

MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
Wednesday, February 10, 2010

**CALL TO ORDER/ROLL CALL**

Mayor Scherman called the regular City Council meeting of February 10, 2010 to order at 6:00 p.m.

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

Absent: Council Member Cooper (arrived at 6:49 p.m.)

Elk Grove Chamber of Commerce Interim Executive Director Rita Velasquez led the Pledge of Allegiance.

Mayor Scherman asked that a moment of silence be observed.

**APPROVAL OF AGENDA**

***Motion: M/S Davis/Detrick*** to move Item 10.1 to precede Item 4 *Presentations* and approve the remainder of the agenda as presented. ***The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Cooper).***

**CLOSED SESSION**

None.

***NOTE: Item 10.1 was heard out of order as indicated below.***

**Agenda Item No. 10.1:** Appointment to the Disability Advisory Committee

**RECOMMENDATION:**

Receive information from Vice Mayor Detrick on his appointment to the Disability Advisory Committee.

**PUBLIC COMMENT:**

None.

Vice Mayor Detrick announced his appointment of Leslie Birchell to the Disability Advisory Committee.

## **PRESENTATIONS/ANNOUNCEMENTS**

- 4.1 With the aid of an overhead presentation (filed), Finance Analyst Andrew Keys reviewed the Leadership Elk Grove and WEAVE Housewarming Kit pilot program.
- 4.2 With the aid of an overhead presentation (filed), Senior Planner Daniel Hamilton reviewed the Climate Sustainability Element, Action Plan and Survey / Marketing Project.

Council Member Davis referenced Senate Bill 375 *Redesigning Communities to Reduce Greenhouse Gases* and noted that he would like Elk Grove to follow the City of Sacramento's lead toward aggressive implementation. He suggested that there be more community outreach beyond the planned stakeholder group and two workshops. He recommended that electronic media also be used to solicit input.

## **PUBLIC COMMENT**

Keith Cossairt, representing the Elk Grove Airport Association, reported that court action has taken place and the County of Sacramento could now take action to close the airport. He pointed out that there is an advantage to having an airport during emergency situations and stated that the Fire Department uses it on a regular basis for training purposes. He asked the City Council to write a letter to the County Board of Supervisors in support of the airport.

Cameron Harrell maintained that the Elk Grove airport is a vital asset to the community. It is a self-sustaining public use airport that does not require government funds to operate. He recommended that the City Council write a letter of neutral support to the Council Board of Supervisors explaining that, because of the economic downturn and stalled development, there is no need to close the airport at this time.

## **GENERAL ADMINISTRATION INFORMATION**

City Manager Laura Gill reviewed the February 10, 2010 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)*):

Mayor Scherman suggested that a parking space be reserved for Employee of the Year recipients.

Council Member Hume reported that a Request for Proposal has been issued for a consultant to speak to property owners and businesses in the Sheldon community regarding the "limited access alternative", which would create a series of frontage roads and off-Grantline Road network, as part of the Capital Southeast Connector project. He noted that sign kiosks with maps will be erected in the Old Town area to promote businesses. He believed the airport could be a long term amenity for the area if it were unidirectional with all takeoffs and landings occurring out of the floodplain, rather than over Grantline Road. He favored writing a letter to the County Board of Supervisors in support of the airport.

Mayor Scherman and Vice Mayor Detrick expressed agreement to place consideration of a letter in support of the airport on the next regularly scheduled meeting agenda.

City Manager Gill noted that the airport matter can also be discussed with Supervisor Nottoli at the February 19 City/County meeting.

Council Member Davis stated that he attended a Sacramento Council of Governments meeting. He suggested that the City's lobbyist work on defeating the State's attempt to take transportation funding. He mentioned that the Empty Bowls fundraiser for the Food Bank was well attended.

Vice Mayor Detrick reported that he attended an Audit Committee meeting. He asked that the Chamber of Commerce, Airport Association, adjacent property owners, and City Executive Team staff express their positions regarding the Elk Grove airport.

