

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

CALL TO ORDER/ROLL CALL

Mayor Hume called the regular City Council meeting of July 8, 2009 to order at 6:51 p.m.

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

Absent: None.

Council Member Cooper led the Pledge of Allegiance.

Mayor Hume asked that a moment of silence be observed.

APPROVAL OF AGENDA

Motion: M/S Scherman/Davis to approve the agenda as presented. ***The motion passed by the following vote: Ayes: 5; Noes: 0***

CLOSED SESSION

None.

PRESENTATIONS/ANNOUNCEMENTS

- 4.1 Mayor Hume recognized the 9th anniversary of Elk Grove's incorporation.
- 4.2 David Simpson member of the Disability Advisory Committee announced that nominations were now open for the *Above & Beyond* Award program to recognize individuals and businesses that have provided special assistance to people with disabilities. Committee Member Glenn Lomax mentioned that a program brochure is available on the City's website.
- 4.3 Transit Manager Tiffani Fink announced the winners of the *May is Bike Month* program: Wayne Riley (2,049 miles), Scott Lee (1,211 miles), Rose Weckenmann (744 miles), Todd Stone (854 miles), and Aaron Lombardi (356 miles).
- 4.4 With the aid of an overhead presentation (filed), Public Information Officer Christine Brainerd reported that a new Elk Grove Week at a Glance, Twitter,

and Facebook page have been added to the City's website. It also now includes a photo and video room and has enacted an emergency blog. The City's website is now PDA (i.e. personal digital assistant) friendly, allowing it to be navigated more easily with a Blackberry or iPhone. Beginning in September, *Elk Grove Online* will feature a City of Elk Grove Newsroom on which they will include Police Department press releases, weekly City updates, daily email alerts, and a calendar of events. Once each month a designated staff member will answer online questions in real time about an assigned topic of interest to the community.

PUBLIC COMMENT

Janet Toppenberg, Chief Executive Officer of the Elk Grove Chamber of Commerce, thanked the City for its cooperation and support of the July 4th Red, White, and Blue event.

Jeri Retzlaff, representing the Food Bank, thanked the City for its support of the Run for Independence event and presented a certificate of appreciation to Mayor Hume.

Daphne Harris, Co-Chair of the Census Complete Count Committee, invited everyone to attend its kick-off meeting on July 9.

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 Automatic Clearing House Nos. 483 through 510 dated June 1, 2009 through June 30, 2009, General Warrant Nos. 46463 through 47354, and Electronic Fund Transfer Nos. 2009148 through 2009156

Agenda Item No. 6.2: Approved City Council Meeting Minutes of: 1) June 10, 2009 Special Meeting; 2) June 10, 2009 Regular Meeting; 3) June 24, 2009 Special Meeting; and 4) June 24, 2009 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 July 1, 2009

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

Agenda Item No. 6.5: Ordinance No. 13-2009 adopted 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 (EG-09-016; APN: 119-1970-003) **(Second Reading)**

Agenda Item No. 6.6: Ordinance No. 14-2009 adopted amending Elk Grove Municipal Code Section 15.10.045(C) entitled *Levy of Charge in South Elk Grove Storm Drainage Utility Fee Area (Second Reading)*

Agenda Item No. 6.7: Resolution No. 2009-130 adopted approving the application for Used Oil Recycling Block Grants (Cycles 15 – 19) for Fiscal Years 2009-10 through 2013-14

Agenda Item No. 6.8: Resolution No. 2009-131 adopted authorizing the City Attorney to cooperate with the League of California Cities, other cities and counties in litigation challenging the constitutionality of any seizure by the State Government of the City's street maintenance funds

Agenda Item No. 6.9: Resolution No. 2009-132 adopted amending the Short Range Transit Plan to add the Capital Program for Fiscal Year 2009-10

Agenda Item No. 6.10: Resolution No. 2009-133 adopted authorizing the City Manager to execute the Amended and Restated Joint Community Facilities District Agreement with the County of Sacramento

Agenda Item No. 6.11: Resolution No. 2009-134 adopted authorizing the Mayor and City Manager to sign a transfer agreement with the Sacramento Regional Transit District

PUBLIC HEARINGS

Agenda Item No. 7.1: A public hearing to consider introduction of an ordinance amending Elk Grove Municipal Code Chapter 16.90 to revise Construction Permit Fees

RECOMMENDATION:

Introduce and waive the full reading, by substitution of title only, an ordinance amending Elk Grove Municipal Code Chapter 16.90 relative to Construction Permit Fees.

Mayor Hume declared the public hearing open.

