

**MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
Wednesday, December 8, 2010**

**CALL TO ORDER/ROLL CALL**

Mayor Scherman called the regular City Council meeting of December 8, 2010 to order at 6:15 p.m.

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

Absent: None.

Mayor Scherman led the *Pledge of Allegiance*.

Mayor Scherman asked that a moment of silence be observed.

**SPECIAL ACTION ITEM:** Certification of November 2, 2010 General Municipal Election Results; Reorganization of the Elk Grove City Council

**RECOMMENDATION**

- a) Adopt resolution certifying the election results of the November 2, 2010 General Municipal Election;
- b) City Clerk to administer the Oath of Office to the City Council Members Elect and present Certificates of Election
- c) Reorganize the Elk Grove City Council:
  - 1) By motion select the Mayor
  - 2) By motion select the Vice Mayor

Jason Lindgren, City Clerk, presented the item for Council action.

The results of the election were entered in the minutes as follows:

<u>Council District 2:</u>	Votes Cast:	<u>Council District 4:</u>	Votes Cast:
Patrick A. Hume	17,304	Gary Davis	22,380
George Murphey	13,402	Jimmie Johnson	12,186
Davies Ononiwu	7,942	James White	4,182
Write-in	115	Write-in	89

Candidates elected at the November 2, 2010 General Municipal Election were Patrick A. Hume from District 2 as a member of the City Council for the full term of four years, and Gary Davis from District 4 as a member of the City Council for the full term of four years.

The results for the measures of the election were entered in the minutes as follows:

**Measure J: Utility User Tax Reduction and Modernization Measure**

Shall an ordinance be adopted to reduce the existing Utility User Tax from 2.5% to 2.25%; modernized the current ordinance to treat taxpayers equally regardless of technology used for telecommunications and video services; to preserve funding for essential general municipal services, such as public safety?

<b><u>Measure J:</u></b>	<b>Votes Cast:</b>
YES Votes	31,093
NO Votes	9,514

**Measure K: Elective Office of Mayor**

Shall the electors elect a mayor and four city council members? A "Yes" vote means the citizens directly elect the mayor; a "No" vote continues the practice that the council chooses one of its members to preside as Mayor on an annual basis.

<b><u>Measure K:</u></b>	<b>Votes Cast:</b>
YES Votes	32,500
NO Votes	9,030

**Measure L: Two Year Term of Elective Office of Mayor**

Shall the term of office of the mayor be two years?

<b><u>Measure L:</u></b>	<b>Votes Cast:</b>
YES Votes	26,170
NO Votes	14,928

**Measure M: Four Year Term of Elective Office of Mayor**

Shall the term of office of the mayor be four years?

<b><u>Measure M:</u></b>	<b>Votes Cast:</b>
YES Votes	14,194
NO Votes	26,142

**Measure N: Increase to a Seven Member Legislative Body**

Shall members of the legislative body of the City of Elk Grove be qualified by and elected from six (6) districts and the Mayor be qualified and elected on a citywide basis by the voters of the entire city; a "Yes" vote increases the legislative body to seven (7) members; a "No" vote retains the current size of the legislative body at five (5) members.

<b><u>Measure N:</u></b>	<b>Votes Cast:</b>
YES Votes	16,833
NO Votes	22,727

Measures approved by a majority vote at the November 2, 2010 General Municipal Election were Measure J (Utility User Tax Reduction and Modernization Measure),

Measure K (Elective Office of Mayor), and Measure L (Two Year Term of Elective Office of Mayor). Measures that did not receive a majority of votes were Measure M (Four Year Term of Elective Office of Mayor) and Measure N (Increase to a Seven Member Legislative Body) and subsequently were not approved.

**PUBLIC COMMENT:**

None.

**Motion:** *M/S Cooper/Davis to adopt Resolution No. 2010-249 certifying the election results of the November 2, 2010 General Municipal Election. **The motion passed by the following vote: Ayes: 5; Noes: 0.***

City Clerk Lindgren administered the Oath of Office to incumbent Council Member Patrick A. Hume and incumbent Council Member Gary Davis, and presented Certificates of Election.

**Motion #1:** *M/S Hume/Davis to appoint Steven M. Detrick as Mayor. **The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Motion #2:** *M/S Hume/Davis to appoint James Cooper as Vice Mayor. **The motion passed by the following vote: Ayes: 5; Noes: 0.***

By consensus the Council decided the appointments to the seats of Mayor and Vice Mayor would be effective after adjournment of the meeting.

**RECEPTION:** Council recessed at 6:28 p.m. for a reception in honor of newly elected Council Members. The regular City Council meeting reconvened at 6:41 p.m. with all Council Members present.

**APPROVAL OF AGENDA**

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

**CLOSED SESSION**

None.

**PRESENTATIONS/ANNOUNCEMENTS**

4.1 With the aid of an overhead presentation (filed), Lysa Voight of the Sacramento Regional County Sanitation District gave a presentation on the Sacramento Water Recycling Program.

