

MINUTES OF THE CITY COUNCIL
REGULAR MEETING
Wednesday, July 14, 2010

CALL TO ORDER/ROLL CALL

Mayor Scherman called the regular City Council meeting of July 14, 2010 to order at 6:03 p.m.

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

Absent: None.

The Elk Grove All-Stars Age 11 and Under North baseball team led the Pledge of Allegiance.

Mayor Scherman asked that a moment of silence be observed.

APPROVAL OF AGENDA

Motion: M/S Hume/Davis to continue item 4.1 to the regularly scheduled meeting of July 28, 2010 and approve the remainder of the agenda as presented. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

CLOSED SESSION

None.

PRESENTATIONS/ANNOUNCEMENTS

NOTE: Item 4.1 was pulled from the agenda and moved to the regularly scheduled meeting of July 28, 2010.

- ~~4.1 Presentation on May is Bike Month activities and presented Awards to the Top 5 entries representing Elk Grove~~
- 4.2 Mayor Scherman presented a Certificate of Recognition to Krista Guerrero for designing the City's 10th Anniversary logo
- 4.3 Recognition of the City's 10th Anniversary

Elizabeth Kim, Field Representative for State of California District 10 Assembly Member Alyson Huber, presented a certificate to Mayor Scherman in recognition of the ten year anniversary of the City of Elk Grove.

Rita Velasquez, Interim Executive Director of the Elk Grove Chamber of Commerce, presented a certificate of recognition congratulating the City on its ten years in operation, and thanked the Council for the years of assistance and positive working relationships built during that time.

NOTE: Council recessed at 6:15 p.m. for a reception in honor of the City's 10th Anniversary. The regular City Council meeting reconvened at 6:25 p.m. with all Council Members present.

The Council recognized accomplishments of the City in the ten years since incorporation, and stated their collective commitment to continue to serve, guide, and lead the City into the next decade.

PUBLIC COMMENT

Mike Kolb, Manager of the Elk Grove Cal Ripken Baseball League North 11-year-old All Star Team, announced the team would be traveling to compete in the Pacific Southwest Regional playoff game in Taylorsville, Utah. Mr. Kolb noted the team would be hosting a car wash fundraiser on Saturday July 17 at Buffalo Rings and Things and would also accept donations to assist funding for travel expenses.

Carrie Wilmot, resident of Cheer Court, stated she had been informed, upon moving into her new residence, that a group home was operating in the neighborhood which was rumored to house juvenile sex offenders. Since Ms. Wilmot had lived in the vicinity of the group home, she had observed that the group home had maintained irregular hours of operation with residents, staff, visitors, and police coming and going at odd hours, and residents of the group home had been seen fighting, littering, loitering, and vandalizing the neighborhood. Ms. Wilmot described two instances, one of an exchange she had with a staff member after residents had escaped from the group home, and a second incident which occurred February 28 in which she and her children were subject to lewd and lascivious acts by one of the residents of the group home. Ms. Wilmot discovered after the incident that the juvenile resident had former convictions of acts much worse in nature. She expressed frustration that such group homes were not required to operate under stricter regulations, and did not understand why such privately operated facilities were allowed to locate in residential neighborhoods. Ms. Wilmot asked for tighter restrictions and regulations on group home operations, and full disclosure to the public of the operators, employees and residents of group homes.

Council Member Cooper sympathized with Ms. Wilmot observing that the City has encountered issues with group homes in the past. Mr. Cooper noted that the State of California has jurisdiction on the issue and regulates group homes. He also

noted that group home operators receive pay from the state based on the composition of residents housed at the facility. Mr. Cooper stated that initiating change to regulations on group homes would require advocacy at the state level.

Council Member Davis believed the City should revisit current state law to see if the City could enhance its policies, noting jurisdictions such as the City of Sacramento having a "good neighbor" policy, and examining how other cities are approaching policies regarding state regulated group homes.

City Attorney Susan Cochran noted the Health and Safety Code of the State of California was the policy of the state for group home regulation, and that each county and city was required to encourage specific numbers and types of facilities commensurate with local need. There were regulatory differences on requirements of licensing between facilities of six or fewer people, and those of more than six. Ms. Cochran noted the Department of Social Services was the state agency that had jurisdiction over group homes, and currently there were nine group homes currently authorized in the City of Elk Grove, including the facility on Cheer Court. Numerous cities around the state that have tried to pursue both local and state legislation to provide greater control over group homes, but to the extent such facilities are only licensed for six or fewer people the City has no regulatory authority; by state law group homes of six or less, though businesses, are treated like any other residential use. Ms. Cochran observed that in light of state law the City was severely restricted on how it could analyze and regulate group homes.