With the aid of an overhead presentation (filed), Building Official Rick Renfro reported that expenditures were projected to exceed revenues during the 2009-10 Fiscal Year and, therefore, staff had to reduce \$202,000 from its budget. Additionally, an interim contract extension has reduced the contract fee percentage from 68% to 53% of fees collected. The remaining action needed to balance the 2009-10 Building Services budget is to enact a 15% fee increase, which would apply to all new residential and commercial construction, as well as miscellaneous building, patios, pools, etc.

PUBLIC COMMENT:

None.

Mayor Hume declared the public hearing closed.

Mayor Hume pointed out that, in attachment 2 of the staff report, the expenditures listed are the City's, not the contractor's. Attachment 3 shows a 2.87 employee decrease; however, the matrix shows an increase in revenues to the City because of the fee increases. The workload of the contractor does not increase, though they will be paid more. He felt that this would create an incentive for the contractor to conduct re-inspections, etc. in order to increase the fees, which in turn increases the percentage collected by the contractor.

Assistant City Manager Blacklock reported that the contractor submitted a tiered rate structure in which their rate would decrease to coincide with the fee increase to be adopted by Council. Further, Mr. Renfro pointed out that it is not to anyone's advantage to attempt to "run up the bill" because they are fixed fees, paid up front.

Mayor Hume recommended that this situation be taken into consideration for all three contracts.

Motion: ***M/S Cooper/Scherman*** to introduce and waive the full reading, by substitution of title only, **Ordinance No. 15-2009** amending Elk Grove Municipal Code Chapter 16.90 relative to Construction Permit Fees. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

Agenda Item No. 8.1: Consider resolution providing economic stimulus through the Shop Local Gift Card Campaign and amend the Fiscal Year 2009-10 annual budget

RECOMMENDATION:

Adopt resolution approving the proposed stimulus program and amending the adopted Fiscal Year 2009-10 budget to fund a Shop Local Gift Card Campaign.

With the aid of an overhead presentation (filed), Rebecca Craig, Finance Director, provided an overview of the staff report and recommendation. Beginning in August, buyers of the first 500 new cars purchased at the Elk Grove Auto Mall will receive gift cards valuing \$500. Ms. Craig pointed out that attachment 2 to the staff report lists all organizations that received community service grants and she asked if Council wished to have them listed in the marketing material as non-profit organizations that gift cards could be donated to.

PUBLIC COMMENT:

Janet Toppenberg, Chief Executive Officer of the Elk Grove Chamber of Commerce, thanked the City for its support of local businesses by developing the program and offered the Chamber's assistance in its promotion.

Following discussion, Council agreed not to list specific non-profit organizations in the marketing material for the program, but rather to include a general statement informing recipients that they can donate the gift cards to the charitable organization of their choice.

Motion: M/S Cooper/Scherman to adopt **Resolution No. 2009-135 approving the proposed stimulus program and amending the adopted Fiscal Year 2009-10 budget to fund a Shop Local Gift Card Campaign. ***The motion passed by the following vote: Ayes: 5; Noes: 0.*****

Agenda Item No. 8.2: Certify addendum to Environmental Impact Report for the City's General Plan and adopt resolutions accepting the Capital Facilities Fee and Road Fee Programs Updated Nexus Studies and Setting Capital Facilities and Road Impact Fees

RECOMMENDATION:

- 1) Adopt resolution certifying an addendum to the Final Environmental Impact Report for the Elk Grove General Plan State Clearinghouse No. 2002062082;
- 2) Adopt resolution accepting updated Nexus Study and approving and levying revised Roadway Development Impact Fees; and
- 3) Adopt resolution accepting updated Nexus Study and approving and levying revised Capital Facilities Development Impact Fees.

Richard Shepard, Public Works Director, provided an overview of the staff report and recommendation. He read the following statements into the record:

1. *The road improvements identified in the nexus report for the road fee program represent all those improvements needed to meet the General Plan Level of Service criteria regardless of their location.*
2. *The specific items identified in the project listings shown in Appendix E (Detailed EGRFP Project List and Cost Estimates) of the Elk Grove Road Fee Program Nexus Report (pages 94-268 of today's Agenda Item 8.2) are for estimating purposes only and do not represent the actual items in the final project.*
3. *The road improvements in the rural community, as shown on Table B-2, Appendix B of the Elk Grove Road Fee Program Nexus Report (page 80 of today's Agenda Item 8.2), are not being funded from the Elk Grove Road Fee Program. They are included in the Nexus report to maintain consistency with the General Plan. When one of these projects gets triggered in accordance with the Rural Road Policies, it will have to be developed with a source of*

funds other than the impact fees generated from the Elk Grove Road Fee Program.