Ms. Voight provided an overview of the program, recent recycled water efforts, and requested the Council sign a letter of support for the Sacramento Water Recycling

Program. The Sacramento Regional County Sanitation District provided regional waste water collection, conveyance, and treatment services for approximately 1.4 million residents in the greater Sacramento region. A proposed extension of the recycled water program was a project in the southwest region of Elk Grove that would provide ten million gallons per day. The treatment facility for the proposed extension was at 100% design, and completion of the pipeline design was needed before phase implementation. The South Sacramento County Agricultural and Habitat Lands Project south of the City of Elk Grove, east of Interstate 5, created a potential to irrigate between 2,000 to 8,000 acres of land with recycled water which would replace use of ground water, the current primary source of irrigation to that area. The large acreages in that area were owned and operated by various government and conservation groups, and to get recycled water efforts moving forward, a coalition was recommended to ensure stakeholders were educated about uses of recycled water, to identify projects, to build support for recycled water program expansion, and to obtain funding and political support. The documents requested for future Council approval included a stakeholder letter of support which would be used for funding requests, and the statement of principles document, which outlined the purpose of the coalition and how recycled water programs aid in attaining regional and state goals.

Prabhakar Somavarapu, Director of Policy with the Sacramento Regional County Sanitation District, noted that the volume produced by the proposed project, and that the proposed agricultural uses of recycled water, only required secondary treatment, placing this project as a separate issue from either alleviating or addressing the requirements of the NPDES permit currently under review. He did note that water discharged into the river from either the NPDES process or the recycled water program would be required to be filtered further, and that process segment of filtration was where a combination of savings could occur.

In reply to Council Member Hume, Mr. Somavarapu noted the recycled water program could be expanded to divert more water from the treatment required under the NPDES permit, but a limiting factor was infrastructure cost to convey the water.

In reply to Council Member Davis, Ms. Voight noted funding was an issue, and that the program currently had funding in the form of grants of approximately \$5 million, where efforts would continue to seek state and federal funding in the form of appropriations, and to explore alternate funding options. Council Member Davis received confirmation from Ms. Voight that the documents requested to be endorsed by the Council for the coalition were to confirm that the City supports the effort of seeking grants only, and did not endorse any rate payer increases.

## **PUBLIC COMMENT**

Paul Lindsay, speaking on behalf of the community group Elk Grove FIRST, requested an ordinance be considered requiring each Council District to be

represented on each commission, board, and/or other body appointed by the City Council, or in future by the directly elected mayor and confirmed by the City Council.

John Saragusa, President of MV Transportation, thanked City transit staff for their help and support recently to ensure additional buses were placed in service. He introduced Mr. Jonathan Sanders the new General Manager for the system.

### **GENERAL ADMINISTRATION INFORMATION**

City Manager Laura Gill reviewed the December 8, 2010 Administrative Report (filed).

### **COUNCIL COMMENTS / REPORTS / FUTURE AGENDA ITEMS**

Council Member Cooper attended a brief Sacramento Regional County Sanitation Board of Directors meeting today which was to prepare members for the Central Valley Regional Water Quality Control Board (CVRWQCB) meeting and hearing on December 9, 2010, and noted he would not be in attendance at the December 9 CVRWQCB meeting.

Council Member Hume noted the Sacramento Transportation Authority (STA) Board would meet December 9, and the South Sacramento Habitat Conservation Plan (SSHCP) meeting would be on December 10. He planned to attend the CVRWQCB meeting on December 9. He attended the Capital SouthEast Connector Joint Powers Authority Board meeting and had held additional meetings with citizens and City staff regarding Limited Access Roadway alternatives, and the community's response to those alternatives. Mr. Hume requested future agenda items to receive an update on permitted uses in the M1 and M2 industrial land use zones, and to consider citywide regulations regarding swimming pool setbacks, and excluding swimming pools from being considered under the permit definitional term *structure*.

Council Member Davis noted that the Sacramento Area Council of Governments (SACOG) would meet the following week, and requested the support documents for the recycled water program, requested by the Sacramento Regional County Sanitation District under Item 4.1, be returned for Council consideration.

Vice Mayor Detrick requested future consideration of the proposal made by Mr. Lindsay under public comment relative to District representation of appointments, and agreed with returning the issue of swimming pools currently being considered as structures in areas of the City. He attended meetings of the Ad Hoc Committee to locate state agencies with Council Member Davis, attended the Veterans Day Parade, and the *Fittest of Elk Grove Competition / Health & Wellness Fair* event.