Ms. Wilmot posed that there were laws that adult sexual offenders were to abide by, and inquired why those laws do not apply to children committing adult crimes. She cited examples from court cases of the severe nature of crimes charged against particular residents of group homes.

Council Member Hume believed that if individuals have broken such laws they should not be permitted to enjoy the same zoning permissions as law abiding citizens. He believed that though the City may be restricted in regulating group homes and activities conducted inside the premises, the City police force and Code Enforcement division could still enforce violations that are in the jurisdiction of the City in order to maintain order in the community outside of the group homes, and to verify conditions in the group homes were up to zoning and building safety codes.

Vice Mayor Detrick suggested an ad hoc committee be created to directly address the current issues occurring at the Cheer Court facility, and to address City policy and actions that could be taken regarding group homes.

Mayor Scherman believed all involved parties, from community members, to City staff, and other agency representatives, should be called together to share information, identify the issues, and work towards solutions.

Kevin Wilmot was in favor of gathering community members and agency representatives to meet to identify and address issues surrounding group homes. He noted there was a licensing department that oversaw group homes, and in light of information he had found which led him to believe that these facilities were not adequately performing their job, that the facility license could be revoked or restricted in some manner.

In response to Council Member Hume, Police Captain Bryan Noblett noted that depending on the circumstances of a response to a call, the City may not necessarily have the authority to conduct a search both inside and outside of a facility. If the City responded to a case and had legal reasons to perform a search of the premises, the City would be prepared to enforce those issues within its jurisdiction. He noted that when the City responds and takes action in relation to group homes, the City does report certain offenses to the state for review for potential action on, or in consideration for review of, the license of that facility. Captain Noblett described that, depending on circumstances, in many cases minors were placed in group homes in lieu of being incarcerated, the group homes were seen as treatment options rather than incarceration.

Council Member Cooper stated there had been an increase in the number of juvenile sex offenders; state regulation had not kept pace with the crime trend, and outdated state laws did not adequately address the issue. He believed an active plan of the community keeping the police department informed, and the City partnering with agencies such as probation, parole, and others would provide the means for the City to enforce regulations within its jurisdiction to ensure the safety of the community.

Vice Mayor Detrick felt that similar problems occur with federal Section 8 program housing, and believed that required inspections of such facilities are not being properly conducted by state and federal agencies. He inquired if the City would have any means to intervene on those inspections, or provide such inspections as a service for agencies which may be experiencing budget reductions.

Eric Broussard voiced agreement with coordinating a community meeting.

Dallas Broussard appreciated the Council response to meet and address the issues surrounding the group home on Cheer Court. He shared research he conducted regarding Megan's Law, noting that many juvenile offenders are likely not required to register when serving in alternatives to incarceration, such as in a group home, unless released at some point from the California Youth Authority and ordered by the court. He noted protections under state law for local law enforcement agencies to inform the public of residents that pose a risk to the public. Mr. Broussard believed the probation department had not been responsive to his inquiries, and believed any non-responsive agencies to these issues would likely find themselves in a position of liability.

Michael Jones congratulated the City on its ten year anniversary. He invited the Council to the 15th Annual National Night out program to be held Tuesday, August 3rd at Womack Park from 6:00 p.m. to 9:30 p.m.

Brad Driggers stated his understanding for the current action to form study groups and focus policing, but believed the only means to yield results regarding changing state group home law would only come from aggressively seeking and demanding change. Mr. Driggers believed a focused legal professional group should be hired to challenge and/or revise current laws, and all involved parties needed to initiate petitions of state offices and officials. Mr. Driggers emphasized he wished to see the use of any and all resources to safeguard the community.

Mikaela DeRose described her singing invitation business called Specialty Invitations as a fundraising means to raise a total of \$2,400 by April 2011 to attend a new camp in Canada for the Festival 500 Sharing the Voices Competition with the Sacramento Children's Chorus. She noted her business is based on donations, and Ms. DeRose provided a demonstration of her singing invitations, noting she writes and personalizes each song for each individual customer.