4. *Road improvements in the rural community will only be developed when they are triggered in accordance with the Rural Road Policy.*
5. *Road improvements in the rural community (whether they are initiated by the City or a Developer) will conform to the rural road standards.*

PUBLIC COMMENT:

Tom Shine reported that, at a meeting he attended with Public Works staff, attendees were mistakenly told that if a developer is funding road improvements the rural roads standards do not apply. Mr. Shine stated that Mr. Shepard's statements accurately reflect results of discussions with concerned residents of the Greater Sheldon Homeowner's Association and Sheldon Community Association. Concerns still exist about the inclusion of features in the estimates that are prohibited either by the General Plan or by the Rural Roads Standards or Policies; however, residents will remain vigilant.

Steve Czarnecki, Executive Director of the Elk Grove Economic Development Corporation, complimented the City for its efforts in reaching out to the development community and for crafting a process designed to spur economic development.

Motion #1: *M/S Davis/Detrick to adopt Resolution No. 2009-136 certifying an addendum to the Final Environmental Impact Report for the Elk Grove General Plan State Clearinghouse No. 2002062082. **The motion passed by the following vote: Ayes: 5; Noes: 0.***

Motion #2: *M/S Scherman/Detrick to adopt Resolution No. 2009-137 accepting updated Nexus Study and approving and levying revised Roadway Development Impact Fees. **The motion passed by the following vote: Ayes: 5; Noes: 0.***

Motion #3: *M/S Davis/Detrick to adopt Resolution No. 2009-138 accepting updated Nexus Study and approving and levying revised Capital Facilities Development Impact Fees. **The motion passed by the following vote: Ayes: 5; Noes: 0.***

Agenda Item No. 8.3: Designation of voting delegate and alternate to the 2009 League of California Cities Annual Conference

RECOMMENDATION:

Appoint a voting delegate and alternate delegate to represent the City of Elk Grove at the 2009 League of California Cities Annual Conference business meeting.

Susan Blackston, City Clerk, provided an overview of the staff report.

Motion: M/S Scherman/Cooper to appoint Vice Mayor Scherman as the voting delegate and Mayor Hume as the alternate delegate to represent the City of Elk Grove at the 2009 League of California Cities Annual Conference business meeting. *The motion passed by the following vote: Ayes: 5; Noes: 0.*

GENERAL ADMINISTRATION INFORMATION

City Manager Laura Gill reviewed the July 8, 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 Davis thanked everyone who participated in the Run for Independence event on July 4th. He reported that Assembly Bill 1006 was approved by the Senate Committee on Governmental Organization today. The Cosumnes Community Services District (CCSD) 2x2 meeting was held on July 7 and he believed the City and CCSD are working well together.

Vice Mayor Scherman made the following comments:

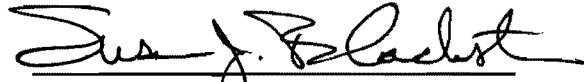
- She attended the July 7 Old Town Foundation Special Planning Area review and amendment workshop;
- CCSD Recreation Supervisor Mike Dobson will be assisting the Senior Center by evaluating its programs;
- A Senior Center planning retreat is scheduled for August 31;
- She attended the 4th of July Run for Independence event;
- She attended the Elks appreciation dinner at which former Assistant Police Chief Ed Kelly received an award; and
- She attended the Senior Center volunteer dinner and installation of officers.

Council Member Detrick announced that today was his wife's birthday. He attended the Elk Grove airport's open house and noted their hope to improve the quality of the airport and bring in larger planes. Last week he was inducted into the Elk Grove Laguna Rotary as an honorary member. He participated in the CCSD 2x2 meeting and felt it was very positive.

Mayor Hume reported that the Capital Southeast Connector Joint Powers Authority Board of Directors adopted a budget at its last meeting. He reiterated that, on July 2, he participated in a joint meeting at the Governor's Office with City and County staff regarding the Wilton Rancheria lawsuit and federal judgment.

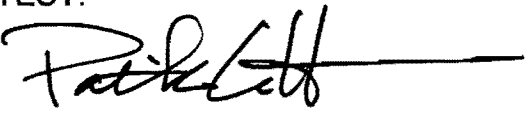
ADJOURNMENT

With no additional business to conduct, the July 8, 2009 City Council meeting was adjourned at 8:12 p.m.



SUSAN J. BLACKSTON,
CITY CLERK

ATTEST:



PATRICK HUME, MAYOR