Mayor Scherman presented a plaque, on behalf of the Elk Grove Veterans Day Parade, to the City in thanks for its participation and support of the event. She thanked Gene and Betty Robinson who, in an annual tradition since the City's incorporation, delivered persimmon cookies to the Council during the Christmas season. She noted taking a tour of the City with Emergency Operations Coordinator Don Stangle to identify sensitive areas of the City that may require response plans in the event of an emergency, such as the Elk Grove Food Bank Services, Jessie Baker Elementary School, and Senior Center. She had no reportable items from the Sacramento Public Library Authority Board meeting, but noted there was growing opposition amongst library facility users regarding a video game being played on the library computer systems. She attended the Police Department's Volunteer Awards Luncheon and the Lions Club fundraiser. Mayor Scherman reported that the Elk Grove Food Bank Services coat drive collected over 1,000 coats, and the turkey drive generated over 600 donations. She reported she had met with representatives of St. Anton Partners regarding Item 9.4 and representatives of USA Properties Fund, Inc. regarding Item 10.4, and had received contact from an attorney regarding a closed session item. She congratulated staff for receiving recognition for the City's Community Development Block Grant (CDBG) Program five-year Consolidated Plan, increasing accessibility for, and service to, the vulnerable, special needs, and elderly members of the community. Mayor Scherman noted an informational outreach campaign of the Sacramento Employment and Training Agency (SETA) through the website [www.sacramentoworks.org](http://www.sacramentoworks.org) to provide job seekers with employment assistance resources.

### **CONSENT CALENDAR ITEMS**

Council Member Hume noted, in regards to Item 8.15, that he had received complaints about the appearance of the medians at the site of the project on Franklin Boulevard. Mr. Hume congratulated staff in regards to Item 8.23 regarding the cost sharing agreement with the Sacramento Regional Transit District (RT) in reducing annual costs to the City for services provided by RT.

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

**Agenda Item No. 8.1:** Received Automatic Clearing House Nos. 2466 through 2592 dated November 1, 2010 through November 30, 2010, General Warrant Nos. 56230 through 56504, and Electronic Fund Transfer Nos. 2011070 through 2011085

**Agenda Item No. 8.2:** Receives August and September 2010 Treasurer's Reports

**Agenda Item No. 8.3:** Approved May 26, 2010 and June 9, 2010 Regular City Council Meeting Minutes

**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 December 1, 2010

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

**Agenda Item No. 8.6:** **Ordinance No. 14-2010** adopted amending Elk Grove Municipal Code Chapter 3.40 relating to Utility User Tax (**Second Reading**)

**Agenda Item No. 8.7:** **Ordinance No. 26-2010** adopted amending the City of Elk Grove Zoning Map from AR-5 to AR-2 for the NJ Wilson Estates – Rezone and Tentative Subdivision Map Project (EG-10-016) (**Second Reading**)

**Agenda Item No. 8.8:** **Resolution No. 2010-250** adopted authorizing destruction of certain records retained by the Office of the City Clerk

**Agenda Item No. 8.9:** **Resolution No. 2010-251** adopted amending the Elk Grove Conflict of Interest Code

**Agenda Item No. 8.10:** **Resolution No. 2010-252** adopted authorizing the City Manager to: 1) accept an appropriation from the State Supplemental Law Enforcement Services Fund to implement a police operations electronic citation system for a two year period in the amount of \$173,000, and 2) increase the Police Department's revenue and expense budget by \$173,000

**Agenda Item No. 8.11:** **Resolution No. 2010-253** adopted authorizing the City Manager to: 1) accept an appropriation from the California Office of Traffic Safety via the Citrus Heights Police Department to implement the AVOID the 17 Driving Under the Influence Program in the amount of \$7,476, and 2) increase the Police Department's revenue and expense budget by \$7,476

**Agenda Item No. 8.12:** **Resolution No. 2010-254** adopted approving an updated parking violation fine schedule that implements the recent California State-mandated surcharge for the Trial Court Trust Fund identified in Senate Bill 857

**Agenda Item No. 8.13:** **Resolution No. 2010-255** adopted adopting the New Sacramento County Operational Area Agreement

**Agenda Item No. 8.14:** **Resolution No. 2010-256** adopted ratifying the Public Works Director's change order authority from 15% to 20% on the Grant Line Channel Restoration Project; and **Resolution No. 2010-257** adopted accepting the

Grant Line Channel Restoration 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. 8.15:** **Resolution No. 2010-258** adopted accepting the Franklin Boulevard / Elk Grove Boulevard Intersection and Bus Turnouts Widening 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. 8.16:** **Resolution No. 2010-259** adopted accepting the Bond Road at East Stockton Boulevard and Elk Grove Boulevard at Laguna Springs Drive Median Island 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. 8.17:** **Resolution No. 2010-260** accepting the Poppy Ridge Intelligent Transportation Systems 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. 8.18:** **Resolution No. 2010-261** increasing the City Engineer's authority to expend contingency funds for the Williamson Drive Sidewalk Improvements Project by \$23,000 for a total not-to-exceed amount of \$46,500

**Agenda Item No. 8.19:** **Resolution No. 2010-262** adopted accepting the Sheldon Road / State Route 99 Interchange Reconstruction 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. 8.20:** **Resolution No. 2010-263** adopted amending the Corporation Yard Miscellaneous Improvements Project (PF0017) Project Description, and amending the 2010-2015 Capital Improvement Program and the Fiscal Year 2010-11 Budget by approving the allocation of \$168,000 of Capital Facilities Fee – Corporation Yard funding and \$432,000 of Facility Reserve funding for the Project