Erin Price shared her personal experience of coping with a family member involved with child pornography issues, and the ordeal of turning the individual over to authorities. She expressed her dismay when she was notified of the group home in proximity to her new residence in Elk Grove. Ms. Price offered her support, but noted she did not feel safe in her neighborhood anymore and wanted the group home removed.

Christina Stephens expressed frustration that group homes are not placed in locations where they cause the least negative impact, and did not agree that rehabilitation centers for sex offenders should be in communities with families and children. She offered her support to address the group home issue.

GENERAL ADMINISTRATION INFORMATION

City Manager Laura Gill reviewed the July 14, 2010 Administrative Report (filed). Ms. Gill displayed a plaque received from the Elk Grove Food Bank Services thanking the City for its support of the 6th Annual Run for Independence.

COUNCIL COMMENTS/FUTURE AGENDA ITEMS

Reports on Regional Boards, Commissions, Committees; Travel/Training Expenditures Disclosure (*in accordance with Resolution No. 2009-212 and Government Code § 53232.3(d)*):

Council Member Davis attended the 4th of July celebration and the time capsule presentation. He thanked the City employees who volunteered time to work at the

event and appreciated contributions from the business community to support the festivities.

Vice Mayor Detrick reported that successful meetings were developing with the ad hoc committee he and Council Member Davis served on to attract state agencies to locate in Elk Grove. He attended the 4th of July celebration and the time capsule presentation. Vice Mayor Detrick requested an item be returned to address the group home issues raised during public comment, and asked that the meeting be adjourned in memory of Senator Dave Cox.

Council Member Hume reported attending the Sacramento Transportation Authority Board meeting, though nothing Elk Grove specific was discussed, and noted the Sacramento Regional Transit District Board meeting was cancelled. He reported the Capital SouthEast Connector Joint Powers Authority Board meeting visioning sessions were well attended by the public. Mr. Hume requested a future agenda item be considered regarding the requirement to have microchips placed in licensed animals, and to consider implementing a tiered fee system to allow pet owners an option to pay a higher license fee to forgo the microchip requirement.

Council Member Cooper attended the Sacramento Regional County Sanitation Board of Directors meeting, and requested for a future agenda item that Ally Carda be recognized, as she was selected to play for the USA Amateur Softball Association Junior Women's National Team.

Mayor Scherman attended the 25th anniversary of the ordination of the priesthood of Father Constantine Pappademos, Pastor of the Saint Katherine Greek Orthodox Church. She attended the Elk Grove Economic Development Corporation board meeting and participated in a tour of lease buildings on properties in Elk Grove. She attended: the Elk Grove Chamber of Commerce luncheon, the Sacramento Employment and Training Agency (SETA) board meeting, the City employees' 10th City birthday party, the 4th of July celebration and the time capsule presentation, and was a speaker at the kickoff for 6th Annual Run for Independence event. She attended the Senior Center Board meeting which discussed commencing a six month trial basis to close the thrift shop and open it up as a craft boutique with a cafe. She reported being the keynote speaker at the Southeast Asian Youth Speaker Symposium funded by SETA, an event to encourage students to pursue higher education.

Mayor Scherman requested community members to contact her and submit names of veterans that have served in any military branch, as 2010 marks the 10th year of the Elk Grove Veteran's Day Parade, and the names of veterans would be read at the event. The Grand Marshall of the event will be Staff Sergeant Emmett Spraktes, who earned the Silver Star for heroic actions in Afghanistan. She requested a future agenda item to address enlarging the "Free Parking" signs in Old Town to ensure utilization of parking. Ms. Scherman suggested consideration of

parking limits for street side parking to open parking spaces in front of businesses for the convenience of customers, and requested examination of the street layout at the location of an accident that occurred a few months ago near a parking lot by the railroad tracks near Old Town to improve traffic circulation and safety. Mayor Scherman thanked staff who worked at the 4th of July celebration and on the time capsule project, and requested a summary of staff time spent on these events.