Mayor Scherman stated that the Senior Center Board discussed its budget and Community Development Block Grant application for 2010-11. She encouraged everyone to utilize to the Elk Grove Library. The Washington D.C. March 16 to 18 lobbying trip will be attended by Mayor Scherman and Vice Mayor Detrick.

### **CONSENT CALENDAR ITEMS**

In reference to Item 8.12, Council Member Hume mentioned that he was pleased the item was finally moving forward and that the low bid was from a local company.

***NOTE: Council Member Cooper arrived at 6:49 p.m.***

In reference to Item 8.13, Council Member Hume was disappointed that responses regarding public trust and the perception of public safety came in below average on The National Citizen Survey.

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

**Agenda Item No. 8.1:** Approved Automatic Clearing House Nos. 781 through 874 and 876 through 916 dated January 1, 2010 through January 31, 2010, General Warrant Nos. 51097 through 51574, and Electronic Fund Transfer Nos. 2010072 through 2010086

**Agenda Item No. 8.2:** Approved December 2009 Treasurer's Report

**Agenda Item No. 8.3:** Approved City Council Meeting Minutes: 1) January 27, 2010 Special Meeting; and 2) January 27, 2010 Regular Meeting

**Agenda Item No. 8.4:** Received report on City Manager approved purchases and contracts authorized by Elk Grove Municipal Code Chapter 3.42 Contracts and Purchasing, filed through February 3, 2010

**Agenda Item No. 8.5:** Received report on Requests for Proposals, Qualifications, and Bids

**Agenda Item No. 8.6:** **Ordinance No. 23-2009** adopted enacting Elk Grove Municipal Code Chapter 16.17 entitled Abandoned Residential Property Registration (**Second Reading**)

**Agenda Item No. 8.7:** **Ordinance No. 24-2009** adopted amending Elk Grove Municipal Code Chapter 16.20 to add Article XII regarding the Rental Housing Registration Program (**Second Reading**)

**Agenda Item No. 8.8:** **Ordinance No. 3-2010** adopted amending Elk Grove Municipal Code Chapter 14.10 and codifying the California Department of Water Resources' Model Water Efficient Landscape Ordinance pursuant to AB 1881(**Second Reading**)

**Agenda Item No. 8.9:** **Ordinance No. 4-2010** adopted amending Elk Grove Municipal Code Chapter 16.120 relative to deferral of certain impact fees to include Citywide Fire Fees as an applicable fee program and extending the program expiration date to June 30, 2012 (**Second Reading**)

**Agenda Item No. 8.10:** **Resolution No. 2010-31** adopted accepting the Police Fence Project as complete and authorizing the Deputy City Manager to prepare, and the City Clerk to file, the Notice of Completion with the Sacramento County Recorder

**Agenda Item No. 8.11:** **Resolution No. 2010-32** adopted accepting the I-5 / Elk Grove Boulevard Northbound On-Ramp Improvements Project as complete and

authorizing the City Engineer to prepare, and the City Clerk to file, the Notice of Completion with the Sacramento County Recorder

**Agenda Item No. 8.12:** **Resolution No. 2010-33** adopted: 1) finding the City Hall and Library Flagpole Project exempt from the California Environmental Quality Act, 2) directing the filing of a Notice of Exemption, 3) authorizing the City Manager to execute a construction contract with North West Surfacing for an amount not to exceed \$8,888, and 4) authorizing the Deputy City Manager to approve change orders not-to-exceed \$3,000

**Agenda Item No. 8.13:** Received and filed information related to The National Citizen Survey and resident Focus Groups

### **PUBLIC HEARINGS**

None.

