

**MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
Wednesday, June 23, 2010**

**CALL TO ORDER/ROLL CALL**

Mayor Scherman called the regular City Council meeting of June 23, 2010 to order at 6:03 p.m.

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

Absent: None.

Sergeant First Class Jose Gomez led the Pledge of Allegiance.

Mayor Scherman asked that a moment of silence be observed.

**APPROVAL OF AGENDA**

***Motion: M/S Scherman/Detrick*** to hear the Closed Session item after item 10.2 and approve the agenda as presented. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

***NOTE: The Closed Session item was considered after item 10.2.***

**CLOSED SESSION**

**PRESENTATIONS/ANNOUNCEMENTS**

- 4.1 Mayor Scherman presented a Proclamation to Sergeant First Class Jose Gomez recognizing June 11 through June 18, 2010 as United States Army Week and honoring the 235<sup>th</sup> Birthday of the United States Army
- 4.2 City Manager Laura Gill gave a presentation regarding the 14<sup>th</sup> Annual Salute to the Red, White and Blue Fourth of July Fireworks Show at Elk Grove Regional Park

**PUBLIC COMMENT**

Tom Franzoia provided a community perspective update on the status of the Capital SouthEast Connector study for a limited access roadway being done through the town of Sheldon. He noted that over the past three weeks there has been upwards of over 100 community members who have participated, including 18 of the 26

identified business community members. Mr. Franzoia requested that community members continue to provide input and comments noting meetings scheduled for June 23 and July 1.

Reuben Nieves submitted research (filed) indicating that many banks are not entitled to use trustee sales enacting non-judicial foreclosures, as they do not allow a hearing. He believed that if banks were required to go through a judicial process that the banks would be more likely to consider modifying home loans for borrowers than merely foreclosing on a property. Through his research, Mr. Nieves offered that a way of stopping banks from using non-judicial foreclosures was for the City to issue a letter to the Office of Thrift Supervision or the Office of the Controller of Currency demanding that those agencies issue a cease and desist order on their members. He added that if those agencies do not respond that the City could file a writ of mandamus with a federal court to have those agencies comply.

### **GENERAL ADMINISTRATION INFORMATION**

City Manager Laura Gill reviewed the June 23, 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)*):

Council Member Davis reported on attending the Sacramento Area Council of Governments (SACOG) Board meeting which included an update on the Rural-Urban Connection Strategy (RUCS), which is strategy under development with a number of working groups to create a regional plan to address the interface of rural and urban areas. He cited an Elk Grove example of the new Henry's Farmer Market which seeks local farmers to provide products for sale at the urban located market. Mr. Davis announced the submittal by the City to the California State Senate Revenue and Taxation Committee legislation for Research and Development (R&D) tax credits. Though the legislation has an associated cost, he believed the item was moving forward and would keep the Council apprised of the progress of the bill.

Mr. Davis asked for clarification on comments made at the June 9, 2010 meeting regarding discussing to consider creating a City position of an Economic Development Director, to which Mayor Scherman replied that the intention of her comment was to consider the matter during development of next year's budget.

Vice Mayor Detrick reported, in relation to the R&D tax credits legislation, AB 1565, that in working with Assembly Members there was concern over up-front costs of the legislation, but going forward the City would present the expected gains of locating technology based industries in the region. Though he was not able to attend, Mr. Detrick noted a recent Youth Seminar in Sacramento in which three of

four youth speakers were from Elk Grove. He also noted seeing Youth Commissioner Salvador Rosas at the Senate hearing for AB 1565, where Mr. Rosas serves as a Senate intern, and commended the representation by Elk Grove youth in regional activities. Mr. Detrick reported on attending the Kaiser Permanente Medical Center expansion groundbreaking ceremony.