**Agenda Item No. 8.21:** **Resolution No. 2010-264** adopted authorizing the City Manager to approve a contract amendment with Ross-Campbell, Inc. for regional recycling media relations services in the amount of \$30,000 over a period of three years *[for a total compensation amount not-to-exceed \$72,000]*

**Agenda Item No. 8.22:** **Resolution No. 2010-265** adopted authorizing the City Manager to execute a second contract amendment with Downtown Ford Sales of Sacramento for vehicle maintenance and repair services extending the contract for

one year and authorizing an expenditure of funds not-to-exceed \$150,000 [for a total compensation amount not-to-exceed \$450,000]

**Agenda Item No. 8.23:** Resolution No. 2010-266 adopted approving the third amendment to the Transit Service and Cost Sharing Agreement with Sacramento Regional Transit District

**Agenda Item No. 8.24:** Resolution No. 2010-267 adopted approving the Annual Development Impact Fee Report for Fiscal Year 2009-10 and making findings required by the Mitigation Fee Act

### **PUBLIC HEARINGS**

**Agenda Item No. 9.1:** A continued public hearing (from November 10, 2010) to consider adoption of a resolution to adjust Solid Waste Service Rates for Fiscal Years 2011-12, 2012-13, and 2013-14 for a not-to-exceed monthly increase of \$1.69 each year or to consider other actions

### **RECOMMENDATION**

Adopt resolution for a rate adjustment for solid waste service for the not-to-exceed monthly increase of \$1.69 for each of the next three years and to become effective on July 1, 2011, July 1, 2012 and July 1, 2013. Alternately, the Council may adopt the contractual fee increase only and provide direction for another facility funding option.

With the aid of an overhead presentation (filed), Bob Williamson, Senior Project Architect, provided an overview of the staff report and recommendation related to rates. The rate increase proposed consisted of two elements, 1) a rate increase to cover contractual obligations with Allied Waste, the City's contractor providing residential solid waste services, and 2) a rate increase to construct and operate a Household Hazardous Waste Collection Facility ("the Facility"). The rate increases would be charged monthly, and the monthly rate would increase each July 1 in the years 2011, 2012, and 2013. For the contract obligations, the rate proposed was \$0.43 which would provide a predictable and semi-flat rate increase over the proposed timeframe. The remaining amount of the rate increase of \$1.26 was for the Facility. Pursuant to the procedural requirements of Proposition 218, residents were notified of the proposed rate increase 45 days prior to the posted hearing date which was originally November 10 (and continued to December 8). As of today 26 protest letters had been received of 46,000 residential waste consumers in the City, which did not constitute a majority protest.

Mr. Williamson noted that the City had secured a one million dollar bond subsidy from the federal government for the Facility, but that subsidy required the bonds be sold no later than December 31, 2010. Without action prior to that timeframe the subsidy would be lost. In addition, a state grant had been secured for design of the

Facility in the amount of \$250,000. He noted that the Facility would assist the City in meeting state mandates to divert hazardous waste from landfills. He reviewed concerns and comments received regarding investment in the Facility, and summarized with replies as follows:

- Currently only 3% of Elk Grove residential customers utilized existing regional household hazardous waste facilities, noting that generally the distance a resident must travel to properly discard waste was directly linked to the likelihood of proper disposal;
- Deposit of waste was not free at City of Sacramento and Sacramento County facilities, as the City was billed for residents who utilized such facilities;
- Drop-off events were possible, but more complicated than electronic recycling events currently held by the City, as hazardous waste drop-off events required increased time to properly sort, identify, handle, and contain the hazardous waste materials;
- The proposed Facility would join in the regional network of available facilities and augment efforts of regional partners;
- For financing and timing of building the Facility in the current economic climate, the federal bond subsidy had a brief window of availability, and current day construction and land acquisition costs were very competitive. A bond issuance also aided the feasibility of constructing the Facility to include access roads and street connectivity.

Mr. Williamson stated that funding the Facility provided the opportunity to moderate impacts and stabilize rates for trash and recycling, and that the Facility was supported by the City's regional partners.

Mayor Scherman declared the public hearing open.

**PUBLIC COMMENT:**

Bob Dayton believed the rates should be adjusted based on the size of trash cart utilized to incentivize residents to increase their recycling efforts and encourage use of smaller sized trash carts.

Mayor Scherman declared the public hearing closed.

In reply to Council Member Hume, Mr. Williamson noted that if the regional Facility was developed, staff would approach neighboring jurisdictions to coordinate billing systems to maximize citizen use of facilities and minimize billing between agencies.

Council Member Davis voiced support for the Facility in order to address state mandates, improve recycling efforts, alleviate demand on regional facilities currently at capacity, and to fully capitalize on current government subsidies and low construction costs. He requested that if the rate increase was approved for staff to

explore all means to reduce the rate payer's burden, and for the item to be reviewed on a regular basis to evaluate if the rate was required to increase as scheduled each year.

Council Member Cooper observed that the City continued to maintain one of the lowest garbage fees in the region, and the opportunity to build the Facility now would reduce future cost burdens, potentially generate income, and position the City to maintain low rates in the future.

