CITY OF RANCHO CORDOVA
CALIFORNIA
Incorporated 2003

CITY COUNCIL AGENDA
Regular City Council Meeting
City Council Chambers
3121 Gold Canal Drive, Rancho Cordova
November 17, 2003
6:30 P.M.

1. **Call to Order**

2. **Roll Call:** **Council Members: Cooley, McGarvey, Sander, Budge, Roberts**

3. **Pledge of Allegiance** **Please remain standing**

   Invocation to be presented by the Reverend Paul Edwards, Sun River Church.

   Metro Cable TV telecast announcement

4. **Consent Calendar**

   a. Waive reading and adopt Ordinance No. 22-2003, An Ordinance of the City Council of the City of Rancho Cordova Amending Title 3, Chapter 1, Article 1, Sections 301-04.7 and 301-04.7 and 301-04.8 of the Zoning Code Related to the Parking and Storage of Vehicles on Private Property. (Second Reading)

   b. Waive Reading and adopt Ordinance No. 24-2003, An Ordinance of the City of Rancho Cordova Amending the Ordinance Adopting a Purchasing System to Permit the City Manager to Enter into Professional Service Contracts of less than $60,000 on behalf of the City. (Second Reading)

   c. Adopt Resolution No. 74-2003, A Resolution of the City Council of the City of Rancho Cordova Implementing a 457 Deferred Compensation Plan Account Number 30-5549 with the ICMA Retirement Corporation and Designating the Director of Finance as Program Coordinator.

   d. September 02, 2003, Regular Meeting Minutes

   e. September 15, 2003, Regular Meeting Minutes

RECOMMENDED MOTION: Waive reading of Ordinance No. 22-2003, waive reading of Ordinance No. 24, 2003, and adopt ordinances and other consent calender items by roll call vote.

5. Oral Communications – Public Comment

Citizens wishing to address the Council for any matter not on the agenda may do so at this time. If you wish to be heard on a listed agenda item, please wait until that point on the agenda. **Please keep your comments to three minutes or less.** Please state your name and community of residence.

Under the provisions of the California Government Code, the City Council is prohibited from discussing or taking immediate action on any unagendized item unless it can be demonstrated to be of an emergency nature or the need to take action arose after the posting of the agenda.

6. Presentations

a. Sacramento Area Bicycle Advocates (SABA) and Walk Sacramento presentation on the health and other benefits of making communities more pedestrian and bicycle friendly – Walt Seifert, Executive Director (10 minutes)

b. American Lung Association of Sacramento-Emigrant Trails briefing on "Clean Air is a Choice" – Jane Hagedorn, Chief Executive Officer and Jennifer Finton, Program Coordinator (10 minutes)

c. Discussion regarding City of Rancho Cordova Newsletter

7. Public Hearings

a. Subject: Aerojet – Project No. RC-03-035 – a Use Permit for ground water remediation wells and treatment facilities for one site in the City of known as C-7. (continued from November 3, 2003 council meeting)

Recommended Motion: Adopt Resolution No. 70-2003 Use Permit for groundwater remediation wells and treatment facilities for one site in the City of Rancho Cordova, known as C-7.

b. Subject: Consider introduction of four ordinances to continue the City's Roadway and Transit Development Fees, Park and Recreation Fees, Housing Trust Fee, and Mather Field Public Facilities Financing Plan Development Fee.

Recommended Motion:

1. Waive reading and introduce Ordinance No. 23-2003, An Ordinance Of the City of Rancho Cordova Continuing The Roadway And Transit Development Impact Fees In Effect. (First Reading)

2. Waive reading and introduce Ordinance No. 25-2003, An Ordinance Of the City of Rancho Cordova Continuing The Park And Recreation Development Impact Fee In Effect. (First Reading)

3. Waive reading and introduce Ordinance No. 26, 2003, An Ordinance Of the City of Rancho Cordova Continuing The Housing Trust Development Impact Fee In Effect. (First Reading)

4. Waive reading and introduce Ordinance No. 27-2003, An Ordinance Of the City of Rancho Cordova Continuing The Mather Field Public Facilities Financing Plan Development Impact Fee In Effect. (First Reading)

c. **Subject:** Public hearing on and potential adoption of certain provisions of the County of Sacramento Code and Zoning Code by reference. A copy of the full County Code and Zoning Code are available for review at City Hall.