Council Member Hume attended both the Sacramento Transportation Authority (STA) Board meeting and the Sacramento Regional Transit District (RT) Board meeting where budget discussions took place. He reported from RT that the Blue Line, related to the South Line Phase 2 Project, received a Medium Low rating from the Federal Transit Administration (FTA) which disqualifies the route, and any related projects, from new start funding. He stated that, until the rating improves, no federal money will go toward that project area delaying timelines and ultimately affecting transit service for Elk Grove. He noted the Capital SouthEast Connector Joint Powers Authority (JPA) Board would meet Friday June 25 and announced outreach by JPA contractors for the feasibility study of the limited access roadway option through Sheldon. He stated the contractors were receiving public input from their offices located at 8973 Grant Line Road and conducting extensive outreach and review from July 9<sup>th</sup> to the 12<sup>th</sup> through a series of community meetings, walking audits, design workshops, and open house opportunities at the project studio.

Council Member Cooper had nothing to report.

Mayor Scherman reported speaking at the Kaiser Permanente Medical Center expansion groundbreaking ceremony, attending the Elk Grove Library installation of the Automated Materials Handling System book sorter, and attending a Chamber of Commerce mixer.

### **CONSENT CALENDAR ITEMS**

Council Member Cooper commented in regards to Item 8.9 the effectiveness of offering fitness and exercise programs for safety officers in reducing injuries and building morale.

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

**Agenda Item No. 8.1:** Approved May 12, 2010 Regular City Council Meeting Minutes

**Agenda Item No. 8.2:** Received report on City Manager approved purchases and contracts authorized by Elk Grove Municipal Code Chapter 3.42 Contracts and Purchasing, filed through June 16, 2010

**Agenda Item No. 8.3:** Received report on Requests for Proposals, Qualifications, and Bids

**Agenda Item No. 8.4:** **Resolution No. 2010-122** adopted amending the Economic Development State Office Building Incentive Program to include Federal Office Buildings

**Agenda Item No. 8.5:** **Resolution No. 2010-123** adopted authorizing the City Manager to accept grant funding from the Sacramento County Office of Emergency Services for emergency preparedness equipment in the amount of \$37,133 and amend the Police Department's Fiscal Year 2010-11 budget to appropriate grant funds

**Agenda Item No. 8.6:** **Resolution No. 2010-124** adopted authorizing the City Manager to submit a grant application to the US Department of Justice for use in purchasing ten in-car video camera systems and execute all documents necessary to receive \$49,000 in eligible grant funding

**Agenda Item No. 8.7:** **Resolution No. 2010-125** adopted authorizing the City Manager to execute a consultant services contract with Fehr and Peers for the development and implementation of traffic signal system timing and coordination for the Poppy Ridge Intelligent Transportation Systems Project in an amount not to exceed \$80,000

**Agenda Item No. 8.8:** **Resolution No. 2010-126** adopted authorizing the City Manager to execute consultant services contract amendments with David Ford Consulting Engineers, Kimley-Horn and Associates, Mark Thomas and Company, Nolte Associates, TRS Consultants, and West Yost and Associates to extend the termination dates for On-Call Engineering Services

**Agenda Item No. 8.9:** **Resolution No. 2010-127** adopted authorizing the City Manager to execute the necessary documents to amend the contract with Velocity Sports Performance for one year for a law enforcement oriented fitness program in the amount of \$80,000 *[for a total compensation not to exceed \$140,000]*

**Agenda Item No. 8.10:** **Resolution No. 2010-128** adopted modifying the terms and conditions of the Fiscal Year 2009-10 American Red Cross – Sacramento Sierra Chapter grantee agreement to allow for an extension of six months

**Agenda Item No. 8.11:** Receive 2009 Annual Growth Report

**Agenda Item No. 8.12:** **Resolution No. 2010-129** adopted adopting the Initial Study / Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program for the Quail Run Lane / Bruceville Road Southwest Corner Improvements Project

**Agenda Item No. 8.13:** Resolution No. 2010-130 adopted authorizing the City Manager to execute a Memorandum of Agreement regarding continued funding of the South Sacramento Habitat Conservation Plan

**Agenda Item No. 8.14:** Resolution No. 2010-131 adopted authorizing the City Manager to execute the necessary documents to amend the Planning Services contract with Pacific Municipal Consultants, Inc., extending the contract to March 31, 2011

**PUBLIC HEARINGS**

None.

**REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS**

**Agenda Item No. 10.1:** Consider Allowing the Sacramento Regional Transit District to Purchase 26.5 Acres of Mitigation Acreage from the Delta Breeze Vineyard Property

**RECOMMENDATION:**

Provide direction in regards to allowing the Sacramento Regional Transit District to purchase 26.5 acres of mitigation acreage from the Delta Breeze Vineyard Property.

Council Member Hume confirmed with the City Attorney and recused himself from participation in regards to Item 10.1 as he serves on the Sacramento Regional Transit District (RT) Board, and receives a source of income that is more than \$250 a year from the RT Board.

***NOTE:*** Council Member Hume left at 6:36 p.m.

Taro Echiburú, Interim Planning Director, provided an overview of the staff report and recommendation.

**PUBLIC COMMENT:**

None.

Vice Mayor Detrick recalled that prior direction regarding the Delta Breeze Vineyard Property had addressed selective criteria as to which applicants would be eligible to purchase credits given the limited amount of land remaining at the property for mitigation.

Mr. Echiburú agreed that direction had been provided relative to entities to whom the City would be willing to allow to purchase credits, but because the Sacramento Regional Transit District is a government entity, the request was being presented as a special case for Council consideration.

**Motion:** *M/S Davis/Detrick* to adopt **Resolution No. 2010-132** approving to allow the Sacramento Regional Transit District to purchase 26.5 acres of mitigation acreage from the Delta Breeze Vineyard Property. ***The motion passed by the following vote: Ayes: 4; Noes: 0; Absent:1 (Hume).***

***NOTE:*** *Council Member Hume returned at 6:38 p.m.*

**Agenda Item No. 10.2:** Approve submittal of the 2010 CalHome Program (General) Application to the California Department of Housing and Community Development (HCD) and if the funds are awarded authorize the City Manager to execute a standard agreement with HCD and file any related documents necessary to participate in the CalHome Program

**RECOMMENDATION:**

Adopt resolution: 1) authorizing the submittal of an application to the California Department of Housing and Community Development (HCD) for funding under the CalHome Program (General), and 2) authorizing the City Manager to execute a Standard Agreement and any amendments thereto with HCD if selected to receive CalHome Program funds, and 3) authorizing the City Manager to execute and file any related documents necessary to participate in the CalHome program.

Jessica Shalamunec, Planning Manager, provided an overview of the staff report and recommendation.

**PUBLIC COMMENT:**

None.

**Motion:** *M/S Hume/Davis* to adopt **Resolution No. 2010-133** 1) authorizing the submittal of an application to the California Department of Housing and Community Development (HCD) for funding under the CalHome Program (General), and 2) authorizing the City Manager to execute a Standard Agreement and any amendments thereto with HCD if selected to receive CalHome Program funds, and 3) authorizing the City Manager to execute and file any related documents necessary to participate in the CalHome program. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

***NOTE:*** *The Closed Session item was moved after item 10.2 and considered as indicated below.*

**CLOSED SESSION**

**PUBLIC COMMENT:**

None.

The Interim City Clerk announced the following closed session item prior to Council adjourning to closed session at 6:40 p.m.:

**A) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**

Initiation of litigation pursuant to Government Code §54956.9(c):  
One (1) Matter

The City Council reconvened at 7:00 p.m. with all Members present. Mayor Scherman announced that no reportable action was taken in closed session.

**ADJOURNMENT**

With no additional business to conduct, the June 23, 2010 City Council meeting was adjourned at 7:01 p.m.

  
JASON LINDGREN,  
INTERIM CITY CLERK

ATTEST:

  
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SOPHIA SCHERMAN, MAYOR