elk Grove  
Sacramento County Superior Court  
Case No. 34-2009-00039299
3. Sherman v. City of Elk Grove  
Sacramento County Superior Court  
Case No. 34-2009-00043145
4. Wilton Miwok Rancheria, et al., v. Kenneth Salazar, et al.  
United States District Court, Northern District of California  
Case No. c-07-02681 (JF) (PVT)

**D) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

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

One (1) matter

**E) CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code § 54957.6

Agency Designated Representative: Laura Gill, City Manager  
Employee Organization: Elk Grove Police Officers' Association

**F) PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code § 54957

Title: City Manager

The City Council reconvened at 6:47 p.m. with all Members present. Mayor Hume disclosed the following actions:

On a motion by Vice Mayor Scherman, second by Council Member Davis, the Council unanimously authorized the City Manager to execute a settlement agreement in the amount of \$333,000 in the case of City of Elk Grove versus Stockmen's Supply et al to resolve the claims for loss of goodwill that the business suffered when forced to move as part of the Sheldon Road project.


On a motion by Council Member Cooper, second by Vice Mayor Scherman, with a 4-1 vote (Council Member Davis dissenting), the Council authorized the City Attorney to intervene in the case of Wilton Miwok Rancheria versus Kenneth Salazar.

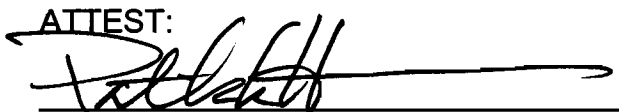
Mayor Hume noted that he would be extending a letter of congratulations to the Wilton Miwok Rancheria Tribe on its reinstatement of tribal status and explain the City's position on why it feels the need to intervene in the lawsuit. He noted that the City does not contest its reinstatement as a tribe, but rather it feels that the manner in which the matter had been judicially settled, excluded some processes that would have required a more direct identification of what project potentially could result and would have allowed the City an opportunity to comment on any impacts and associated mitigation with such a project. On July 2, Mayor Hume, Assistant City Manager Blacklock, Sacramento County staff, and legal experts participated in a meeting about this matter at the Governor's Office. Mayor Hume noted that it has not yet been identified whether a casino will be built. The purpose for intervening is to express the City's desire to participate and address the effects a casino would have on Elk Grove residents, its roads, and impacts that may need to be mitigated should one be built.

On a motion by Vice Mayor Scherman, second by Council Member Detrick, the Council unanimously approved an interim agreement with the Elk Grove Police Officers Association (POA) providing for changes in compensation including a change in payment of overtime, a 50% reduction in the deferred compensation match, and an agreement that the POA members would not seek buyback of annual leave time. These changes will amount to approximately \$700,000 in savings.

**ADJOURNMENT**

With no additional business to conduct, the July 8, 2009 Special City Council meeting was adjourned at 6:51 p.m.

  
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SUSAN J. BLACKSTON,  
CITY CLERK

ATTEST:  
  
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PATRICK HUME, MAYOR