Council Member Hume agreed with the need and purpose of the Facility and contractual rate increases, but did not agree with the cost burden being placed on rate payers for the Facility. He believed the cost included acquisition of the entire 21 acre property purchased, and not just the 5 acres being utilized solely for the Facility. He stated he was not convinced the remaining acreage would be dedicated to waste management purposes, and in not including the additional land acquisition the bond issuance would be approximately \$3.75 million less. He agreed with the statements made under public comment on the item to adjust rates to incentivize customers to utilize smaller sized trash cans.

Assistant City Manager Rebecca Craig confirmed, in relation to the purchase of the property, that the bond issuance and related rates were only paying for the purchase of the five acres used for the construction of the facility, the remaining 16 acres were purchased utilizing other funds. She noted that if the Council identified alternate funding sources, other than the funds currently being utilized for the land purchase, those funds could then be used towards offsetting costs of the project, and would subsequently reduce the amount of bonds needed to deliver the project. Ms. Craig noted that the land transaction, at this time, required the entire acreage of the property to be purchased.

Finance Analyst Andrew Keys noted regular updates would be returned for Council consideration, over the next two years during construction of the project, to evaluate how the revenue collection from the rates were in relation to the debt service being paid, and whether options exist to reduce rate increases from the maximum proposed \$1.26.

Mayor Scherman believed the timing was wrong for rate increases due to the current state of the economy, and noted such rate increases would not be removed after 2013, but remain at the increased rate for the life of the bonds. She raised concerns on the effect such rate increases would have on citizens on fixed incomes, and spoke in support of Mr. Dayton's suggestions during public comment to reduce rate increases for users of smaller trash carts.

**Motion: M/S Cooper/Davis to adopt Resolution No. 2010-268** adjusting the rate for solid waste service for the not-to-exceed monthly increase of \$1.69 for each of the next three years and to become effective on July 1, 2011, July 1, 2012 and July

1, 2013. ***The motion passed by the following vote: Ayes: 3; Noes: 2 (Scherman, Hume).***

**Agenda Item No. 9.2:** A continued public hearing (*from November 10, 2010*) to consider adopting an Urgency Ordinance and introducing an Ordinance repealing and reenacting various Chapters of Title 17 of the Elk Grove Municipal Code relating to Fire Prevention and adopting the 2010 Edition of the California Fire Code

**RECOMMENDATION**

- 1) Adopt, by substitution of title only, an Urgency Ordinance amending Title 17 of the Elk Grove Municipal Code relating to Fire Prevention and adopting by reference the 2010 California Fire Code; and
- 2) Introduce and waive the full reading, by substitution of title only, an ordinance amending Title 17 of the Elk Grove Municipal Code relating to Fire Prevention and adopting by reference the 2010 California Fire Code.

Cosumnes Community Services District Fire Marshal George Apple voiced support for the staff recommendation.

The verbal staff report was waived.

Mayor Scherman declared the public hearing open.

**PUBLIC COMMENT:**

None.

Mayor Scherman declared the public hearing closed.

***Motion #1: M/S Cooper/Hume*** to adopt, by substitution of title only, ***Urgency Ordinance No. 27-2010*** amending Title 17 of the Elk Grove Municipal Code relating to Fire Prevention and adopting by reference the 2010 California Fire Code. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

***Motion #2: M/S Cooper/Hume*** to introduce and waive the full reading, by substitution of title only, ***Ordinance No. 28-2010*** amending Title 17 of the Elk Grove Municipal Code relating to Fire Prevention and adopting by reference the 2010 California Fire Code. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 9.3:** Citywide Fire Development Impact Fee Program Update

**RECOMMENDATION**

Adopt resolution levying updated development impact fees for the Elk Grove Fire Fee Program to be effective on February 6, 2011.

The verbal staff report was waived.

Mayor Scherman declared the public hearing open.

**PUBLIC COMMENT:**

None.

Mayor Scherman declared the public hearing closed.

***Motion: M/S Cooper/Detrick*** to adopt **Resolution No. 2010-269** levying updated development impact fees for the Elk Grove Fire Fee Program to be effective on February 6, 2011. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 9.4:** A public hearing to consider a Specific Plan Amendment, Rezone, and Design Review for the Laguna Ridge Apartments Project located on the northwest corner of Civic Center Drive and Big Horn Boulevard (EG-10-053; APN: 132-2110-001)

**RECOMMENDATION**

The Planning Commission (by 4-1 vote) recommends:

- 1) Adopt resolution finding the Laguna Ridge Apartments project exempt from the California Environmental Quality Act pursuant to the California Code of Regulations, Title 14, Chapter 3 Section 15183; and
- 2) Introduce and waive the full reading, by substitution of title only, an ordinance amending the City of Elk Grove Zoning Map from RD-30 to RD-20 for the Laguna Ridge Apartments project; and
- 3) Adopt resolution approving a Specific Plan Amendment from Multi-family Residential / RD-30 to Multi-family Residential / RD-20 for the Laguna Ridge Apartments project; and
- 4) Adopt resolution approving a Design Review for the Laguna Ridge Apartments project, subject to the Findings in the resolution.