Recommended Motion: Waive reading and adopt Ordinance No. 21-2003, An Ordinance of the City of Rancho Cordova Providing for the Adoption by Reference of Certain Provisions of the County Code and Zoning Code of the County of Sacramento (Second Reading)

d. **Subject:** Public hearing on Anatolia Village 10 &13 – Project No. RC-03-040 – Development Plan Review. (This item will be continued for hearing at a future date)

8. Action Items

a. **Subject:** American River Parkway Plan Update Citizen's Advisory Committee. Applicants are Larry Ladd, Jerry Ahlin, Susan Ahlin, & Deane Burk.

Recommended Motion: Appoint Rancho Cordova citizen to the American River Parkway Plan Update Citizen's Advisory Committee.

9. Council Reports

10. Written Correspondence

a. Letter dated November 1, 2003, from the State of California Employment Development Department providing information about California's new Paid Family Leave (PFL) program and the City's responsibilities as a California employer to provide information to the employees about this Program.

11. Council Requests for Future Agenda Items

12. City Manager's Report

13. Adjournment

The City Council will adjourn this meeting in remembrance of Debby Schmierer. Mrs. Schmierer was an election assistant for Sacramento County's Voter Registration and Elections Office.

Upcoming Meeting Dates:

December 1, 2003 - Regular Council Meeting
December 8, 2003 - Special Council Meeting
December 15, 2003 - Regular Council Meeting

Tonight's meeting of the Rancho Cordova City Council is being telecast on Metro Cable TV, Channel 14, the Government Affairs Channel, and will be shown in its entirety. Tune to Metro Cable Channel 14, for playback times. The city does not control scheduling of this telecast and persons interested in watching the televised meeting should confirm this schedule with Metro Cable TV, Channel 14.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (916) 942-0255 or www.cityofranchocordova.org Requests must be made as early as possible and at least on full business day before the start of the meeting.

City Clerk's Certificate of Posting of Agenda

I, Diana Biddle, City Clerk for the City of Rancho Cordova, declare that the foregoing agenda for the November 17, 2003 regular meeting of the Rancho Cordova, Cordova City Council was posted on November 14, 2003 at the office of the City of Rancho Cordova, 3121 Gold Canal Drive, Rancho Cordova, California, 95670 and was available for public review at that location. The agenda is also available on the city web site at www.cityofranchocordova.org

Signed this 14th day of November, 2003 at Rancho Cordova, California.

Lisa Brown for
Diana Biddle, Interim City Clerk

Staff Report

Date: November 17, 2003

To: Honorable City Council

From: Steven R. Meyers, City Attorney

Subject: Ordinance Amending City's Purchasing Ordinance to Permit City Manager to Establish Professional Services Contracts up to $60,000

RECOMMENDATION

1. Waive the second reading and adopt the attached ordinance (Attachment 1).

DESCRIPTION:

Cities must adopt an ordinance establishing policies and procedures for purchases of supplies and equipment, including bidding regulations. (Government Code §§54202-54203.) At the July 1, 2003, City Council meeting, the Council adopted a Purchasing Ordinance establishing procedures for both the purchase of supplies and equipment, as well as the negotiation and ratification of certain professional service contracts.

On November 3, 2003, the City Council waived the first reading and introduced the attached ordinance increasing the City Manager's authority. The ordinance may now be adopted and will go into effect 30 days after adoption.