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

*NOTE: Item 10.1 was heard out of order (preceding Item 4 Presentations)*

**Agenda Item No. 10.2:** Adopt resolution authorizing the submittal of an application to the State Office of Historic Preservation seeking to approve the City of Elk Grove as a Certified Local Government

### **RECOMMENDATION:**

Adopt resolution authorizing staff to file an application with the State Office of Historic Preservation seeking to approve the City of Elk Grove as a Certified Local Government (CLG). This action also recognizes that achieving CLG status may ultimately require completion of additional tasks for which local matching funds may be required in order to obtain grants.

With the aid of an overhead presentation (filed), Preservation Planner Leann Taagepera provided an overview of the staff report and recommendation. She noted that if approved, there would need to be an annual training program for Historic Preservation Committee members, an annual report, and a survey and inventory of historic properties.

In reply to Council Member Hume, Ms. Taagepera explained that survey methods have changed since the 1986 survey was done and forms for each building would have to be updated. She reported that grant amounts have historically been no more than \$25,000.

Tom Russell, Historic Preservation Committee member, felt that having the knowledge and expertise from the State and Federal Government would be beneficial. He noted that areas outside of Old Town need to be surveyed including

residential areas, properties along Grantline Road, the west side of Highway 99, and the Franklin area if it is included in the City's Sphere of Influence.

In answer to Vice Mayor Detrick, Planning Director Hazen noted that \$32,000 to \$40,000 would be needed in matching funds for preparation of the Historic Context and Resources Survey; once completed, the only additional cost would be for annual training.

**PUBLIC COMMENT:**

None.

***Motion: M/S Detrick/Davis*** to adopt **Resolution No. 2010-34** authorizing staff to file an application with the State Office of Historic Preservation seeking to approve the City of Elk Grove as a Certified Local Government (CLG). ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 10.3:** Receive Draft "City of Elk Grove City Council Norms and Procedures Manual" and Direct Staff regarding final changes

**RECOMMENDATION:**

Staff recommends that the City Council receive the draft "City of Elk Grove City Council Norms and Procedures Manual" and direct staff regarding final changes, if any.

Susan Cochran, City Attorney, noted that the staff report contained eight suggestions for additional changes to the Norms and Procedures Manual. Ms. Cochran added a ninth item, which was for Council Members to notify alternate members on regional boards and commissions, if they are unable to attend a meeting. Ms. Cochran reported that no comments were received by members of the public. The Manual was made available for review on the City's website.

**PUBLIC COMMENT:**

Lynn Wheat believed it was not in anyone's best interest for City Council meetings to go beyond 10:00 p.m. and she suggested that agendas be planned in a manner that would not require them to extend beyond that hour. She requested that Council Members routinely disclose meetings they have had with developers and others related to items on the agenda, so that the public is aware of the communication that has occurred [which Council Members use during their deliberation of an item].

Linda Ford maintained that the Code of Ethics is not a voluntary document because it was mandated by the Sacramento County Grand Jury. Ms. Ford stated that the Grand Jury made it clear that Council Members must hold each other accountable; otherwise, all would be held culpable when one falls short.

Dannetta Garcia felt that the Code of Ethics should have an enforcement mechanism that holds individuals accountable. She asked that the Norms and

Procedures Manual and the Code of Ethics be tabled until a time when they can both be brought forward for full consideration by the Council and community.

Council Member Davis was opposed to Item 7, "*Should the City Council create term limits for boards and commissions, such as the Regional Sanitation Board, LAFCO, and SACOG?*" as he felt the current process of reviewing the appointments each December was a good practice that worked well. Following discussion, Council concurred not to implement Item 7.

Following discussion regarding Item 5, "*Recent issues regarding the continued operation of the City during extended City Council breaks or when few meetings occur (July, August, November, and December) have arisen. Who, if anyone, should be empowered to make decisions during these hiatuses?*" Council agreed that a special meeting of the City Council should be called if time sensitive matters arise.