Sarah Kirchgessner, Project Planner, provided an overview of the staff report and recommendation. The request was for a Specific Plan amendment, rezone from RD-30 to RD-20, and design review for a 204 multi-unit family development composed of nine residential buildings and a community center. Since the project was not included in the 2009 General Plan Housing Element Regional Housing Needs Allocation (RHNA) inventory, the rezone of the site to RD- 20 would not affect the City's ability to meet the general needs allocation. The Planning Commission approved the project, but expressed concern that there were outstanding items that needed to be resolved, however a majority felt an adequate framework was in place for the outstanding items to be reviewed and resolved by the Planning Director or at the building permit stage. The Planning Commission added conditions to relocate a portion of the pedestrian path to the south to provide

pathway connectivity through the site, and a condition was added to install wrought iron fencing between the project site and the adjacent, vacant commercial site until such time as the commercial site was developed. The applicant requested a reduction in off-street parking, as the project site included 407 stalls and was 22 stalls less than required. The request was approved by the Planning Commission as the location of the site was adjacent to transit, which justified such a reduction.

Mayor Scherman declared the public hearing open.

Ardie Zahedani, representing St. Anton Partners, requested approval of the project and noted that if approved the project would commence construction in March of 2011 creating 450 jobs.

**PUBLIC COMMENT:**

Craig Ehnisz stated his support of the project, noting his one request to include the wrought iron fence was added as a condition.

In reply to Council Member Hume, Ms. Kirchgessner confirmed that since this project was not included in the 2009 RHNA allocation, the project was providing a larger inventory than projected for the City.

Steve Eggert, project applicant, believed the conditions currently placed on the project preserved options to keep the project in-line with City design guidelines, and provided flexibility in creating connectivity with future, adjacent uses.

Mayor Scherman thanked applicants for continuing the veteran theme within the project.

Council Member Davis appreciated the urban design of the project that would complement the adjacent future Civic Center uses, and aided in the creation of a downtown, urban core. He saw the potential for the project to benefit from planned future light rail that he envisioned servicing the future Civic Center and surrounding sites.

Mayor Scherman declared the public hearing closed.

**Motion #1: M/S Cooper/Detrick to adopt **Resolution No. 2010-270** finding the Laguna Ridge Apartments project exempt from the California Environmental Quality Act pursuant to the California Code of Regulations, Title 14, Chapter 3 Section 15183. ***The motion passed by the following vote: Ayes: 5; Noes: 0.*****

**Motion #2: M/S Cooper/Scherman to introduce and waive the full reading, by substitution of title only, **Ordinance No. 29-2010** amending the City of Elk Grove**

Zoning Map from RD-30 to RD-20 for the Laguna Ridge Apartments project. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

***Motion #3: M/S Cooper/Hume*** to adopt **Resolution No. 2010-271** approving a Specific Plan Amendment from Multi-family Residential / RD-30 to Multi-family Residential / RD-20 for the Laguna Ridge Apartments project. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

***Motion #4: M/S Cooper/Detrick*** to adopt **Resolution No. 2010-272** approving a Design Review for the Laguna Ridge Apartments project, subject to the Findings in the resolution. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

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

**Agenda Item No. 10.1:** Consider resolution authorizing the City Manager to execute a consultant services contract with EBA Engineering for engineering and architectural services associated with the Household Hazardous Waste Collection Facility Project, the Federal Energy Efficiency Conservation Block Grant, and CalRecycle Household Hazardous Waste Grant Program in the amount of \$468,750

#### **RECOMMENDATION:**

Adopt resolution authorizing the City Manager to execute a consultant services contract with EBA Engineering for engineering and architectural services associated with the Household Hazardous Waste Collection Facility Project, the Federal Energy Efficiency Conservation Block Grant, and CalRecycle Household Hazardous Waste Grant Program in the amount of \$468,750.

The verbal staff report was waived.

#### **PUBLIC COMMENT:**

None.

***Motion: M/S Cooper/Davis*** to adopt **Resolution No. 2010-273** authorizing the City Manager to execute a consultant services contract with EBA Engineering for engineering and architectural services associated with the Household Hazardous Waste Collection Facility Project, the Federal Energy Efficiency Conservation Block Grant, and CalRecycle Household Hazardous Waste Grant Program in the amount of \$468,750. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 10.2:** Consider resolution authorizing the City Manager to execute a consultant services contract with Special Waste Associates for Household Hazardous Waste Operations and Report / Permit Services associated with the Household Hazardous Waste Collection Facility Project and the CalRecycle Household Hazardous Waste Grant Program in the amount of \$56,200

**RECOMMENDATION:**

Adopt resolution authorizing the City Manager to execute a consultant services contract with Special Waste Associates for Household Hazardous Waste Operations and Report / Permit Services associated with the Household Hazardous Waste Collection Facility (HHWCF) Project and the CalRecycle Household Hazardous Waste Grant Program in the amount of \$56,200.

The verbal staff report was waived.

**PUBLIC COMMENT:**

None.