CONSENT CALENDAR ITEMS

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

Agenda Item No. 8.1: Received Automatic Clearing House Nos. 1592 through 1767 dated June 1, 2010 through June 30, 2010, General Warrant Nos. 53792 through 54188, and Electronic Fund Transfer Nos. 2010152 through 2010174

Agenda Item No. 8.2: Approved June 23, 2010 Regular City Council Meeting Minutes

Agenda Item No. 8.3: Received report on City Manager approved purchases and contracts authorized by Elk Grove Municipal Code Chapter 3.42 Contracts and Purchasing, filed through July 7, 2010

Agenda Item No. 8.4: Received report on Requests for Proposals, Qualifications, and Bids

Agenda Item No. 8.5: **Resolution No. 2010-134** adopted authorizing the destruction of certain records retained by the Office of the City Clerk

Agenda Item No. 8.6: **Resolution No. 2010-135** adopted authorizing the City Manager, or designee, to execute all documents including the application submittal for the Used Oil Payment Program through CalRecycle

Agenda Item No. 8.7: **Resolution No. 2010-136** adopted accepting the East Franklin Intelligent Transportation Systems / Traffic Signal and Pedestrian Crossing 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. 8.8: **Resolution No. 2010-137** adopted authorizing the City Manager to execute a consultant services contract with Mendoza & Associates for Construction Management Services on the Sheldon Road / State Route 99 and Grant Line Road / State Route 99 Interchange Landscaping Project in an amount not to exceed \$235,000

Agenda Item No. 8.9: **Resolution No. 2010-138** adopted authorizing the City Manager to execute a Cooperative Agreement with the State of California Department of Transportation for the Elk Grove Boulevard / State Route 99 Interchange Modification Project

Agenda Item No. 8.10: **Resolution No. 2010-139** adopted increasing the Public Works Director's change order authority from 15% to 20% for the Community Development Block Grant Accessibility Curb, Gutter and Sidewalk Improvements Project; and **Resolution No. 2010-140** adopted accepting the Community Development Block Grant Accessibility Curb, Gutter and Sidewalk 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. 8.11: **Resolution No. 2010-141** adopted authorizing the City Manager to execute a construction contract with Biondi Paving, Inc. for the Bond Road at East Stockton Boulevard Median Island Improvement Project and Elk Grove Boulevard at Laguna Springs Drive Median Island Improvement Project in the amount of \$48,188 and authorizing the City Engineer to approve change orders not to exceed \$9,600

Agenda Item No. 8.12: **Resolution No. 2010-142** adopted approving the appointment of representatives to the Sacramento Central Groundwater Authority

Agenda Item No. 8.13: **Resolution No. 2010-143** adopted approving Parcel Map No. 09-021, Grace Church Parcel Map, and directing the City Manager to execute a Subdivision Improvement Agreement

Agenda Item No. 8.14: **Resolution No. 2010-144** adopted authorizing the City Manager to execute a construction contract with RGW Construction, Inc. for the Waterman Road Re-Alignment Project in the amount of \$2,404,047 and authorizing the City Engineer to approve change orders not to exceed \$481,000

Agenda Item No. 8.15: **Resolution No. 2010-145** adopted amending the Fiscal Year 2011-15 Capital Improvement Program and the Fiscal Year 2010-11 Budget by approving the allocation of \$2,468,000 in East Franklin Landscape Corridor Fee funding for the Safety, Streetscaping, and Bicycle / Pedestrian Improvements Program

Agenda Item No. 8.16: **Resolution No. 2010-146** adopted amending the Fiscal Year 2010-11 Budget to appropriate \$111,856 from the Proposition 1B Transit Fund for the Corporation Yard Miscellaneous Improvements Project

Agenda Item No. 8.17: **Resolution No. 2010-147** adopted authorizing the City Manager to: 1) execute an agreement with the County of Sacramento for access to the California Law Enforcement Telecommunications System (CLETS) and the

California Justice Information System (CJIS) applications in an amount not to exceed \$66,000, and 2) execute annual contract renewals which do not exceed \$75,000 each year

Agenda Item No. 8.18: **Resolution No. 2010-148** adopted declaring intention to reimburse certain expenses that may be incurred relating to the acquisition of land for and construction of the Household Hazardous Waste Collection Facility

PUBLIC HEARINGS

Agenda Item No. 9.1: A public hearing to consider Bakey Parcel Map project - Rezone and Tentative Parcel Map (EG-10-026; APN: 127-0008-020)

RECOMMENDATION

- 1) Adopt resolution finding the Bakey Parcel Map project (EG-10-026) exempt from CEQA review pursuant to Section 15183 of the CEQA Guidelines of Title 14 of the California Code of Regulations; and
- 2) Introduce and waive the full reading, by substitution of title only, an ordinance amending the City of Elk Grove Zoning Map from AR-5 to AR-2 for the Bakey Parcel Map Project (EG-10-026); and
- 3) Adopt resolution approving a Tentative Parcel Map for the Bakey Parcel Map project (EG-10-026).