Ms. Cochran explained that Item 1 was suggested so that everyone understands how public hearings will be conducted and the following statement is required by State law, "*When the City Council acts in an adjudicatory or quasi-judicial capacity, each member must (1) disclose on the record the nature and substance of any ex parte communications relating to the matter; and (2) provide interested parties full and fair opportunity to rebut or explain the information obtained from those communications.*" She explained that adjudicatory or quasi-judicial acts include appeal hearings, variances, and conditional use permits. She clarified that the general nature and substance of the communication is adequate disclosure, it is not necessary to specify dates and times of every interaction.

Following discussion, Council concurred with adding Item 1 to the Norms and Procedures Manual.

Ms. Cochran reviewed Item 2 (below), following which Council agreed to add the language to the Norms and Procedures Manual:

*Any written correspondence or other materials, when distributed to all, or a majority of all, of the members of the City Council by any person in connection with a matter subject to discussion or consideration at a public meeting, are disclosable public records under the California Public Records Act and shall be made available upon request without delay. Writings that are public records and that are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by City staff or a member of the City Council, or after the meeting if prepared by some other person. All writings referenced herein shall be provided to and documented with a received/filed date by the City Clerk.*

*E-mail communication sent to the City Council related to an item on an agenda will be received in the City Clerk's Office up to the close of business (5 p.m.) on the date of the meeting and will be provided to Council Members*

*via "green sheet." The Mayor will allow his/her e-mail to be automatically forwarded to the City Clerk in order to ensure that all such public records will be handled in accordance with California Government Code Section 54957.5.*

Ms. Cochran reviewed Item 3 (below):

*All members of the council, when present, must vote. If a member of the council states that he or she is not voting, his or her silence shall be recorded as an affirmative vote unless, however, the council member abstains from voting by reason of his/her interest in the matter before the council and that reason is stated at the meeting.*

Vice Mayor Detrick felt that the presiding officer of the meeting should call for "ayes, noes, and abstentions" for every vote.

Council Member Davis was opposed to Mr. Detrick's suggestion, noting that there is no reason to abstain from voting unless there is a specific reason, such as a conflict of interest.

Council Member Hume agreed with Mr. Davis, adding that the responsibility of voicing an abstention should fall on the voting Council Member, not the Mayor. He felt that all Council Members should vote, unless there was a specific legal reason to abstain.

Council Member Cooper agreed with the proposed language in Item 3 as written.

Following discussion regarding item 4, it was agreed that each regular agenda item for Council Comments will include "reports from ad hoc committees". Additionally, staff will remind Council when creating an ad hoc committee that a sunset date should be identified.

Ms. Cochran reviewed Item 5 and asked Council Members whether they wished to add an enforcement mechanism to the Code of Ethics.

Council Member Davis felt that the Code of Ethics was an ideal to live by and noted that mechanisms to deal with complaints are available through the Grand Jury, elections, etc. He believed it was in the best interest of the City that there not be an enforcement mechanism because legislative bodies that sit in judgment of one another are often dysfunctional.

Ms. Cochran commented that she would continue to advise Council on conflict of interest matters, should a claimed ethics violation rise to the level that it may affect a Council Member's ability to act on an adjudicatory issue.

Ms. Cochran reviewed Item 7, which recommended that the Mayor and Vice Mayor be designated as the City Council's representatives on annual Spring Federal legislative advocacy visits.

Council Member Davis suggested that, in the event the Mayor or Vice Mayor cannot attend, the Mayor will ask another Council Member to take their place.


Council concurred with the recommendations for Items 7 and 9.

Council Member Davis asked that page 24 of the Norms and Procedures Manual be amended so that it does not limit Council Member participation in ceremonial events.

Ms. Cochran replied that she would amend the language so it would not preclude a Council Member from attending or fulfilling functions by special request. She noted that the amended Norms and Procedures Manual would be placed on a future agenda for Council's approval.

**ADJOURNMENT**

With no additional business to conduct, the February 10, 2010 City Council meeting was adjourned at 8:07 p.m.

  
SUSAN J. BLACKSTON,  
CITY CLERK

ATTEST:

  
SOPHIA SCHERMAN, MAYOR