**Motion:** *M/S Hume/Detrick* to adopt **Resolution No. 2010-274** authorizing the City Manager to execute a consultant services contract with Special Waste Associates for Household Hazardous Waste Operations and Report / Permit Services associated with the Household Hazardous Waste Collection Facility (HHWCF) Project and the CalRecycle Household Hazardous Waste Grant Program in the amount of \$56,200. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 10.3:** Consider resolution authorizing the City Manager to execute a two-year contract with an optional one-year extension with Interwest Consulting Group to provide Information Technology (IT) Services in an amount not-to-exceed \$2,033,363

**RECOMMENDATION:**

Adopt resolution authorizing the City Manager to execute a two-year contract with an optional one-year extension with Interwest Consulting Group to provide Information Technology (IT) Services in an amount not-to-exceed \$2,033,363.

The verbal staff report was waived.

**PUBLIC COMMENT:**

None.

**Motion:** *M/S Davis/Detrick* to adopt **Resolution No. 2010-275** authorizing the City Manager to execute a two-year contract with an optional one-year extension with Interwest Consulting Group to provide Information Technology (IT) Services in an amount not-to-exceed \$2,033,363. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 10.4:** Consider accepting a recommendation from the Affordable Housing Loan Committee to approve a Conditional Financial Commitment in an amount determined appropriate by City Council for the proposed

affordable housing apartment project known as Vintage at Laguna II located at the northwest quadrant of Big Horn Boulevard and Laguna Boulevard

**RECOMMENDATION:**

Adopt resolution approving a conditional loan commitment of an amount determined appropriate by City Council from the City's Affordable Housing Fund and Very Low Income Housing Trust Fund for the Vintage at Laguna II Apartments Affordable Housing Development.

With the aid of an overhead presentation (filed), Jennifer Estrella, Senior Finance Analyst, provided an overview of the staff report and recommendation. The Vintage at Laguna II project by applicants USA Properties Fund Inc. and LifeSTEPS Inc. was an addition of 68 units to the current senior apartments at the northwest quadrant of Big Horn Boulevard and Laguna Boulevard. The loan request was for \$5.6 million, whereas current available funding in the Affordable Housing Fund and the Very Low Income Housing Trust Fund was \$4 million. The City's share was 41% of the project financing, and the total development cost of the project was \$13.6 million. The average subsidy was \$84,000 per unit, and the loan terms were a 4% simple interest loan, a forty year loan term, and the loan was non-amortizing consisting of small interest payments with a final balloon repayment at the term of the loan. If the City provided the total loan amount, an interfund loan agreement would likely be required to fund the \$1.6 million difference.

In reply to Vice Mayor Detrick, Assistant City Manager Craig noted that an interfund loan would be projected to be a three to five year loan commitment.

**PUBLIC COMMENT:**

Steve Gall, project applicant representing USA Properties Fund Inc., requested Council support of the request. In reply to Council Member Davis, Mr. Gall noted that the land acquisition value was higher due to the desirability of the location, that there was no infrastructure bond debt on the property, and there were no Specific Plan Area fees associated with the area. He noted a waiting list existed for the units reflecting a strong demand for this location for this particular project. Mr. Gall noted that relative to project readiness the target was to receive entitlement approval in January or February, and starting the project by August / September 2011. He believed the final phases to place the units in service likely would not occur until late third or fourth quarter of 2012.

In reply to Council Member Hume, Assistant City Manager Craig noted that project fees were not in an amount to alleviate the interfund transfer, so deferral of fees would not cover the full amount of the required \$1.6 million needed to fund the full loan commitment. In regards to sewer bank credits, Ms. Craig noted that the applicant could submit an application, and that in regards to that program's policy,

the Council could consider a modification or an exception as the program currently did not serve residential uses.

***Motion:*** ***M/S Davis/Detrick*** to adopt **Resolution No. 2010-276** approving a conditional loan commitment in the amount of \$5.6 million from the City's Affordable Housing Fund and Very Low Income Housing Trust Fund for the Vintage at Laguna II Apartments Affordable Housing Development. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

Council Member Hume confirmed that any final loan commitment and any proposed interfund loan would be brought back at a future date for Council consideration.

**Agenda Item No. 10.5:** Alcohol Regulation Update

**RECOMMENDATION:**

Staff seeks the City Council's concurrence with a revised proposal for pursuing updates to the City's regulation of alcohol-related uses.

The verbal staff report was waived.

**PUBLIC COMMENT:**

None.

The Council received and filed the report.

**Agenda Item No. 10.6:** Introduce an ordinance amending Elk Grove Municipal Code Chapter 2.12 regarding the Youth Commission and provide direction to staff on Youth Commission membership as defined in Section 2.12.020

**RECOMMENDATION:**

- 1) Introduce and waive the full reading, by substitution of title only, an ordinance amending Elk Grove Municipal Code Chapter 2.12 of Title 2 relating to the Youth Commission, and
- 2) Provide direction to staff on Youth Commission membership as defined in Section 2.12.020.

With the aid of an overhead presentation (filed), Angela Frost, Management Analyst, provided an overview of the staff report and recommendation.