With the aid of an overhead presentation (filed), Sarah Kirchgessner, Senior Planner, provided an overview of the staff report and recommendation.

Mayor Scherman declared the public hearing open.

PUBLIC COMMENT:

None.

Mayor Scherman declared the public hearing closed.

Motion #1: ***M/S Hume/Detrick*** to adopt **Resolution No. 2010-149** finding the Bakey Parcel Map project (EG-10-026) exempt from CEQA review pursuant to Section 15183 of the CEQA Guidelines of Title 14 of the California Code of Regulations. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Motion #2: ***M/S Hume/Detrick*** to introduce and waive the full reading, by substitution of title only, **Ordinance No. 15-2010** amending the City of Elk Grove Zoning Map from AR-5 to AR-2 for the Bakey Parcel Map Project (EG-10-026). ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Motion #3: *M/S Hume/Detrick* to adopt **Resolution No. 2010-150** approving a Tentative Parcel Map for the Bakey Parcel Map project (EG-10-026). ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Agenda Item No. 9.2: A public hearing to consider approving a Letter of Public Convenience or Necessity for a Type 21 (Off-Sale General) and Type 42 (On-Sale Beer and Wine for Public Premises) alcohol license for Henry's Farmers Market located at 8211 Laguna Boulevard (Project Nos. EG-10-033 and EG-10-038; APN: 116-0320-055)

RECOMMENDATION

Adopt resolution approving a Letter of Public Convenience or Necessity for a Type 21 and Type 42 alcohol license for Henry's Farmers Market (EG-10-033 and EG-10-038).

With the aid of an overhead presentation (filed), Adam Petersen, Associate Planner, provided an overview of the staff report and recommendation. Mr. Petersen noted the zoning for the project allows for the sale of alcohol by right, which included wine tasting. A Letter of Public Convenience or Necessity (PCN) was required because the grocery store location was identified by the State of California's Department of Alcoholic Beverage Control as an area of high crime and an area with an overconcentration of alcohol sales, without the PCN Letter an alcohol license would not be issued.

Mayor Scherman declared the public hearing open.

PUBLIC COMMENT:

John Le of Le Architects, representing Henry's Farmer Market, stated the applicant's goal was to offer similar products and services that are enjoyed by other area super markets and drugstores. In response to Council Member Hume, Mr. Le noted a projected opening day of August 18, 2010.

Mayor Scherman declared the public hearing closed.

Motion: *M/S Hume/Davis* to adopt **Resolution No. 2010-151** approving a Letter of Public Convenience or Necessity for a Type 21 and Type 42 alcohol license for Henry's Farmers Market (EG-10-033 and EG-10-038). ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Agenda Item No. 9.3: A public hearing to consider approving a Letter of Public Convenience or Necessity for a Type 20 (Off-Sale Beer and Wine) alcohol license for Walgreens located at 9200 Elk Grove-Florin Road (Project No. EG-10-029; APN: 116-0100-093)

RECOMMENDATION

Adopt resolution approving a Letter of Public Convenience or Necessity for a Type 20 alcohol license for Walgreens (EG-10-029).

With the aid of an overhead presentation (filed), Adam Petersen, Associate Planner, provided an overview of the staff report and recommendation. Mr. Petersen noted the project site was zoned General Commercial, and alcohol sales were permitted by right. A Letter of Public Convenience or Necessity (PCN) was required because the store location was identified by the State of California's Department of Alcoholic Beverage Control (ABC) as an area with an overconcentration of alcohol sales, without the PCN Letter an alcohol license would not be issued. Mr. Petersen noted the hours of operation would be 18 hours a day, leaving flexibility for when the store wants to remain open.

Vice Mayor Detrick inquired if the business was required to lock up sales after 2:00 a.m., to which Mr. Petersen stated that ABC had not informed City staff of any such restriction, nor was there any such zoning restriction.