Because professional service contracts are so numerous and the threshold triggering competitive bidding and thus Council action is so low under the current Purchasing Ordinance, the City Manager has requested the power to enter professional service contracts up to $60,000, rather than the $20,000 originally adopted by the City. The attached ordinance amends the Purchasing Ordinance to permit the City Manager to negotiate for and enter into professional services contracts up to that amount without City Council approval.

AGENDA ITEM # 4b.

REQUESTED MOTION

"I move that the City Council waive the second reading and adopt the ordinance amending City Of Rancho Cordova Ordinance 07-2003, "Adopting A Purchasing System" and City Of Rancho Cordova Municipal Code Chapter 2.56, "Purchasing," to permit the City Manager to enter into professional service contracts of less than $60,000 on behalf of the City."

ATTACHMENTS

1. Draft Ordinance.

CITY OF RANCHO CORDOVA

ORDINANCE NO. 24-2003

AN ORDINANCE OF THE CITY OF RANCHO CORDOVA AMENDING THE ORDINANCE ADOPTING A PURCHASING SYSTEM TO PERMIT THE CITY MANAGER TO ENTER INTO PROFESSIONAL SERVICE CONTRACTS OF LESS THAN $60,000 ON BEHALF OF THE CITY

THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS FOLLOWS:

SECTION 1. Amendment. The ordinance creating and establishing the Purchasing System is hereby amended to read as follows:

Exceptions to competitive bidding requirements.

a. Purchase Contracts:
   1. The provisions of this chapter requiring competitive bidding shall not apply to the following:
      A. Where the City's requirements can be met solely by a single patented article or process;
      B. To situations where no bids have been received following bid announcements under other provisions of this chapter;
      C. When the amount involved is less than one thousand dollars ($1,000);
      D. When an emergency requires that an order be placed with the nearest source of supply;
      E. When a purchase involves goods of a technical nature, where it would be difficult for a vendor to bid on a standard set of specifications, the Purchasing Agent shall undertake a thorough review of known products and a comparison of features which would most closely meet the City's needs at the least cost;
      F. When another City Department has administered a competitive bidding process within the past two years for the same or substantially similar supplies, services or equipment;
      G. When the City Council specifically waives the competitive bid process and authorizes staff to negotiate the purchase of vehicles by a four-fifths vote.
   2. When the procurement falls into any of the categories listed above, the Purchasing Agent may authorize contracts made by negotiation, provided that the amount does not exceed twenty thousand dollars ($20,000). When the amount exceeds twenty thousand dollars ($20,000), the action must be authorized by the City Council.

b. Service Contracts:
   1. The provisions of this chapter requiring competitive bidding shall not apply to the following:

AGENDA ITEM # 4b.

A. Contracts involving the acquisition of professional or specialized services, such as, but not limited to, services rendered by architects, attorneys, engineers, and other specialized consultants;
B. For janitorial services for City buildings and facilities;
C. For maintenance and repair of buildings and facilities;
D. For maintenance and repair of public streets, including street sweeping.

2. When the procurement falls into any of the categories listed above, the City Manager may authorize contracts made by negotiation, provided that the amount does not exceed sixty thousand dollars ($60,000). When the amount exceeds sixty thousand dollars ($60,000), the action must be authorized by the City Council.

c. Any request for an exception under this section shall include the nature of the contract, amount of the contract, and the reasons why competitive bidding is not feasible.

SECTION 2. Effective Date and Posting. This Ordinance shall take effect immediately and be in force thirty (30) days from and after the date of its passage. The City Clerk of the City of Rancho Cordova shall cause this Ordinance to be posted in at least three (3) public places in the City of Rancho Cordova in accordance with Government Code §36933 of the State of California.

PASSED, APPROVED AND ADOPTED this _____ day of October, 2003, by vote as follows:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
MAYOR

ATTEST:

_____
CITY CLERK

666410

Memorandum

Date: *November 17, 2003*

To: *Honorable City Council*
Ted A. Gaebler, City Manager

From: *Gene Albaugh*

Subject: *IRS Section 457 Deferred Compensation Plan*

RECOMMENDATION: Discuss, consider and adopt a Resolution implementing a deferred compensation plan for city employees.