Council Member Hume believed increased opportunities for youth to participate was the goal, but appreciated concerns on the overall commission number in order to effectively manage meetings. He believed all current alternate members should have equal voting status.

Council Member Davis believed momentum was building for participation in the Youth Commission, and believed the members of the commission could address improved methods to create increased involvement and participation by youth in the community.

Mayor Scherman believed caps on total service on the commission at four years, and for leadership positions at one year terms, were appropriate.

**PUBLIC COMMENT:**

None.

***Motion: M/S Hume/Detrick*** to introduce and waive the full reading, by substitution of title only, **Ordinance No. 30-2010** amending Elk Grove Municipal Code Chapter 2.12 of Title 2 relating to the Youth Commission. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 10.7:** Consider resolution opposing the draft National Pollution Discharge Elimination System permit for Sacramento Regional County Sanitation District

**RECOMMENDATION:**

Adopt resolution opposing the draft National Pollution Discharge Elimination System permit to be issued by the Central Valley Regional Water Quality Control Board.

The verbal staff report was waived.

Mayor Scherman noted that she and Council Members Davis and Hume would represent the City and be in attendance at the December 9, 2010 Central Valley Regional Water Quality Control Board hearing.

In reply to Vice Mayor Detrick, Prabhakar Somavarapu, Director of Policy with the Sacramento Regional County Sanitation District, noted that policy, project alternatives, and legislation were being pursued to evaluate options of water treatment, while recognizing that treated water held value, especially when delivered to other parts of the state. He noted any agency had ownership of the water that it treated as long as the water was within its conveyance system, and part of current evaluation efforts were to balance use of treated water between local and regional demands.

**PUBLIC COMMENT:**

None.

***Motion: M/S Hume/Detrick*** to adopt **Resolution No. 2010-277** opposing the draft National Pollution Discharge Elimination System permit to be issued by the Central

Valley Regional Water Quality Control Board. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Agenda Item No. 10.8:** Designation of voting delegate for the Sacramento Valley Division of the League of California Cities Region 3 Board Election

**RECOMMENDATION:**

Appoint a voting delegate to represent the City of Elk Grove on matters relating to election of officers to the Sacramento Valley Division League of California Cities Region 3 Board.

The verbal staff report was waived.

**PUBLIC COMMENT:**

None.

**Motion:** ***M/S Cooper/Davis*** to appoint Steven M. Detrick as a voting delegate to represent the City of Elk Grove on matters relating to election of officers to the Sacramento Valley Division League of California Cities Region 3 Board. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**CONVENE CITY COUNCIL AND FINANCE AUTHORITY JOINT REGULAR MEETING**

Mayor / Chair Scherman called the City Council and Finance Authority joint regular meeting of December 8, 2010 to order at 9:12 p.m.

Present: Mayor / Chair Scherman, Vice Mayor / Vice Chair Detrick, Council / Agency Board Members Davis, Cooper and Hume.

Absent: None.

**CITY COUNCIL / FINANCE AUTHORITY PUBLIC HEARINGS**

**Agenda Item No. 11.2A:** A continued public hearing (*from November 10, 2010*) to consider approval of financing documents and official actions for the issuance and sale of Lease Revenue Bonds for acquisition and construction of a permanent Household Hazardous Waste Collection Facility in an amount not to exceed \$12,700,000

**RECOMMENDATION**

1) Adopt resolution of the City Council approving financing documents and official actions for the issuance and sale of Lease Revenue Bonds for acquisition and construction of a permanent Household Hazardous Waste Collection Facility in an amount not to exceed \$12,700,000;



- 2) Adopt resolution of the Elk Grove Financing Authority approving financing documents and official actions for the issuance and sale of Lease Revenue Bonds for acquisition and construction of a permanent Household Hazardous Waste Collection Facility in an amount not to exceed \$12,700,000.

The verbal staff report was waived.

Mayor / Chair Scherman declared the public hearing open.

**PUBLIC COMMENT:**

None.

Mayor / Chair Scherman declared the public hearing closed.

**Motion:** *M/S Davis/Detrick* to adopt **Resolution No. 2010-278** approving financing documents and official actions for the issuance and sale of Lease Revenue Bonds for acquisition and construction of a permanent Household Hazardous Waste Collection Facility in an amount not to exceed \$12,700,000. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

**Motion:** *M/S Davis/Detrick* to adopt **Resolution No. FA2010-3** approving financing documents and official actions for the issuance and sale of Lease Revenue Bonds for acquisition and construction of a permanent Household Hazardous Waste Collection Facility in an amount not to exceed \$12,700,000. ***The motion passed by the following vote: Ayes: 5; Noes: 0.***

With no additional business to conduct, the December 8, 2010 City Council and Finance Authority joint regular meeting was adjourned at 9:15 p.m.

**ADJOURNMENT**

With no additional business to conduct, the December 8, 2010 City Council meeting was adjourned at 9:16 p.m.

  
JASON LINDGREN, CITY CLERK

ATTEST:

  
SOPHIA SCHERMAN, MAYOR