Mayor Scherman declared the public hearing open.

Seth Merewitz, representing Walgreens, stated the hours of operation of the store were 8:00 a.m. to 10:00 p.m., and no single units or hard alcohol would be sold. The offerings requested under the Type 20 alcohol license were for customer preference, and for Walgreens to remain competitive with other stores in the area which all have pharmacies and alcohol sales.

PUBLIC COMMENT:

None.

Mayor Scherman declared the public hearing closed.

Motion: M/S Hume/Detrick to adopt **Resolution No. 2010-152** approving a Letter of Public Convenience or Necessity for a Type 20 alcohol license for Walgreens (EG-10-029). ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Agenda Item No. 9.4: A public hearing to consider approving a Letter of Public Convenience or Necessity for a Type 20 (Off-Sale Beer and Wine) alcohol license for Walgreens located at 7299 Laguna Boulevard (Project No. EG-10-030; APN: 116-1380-001)

RECOMMENDATION

Adopt resolution approving a Letter of Public Convenience or Necessity for a Type 20 alcohol license for Walgreens (EG-10-030).

With the aid of an overhead presentation (filed), Adam Petersen, Associate Planner, provided an overview of the staff report and recommendation. A Letter of Public Convenience or Necessity (PCN) was required because the grocery store location was identified by the State of California's Department of Alcoholic Beverage Control (ABC) as an area of high crime and an area with an overconcentration of alcohol sales, without the PCN Letter an alcohol license would not be issued.

Council Member Davis asked what level of security was currently in place at the location, and whether loitering restrictions, and the means to enforce and cite those restrictions, existed.

Mr. Peterson stated ABC's licensing requirements include that there be no loitering on the site. He noted that because a Conditional Use Permit was not required, the City did not have the means to add conditions for enhanced security on the PCN Letter.

Police Captain Brian Noblett posed that if the property is properly posted with signage restricting loitering, City police would enforce the regulation, which included citations and fines.

Mayor Scherman declared the public hearing open.

Seth Merewitz, representing Walgreens, stated the project site was a 24-hour store, but beer and wine would only be sold from 6:00 a.m. to midnight. In reply to Vice Mayor Detrick, Mr. Merewitz clarified that there was a capability to lock down facilities but he was not aware of any current requirements, either from ABC or imposed on neighboring businesses, to lock down facilities.

PUBLIC COMMENT:

Mimi DeVille stated her understanding of applicants rights to licenses without additional restrictions, and remaining competitive with neighboring businesses, but posed that applicants can take a greater social responsibility to improve on-site security in areas of high crime. Ms. DeVille did not believe the resources were available to police loitering ordinances. She believed security cameras or private security patrolling the parking lot would improve conditions at the site, and asked the applicant to consider working with other stores in the area, the property manager / owner of the facility, or district managers to provide on-sight security when alcohol is being sold, particularly on weekends.

Mr. Merewitz noted two external cameras were located at the site, and that additional security measures had never been requested by any agencies. He was not aware of any competitors' sites having additional security requirements, and that the projected small offerings at this store would not justify the costs of increasing security. Mr. Merewitz believed Walgreens represents itself as a socially

responsible and responsive corporate neighbor that would be willing to work with the community to address issues or concerns.
Council Member Davis requested that future PCN Letter requests examine security practices of neighboring businesses.

In response to Vice Mayor Detrick, Police Captain Noblett verified that if there was a reoccurring problem at a site the City would build a case file and work closely with ABC to ensure the business and alcohol license are closely monitored.

Mayor Scherman declared the public hearing closed.

Motion: M/S Hume/Detrick to adopt **Resolution No. 2010-153** approving a Letter of Public Convenience or Necessity for a Type 20 alcohol license for Walgreens (EG-10-030). ***The motion passed by the following vote: Ayes: 4; Noes: 1 (Davis).***

Agenda Item No. 9.5: A public hearing to consider the Franklin Crossing Amendments project (EG-09-062) – Mitigated Negative Declaration, General Plan Amendment, Specific Plan Amendment, Rezone, Large Lot Tentative Subdivision Map, and Small Lot Tentative Subdivision Map located at the southwestern corner of the East Franklin Specific Plan south of Bilby Road (EG-09-062; APNs: 132-0132-042 and 132-1680-032)