BACKGROUND AND DISCUSSION: Deferred compensation is a program that allows an employee to save and invest today for retirement. Federal and state income taxes are deferred until the assets are withdrawn, usually upon retirement when the retiree is in a lower income bracket. Under Section 457 of the Internal Revenue Code, an employee may defer each year a maximum of 100% of "gross compensation" or an annual dollar limit, whichever is less. The dollar limits this year are $12,000; in year 2004 - $13,000; in year 2005 - $14,000 and in year 2006 - $15,000. Participation is handled through payroll deduction so the employee's taxes are deducted each pay period.

The ICMA Retirement Corporation is a not-for-profit corporation founded by public service employees in 1972 with the help of the International City/County Management Association (ICMA) and a grant from the Ford Foundation. ICMA-RC helps establish and maintain retirement plans exclusively for state and local government employees. ICMA-RC is an investment adviser registered with the Securities and Exchange Commission.

Vantage Trust Company. The Vantage Trust is a group trust that is legally separate from ICMA-RC. It provides for the commingled investment of assets of retirement plans administered by ICMA-RC. Trust assets are not subject to the claims of creditors of ICMA-RC. Vantage Trust Company offer a range of investment funds and each fund has been designed for retirement plan investing.

ICMA-RC offers a wide variety of investment options. Investors may choose from the Vantagepoint Funds or other popular funds offered in the Mutual Fund Series. Other funds may also be available in ones plan. The Vantagepoint family of funds consists of 19 registered mutual funds including Actively Managed Funds, Index Funds, and Model Portfolio Funds.

FISCAL IMPACT: ICMA-RC prides itself on its competitive fee structure and publishes all fees in the Vantagepoint Funds Prospectus. Employee fee is $18.00 per year. There is no City contribution other than the time of the Plan Coordinator spends on administering the plan.

AGENDA ITEM # 4c.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA IMPLEMENTING A 457 DEFERRED COMPENSATION PLAN ACCOUNT NUMBER 30-5549 WITH THE ICMA RETIREMENT CORPORATION AND DESIGNATING THE DIRECTOR OF FINANCE AS PROGRAM COORDINATOR

WHEREAS, the establishment of a deferred compensation plan for such employees serves the interest of the City by enabling it to provide reasonable retirement security for its employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, the City of Rancho Cordova has determined that the establishment of a deferred compensation plan to be administered by the ICMA Retirement Corporation serves the above objectives; and

WHEREAS, the City of Rancho Cordova desires that its deferred compensation plan be administered by the ICMA Retirement Corporation, and that some or all of the funds held under such plan be invested in the Vantage Trust Company, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plans;

NOW, THEREFORE, BE IT RESOLVED that the City of Rancho Cordova hereby adopts the deferred compensation plan, *The ICMA Retirement Corporation Deferred Compensation Plan and Trust.*

BE IT FURTHER RESOLVED that the City of Rancho Cordova hereby executes the Declaration of Trust of the Vantage Trust Company, attached hereto, intending this execution to be operative with respect to any retirement or deferred compensation plan subsequently established by the City of Rancho Cordova, if the assets of the plan are to be invested in the Vantage Trust Company.

BE IT FURTHER RESOLVED that the assets of the Plan shall be held in trust, with the City of Rancho Cordova serving as trustee, for the exclusive benefit of the Plan participants and their beneficiaries, and the assets shall not be diverted to any other purpose.

BE IT FURTHER RESOLVED that the plan will permit loans.

BE IT FURTHER RESOLVED that the City of Rancho Cordova hereby agrees to serve as trustee under the Plan.