RECOMMENDATION

- 1) Adopt resolution approving the Mitigated Negative Declaration for the Franklin Crossing Amendments project (EG-09-062); and
- 2) Adopt resolution approving a General Plan Amendment for the Franklin Crossing Amendments project (EG-09-062); and
- 3) Adopt resolution approving a Specific Plan Amendment for the Franklin Crossing Amendments project (EG-09-062); and
- 4) Introduce and waive the full reading, by substitution of title only, an Ordinance of the City Council of the City of Elk Grove amending the City of Elk Grove Zoning Map from RD-4, RD-5, and O to RD-5 and O for the Franklin Crossing Amendments project (EG-09-062); and
- 5) Adopt resolution approving a Large Lot Tentative Subdivision Map and Small Lot Tentative Subdivision Map for the Franklin Crossing Amendments project (EG-09-062).

With the aid of an overhead presentation (filed), Mike Costa, Associate Planner, provided an overview of the staff report and recommendation. The project consists of multiple amendments to a project that was approved in 2007, and would increase the general density of the project by 74 units, from 240 to 314 single family residences, increasing the average density of the majority of the project area from three dwelling units per acre to five dwelling units per acre. The increased number of units would still maintain under the projected total build-out numbers projected for

the East Franklin Specific Plan, which proposed 10,103 units at total build out; the inclusion of this project would take the area to a build-out of 9,641 residential units, including the increase in units proposed under these amendments, and taking into consideration current developed units and present land use designations of units that remain undeveloped. The average lot size would range from 5,000 to 6,000 square feet. The proposed park increases by 0.3 acres to a total of 4.9 acres, and the Cosumnes Community Services District Parks Department stated the planning for the park would be conducted during Phase 3 of the project's build-out, and would include public input from surrounding neighborhoods.

Mayor Scherman declared the public hearing open.

Jay Pawlek, representative of Taylor Morrison, thanked the City for its support in the processing the project application and supported approval of the project.

PUBLIC COMMENT:

Jon Rusmore submitted public comment via letter (filed), for Council consideration.

Mayor Scherman declared the public hearing closed.

Vice Mayor Detrick noted the City has had issues with some neighborhood parks being designed, developed, and utilized for sports fields after people move in to their homes, and subsequently residents then object to having the sports field installed. He inquired if there were conditions to disclose that the park will be designed, developed, and installed after they move in.

Mr. Pawlek responded he would work with the Cosumnes Community Services District Parks Department to draft a disclosure statement that would address timing, fees, construction, and that the park would be a public facility, to be included in the Covenants, Codes and Restrictions for the subdivision.

Motion #1: M/S Hume/Detrick to adopt Resolution No. 2010-154 approving the Mitigated Negative Declaration for the Franklin Crossing Amendments project (EG-09-062). *The motion passed by the following vote: Ayes: 5; Noes: 0.*

Motion #2: M/S Hume/Detrick to adopt Resolution No. 2010-155 approving a General Plan Amendment for the Franklin Crossing Amendments project (EG-09-062). *The motion passed by the following vote: Ayes: 5; Noes: 0.*

Motion #3: M/S Hume/Detrick to adopt Resolution No. 2010-156 approving a Specific Plan Amendment for the Franklin Crossing Amendments project (EG-09-062). *The motion passed by the following vote: Ayes: 5; Noes: 0.*

Motion #4: M/S Hume/Detrick to introduce and waive the full reading, by substitution of title only, Ordinance No. 16-2010 amending the City of Elk Grove

Zoning Map from RD-4, RD-5, and O to RD-5 and O for the Franklin Crossing Amendments project (EG-09-062). ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Motion #5: M/S Hume/Detrick to adopt **Resolution No. 2010-157** approving a Large Lot Tentative Subdivision Map and Small Lot Tentative Subdivision Map for the Franklin Crossing Amendments project (EG-09-062). ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

REGULAR AGENDA ACTION ITEMS/RECOMMENDATIONS

Agenda Item No. 10.1: Consider the Swainson's hawk Mitigation Ordinance Compliance Agreement for the Franklin Crossing Project

RECOMMENDATION:

Adopt resolution authorizing the City Manager to sign a Swainson's hawk Mitigation Ordinance Compliance Agreement for the Franklin Crossing project.

Taro Echiburú, Interim Planning Director, provided an overview of the staff report and recommendation. He explained that the applicant was placing a deposit as collateral for mitigation while the applicant examined alternative mitigation options prior to pulling building permits. Mr. Echiburú replied to Council Member Hume that the Delta Breeze Vineyard site has 320 credits available, and the current project requires 83 credits.

PUBLIC COMMENT:

None.

Motion: M/S Hume/Detrick to adopt **Resolution No. 2010-158** authorizing the City Manager to sign a Swainson's hawk Mitigation Ordinance Compliance Agreement for the Franklin Crossing project. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Agenda Item No. 10.2: Adopt resolution authorizing the Mayor and City Manager to execute the second amendment to the service agreement between the Sacramento Regional Transit District and the City of Elk Grove for Americans with Disabilities Act (ADA) Eligibility Certification Support and provide direction regarding the Taxi Scrip Program eligibility

RECOMMENDATION:

- 1) Adopt resolution authorizing the Mayor and City Manager to execute the second amendment to the service agreement between Regional Transit and the City of Elk Grove for Americans with Disabilities Act (ADA) Eligibility Certification Support; and
- 2) Provide direction regarding the Taxi Scrip Program eligibility.

With the aid of an overhead presentation (filed), Tiffani Fink, Transit System Manager, provided an overview of the staff report and recommendation. During negotiations with Sacramento Regional Transit (RT) on renewal of the AB466 agreement, it was found beneficial to the City to bring the Americans with Disabilities Act (ADA) certification process in-house. The shift would save approximately \$19,000 in annual payments that currently go to RT for certification, and would be an easier transition as currently City staff time was expended to verify the certification work. The target to implement this change was by August 1st.

Ms. Fink noted that with RT's reduction in funding, a trend was forming which saw an increased number of passengers transferring from RT service to e-van to utilize the taxi scrip program. She detailed that the taxi scrip program, which commenced July 2009 after service adjustments eliminated weekend e-van service, was provided as a lifeline service to ADA certified passengers. The taxi scrip program was allotted on a first come, first serve basis. Taxi scrip had no expiration date, and there was a \$25,000 annual expenditure cap for the program, with the goal for the City to pay half of the taxi fare for urgent transport needs. Currently any certified ADA passenger could utilize taxi scrip, regardless of residency, as long as a destination point was in Elk Grove, matching the e-van service model which was open to anyone who started or stopped in Elk Grove. Ms. Fink noted the increase of weekend trips utilizing scrip and sought Council direction on the program regarding whether the program should continue to be available to non Elk Grove residents who were ADA certified, and in light of future service changes, whether an expiration date should be established for taxi scrip. She clarified that while ADA certification was used as the basis to issue taxi scrip, the program was not ADA service, and it was not a legal compliment of what was required for ADA service, giving the Council increased flexibility in defining the terms of the program

PUBLIC COMMENT:

None.

Council Member Hume believed that budget reductions of operations at RT and Paratransit equated to off-loading demand onto e-tran and e-van systems, forcing the City to increase oversight and controls of programs to ensure such programs achieve their intended use. Mr. Hume believed the expenditure cap of the program created an effective expiration date, and believed services should be for Elk Grove residents only.

Vice Mayor Detrick believed an expiration date would incentivize purchasers of taxi scrip to promptly utilize the service, and discourage unintended consequences such as buyers stockpiling or selling scrip to others.

By Council consensus, direction was provided on taxi scrip to only allow Elk Grove residents eligibility, and to place an expiration date on issued taxi scrip.

Motion: M/S Hume/Detrick to adopt **Resolution No. 2010-159 authorizing the Mayor and City Manager to execute the second amendment to the service agreement between Regional Transit and the City of Elk Grove for Americans with Disabilities Act (ADA) Eligibility Certification Support. ***The motion passed by the following vote: Ayes: 5; Noes: 0.*****

ADJOURNMENT

With no additional business to conduct, the July 14, 2010 City Council meeting was adjourned in memory of California State Senator Dave Cox, local educator Dr. James Bemis, and Clarence Frank Baker at 8:47 p.m.


JASON LINDGREN,
INTERIM CITY CLERK

ATTEST:


SOPHIA SCHERMAN, MAYOR