ICMA-RC 457 LOAN ADMINISTRATION AGREEMENT

This Agreement is not required if you have 1)only one 457 plan provider or 2)more than one plan provider each with its own plan document and provisions unique to each provider. The Agreement only applies if you have adopted a single 457 plan document under which ICMA-RC and one or more other provider(s) must operate. Please refer to Appendix A of *A Guide to Implementing a 457 Deferred Compensation Loan Program* brochure for more details

This Agreement shall serve as an Addendum to the Loan Guidelines established by the Employer identified below as an Addendum to the Administrative Services Agreement (ASA) made by and between the ICMA Retirement Corporation (ICMA-RC) and the Employer.

The Employer currently sponsors a section 457 deferred compensation plan administered by two or more providers (co-provider plan). In order to ensure the efficient administration of the loan program established by the Employer, the Employer hereby agrees and declares that

(1) For purposes of issuing loans from the plan, that portion of the plan's assets administered by ICMA-RC will be treated as though it were a separate and distinct plan.

(2) The Employer shall calculate the amount a participant may borrow from the ICMA-RC administered portion of the plan. No loan amount may exced the lesser of (a) the maximum loan amount specified in Internal Revenue Code section 72(p)(2)(A) or (b) 50% of the participant's ICMA-RC-administered account balance.

(3) All loan repayments must be made to the participant's ICMA-RC-administered account for the life of the loan.

AGREED as of the _____ day of _____, 200__:

Name of Employer: _____ _____
Authorized Official

State: _____

Employer Plan Number | 3 | 0 | | | | |

ICMA RETIREMENT CORPORATION

_____
Paul Gallagher
Corporate Secretary

Mail this Agreement and the completed 457 Plan Loan Guidelines in the enclosed postage-paid envelope or to:
ICMA Retirement Corporation • Attention: New Business Analyst
777 North Capitol Street, NE • Washington, DC 20002-4240

CITY OF RANCHO CORDOVA

Minutes of Meeting of The City Council
September 2, 2003

The Regular Meeting of the City Council of the City of Rancho Cordova was held on Monday, September 2, 2003 at the City Council Chambers. Mayor Dave Roberts called the meeting to order at 5:30 p.m.

ROLL CALL:	Council Members Present:	Cooley, McGarvey, Sander, Budge, Roberts
	Council Members Absent:	None
	Staff Present:	Interim City Manager Charles Cate
		Assistant to City Attorney Libby Silver
		Assistant to City Manager Curt Haven
		Interim City Clerk Diana Biddle
		Secretary Patty O'Connor

ADJOURNMENT TO CLOSED SESSION FOR THE FOLLOWING PURPOSES:

1. Public Employee Appointment

   Public employee appointment – Title: City Manager
   Government Code section 54957.

2. Conference with Legal Counsel – Anticipated Litigation

   Significant exposure to litigation pursuant to subdivision (b) of section 54956.9 (One case).

The City Council returned from the closed session at 5:43 p.m. Mayor Roberts announced that the Council would adjourn again to this closed session at the end of the meeting items.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was conducted.

At 6:48 p.m. Council Member Cooley left the meeting to attend a Weed and Seed function.

AGENDA APPROVAL

Upon a motion by Council Member Budge, seconded by Council Member Sander, the agenda was approved as presented. Motion carried.

AGENDA ITEM # 4d.

AYES: Council Members: McGarvey, Sander, Budge, Roberts
NOES: Council Members: None
ABSENT: Council Members: Cooley
ABSTAIN: Council Members: None

APPROVAL OF MINUTES

6a. July 21, 2003: Upon a motion by Council Member Budge, seconded by Council Member McGarvey, the minutes were approved as presented. Motion carried.

AYES: Council Members: McGarvey, Sander, Budge, Roberts
NOES: Council Members: None
ABSENT: Council Members: Cooley
ABSTAIN: Council Members: None

6b. July 7, 2003: Upon a motion by Council Member Sander, seconded by Council Member Budge, the minutes were approved as presented. Motion carried.

AYES: Council Members: McGarvey, Sander, Budge, Roberts
NOES: Council Members: None
ABSENT: Council Members: Cooley
ABSTAIN: Council Members: None

COUNCIL ANNOUNCEMENTS

- Mayor Roberts announced the grand opening of Rosemont High School today.
- September 6th is the Full Moon Harvest Festival of the Korean Community.
- Council Member Sander discussed the CRPD master plan meeting, 4th of July wrap up.
- Council Member Budge noted the Council has received a lot of invites including the Pollution Prevention Team. 9/18 Folsom Blvd. Beautification Project.

PUBLIC COMMENT

- Richard Anders of Rancho Cordova asked about the completion date of the Rancho Cordova leg of the light rail. It is projected for December 2004.

PRESENTATION

9. **Update on Mather Community Campus**: Cheryl Davis of the County Department of Human Assistance presented an update on the Mather Campus and its expansion. The Council requested a six month update.

Council Member Cooley returned to the meeting at 7:25 p.m.

CONSENT CALENDAR

10a. Adopt Resolution No. 51-2003, Recognizing the Accomplishments of William Alexander Leidesdorff, Jr., and his Legacy as a Prominent Civic Leader and African American Pioneer for the Rancho Cordova area and the State of California.

Item 10a was tabled due to the absence of the recipient of the Resolution.

10b. Adopt Resolution No. 54-2003, a Resolution in Support of a Federal Grant Application Being Submitted by the Rancho Cordova Weed and Seed Program for 2003-04 Funding.

Item 10b was tabled to await the return of Council Member Cooley. Upon his return, discussion ensued.

Upon a motion by Council Member Sander, seconded by Council Member Budge, it was voted to adopt Resolution No. 54-2003. Motion carried.

AYES:	Council Members	Cooley, McGarvey, Sander, Budge, Roberts
NOES:	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

PUBLIC HEARINGS

None

ACTION ITEMS

12a. Authorization to execute contracts with the County of Sacramento to provide Building and Safety, and Engineering Services for the City of Rancho Cordova.

Upon a motion by Council Member McGarvey, seconded by Council Member Budge, it was voted 5-0 to authorize Staff to execute contracts with the County of Sacramento to provide Building and Safety services. Motion carried.

AYES:	Council Members:	Cooley, McGarvey, Sander, Budge, Roberts
NOES:	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

Upon a motion by Council Member Budge, seconded by Council Member McGarvey, it was voted 5-0 to authorize Staff to execute contracts with the County of Sacramento to provide Engineering services. Motion carried.

AYES: Council Members: Cooley, McGarvey, Sander, Budge, Roberts
NOES: Council Members: None
ABSENT: Council Members: None
ABSTAIN: Council Members: None

Mayor Roberts called a recess at 7:40 p.m.; the meeting was reconvened at 7:58 p.m.

12b. Adopt Resolution No. 52-2003, Requesting Regional Transits Approval of Annexation to Regional Transit's Boundary, Declaring Need for Regional Transit to Operate Transit Service within the City of Rancho Cordova, and Requesting the Sacramento Area Council of Governments to Approve the Annexation of the City of Rancho Cordova to Regional Transit's District Boundary.

Upon a motion by Council Member Budge, seconded by Council Member McGarvey, Resolution No. 52-2003 was approved by a 5-0 vote. Motion carried.

AYES: Council Members: Cooley, McGarvey, Sander, Budge, Roberts
NOES: Council Members: None
ABSENT: Council Members: None
ABSTAIN: Council Members: None

12c. Discussion and direction regarding composition, role, terms, method of appointment, and other issues related to creation of a Planning Commission, and potential role of CorPAC.

Paul Junker, Planning Director, implemented discussion regarding the establishment of a Planning Commission. Direction was requested from the Council regarding number of members (there was concurrence it would be 7); requirements for eligibly to serve (there was concurrence the applicant should reside within the city, and not be a member of CorPAC); selection process (consensus that each council member may select one member and 2 will be at-large. Staff will incorporate the Council's direction when developing the ordinance.

12d. Regulation of Commercial Solid Waste Collection in the City of Rancho Cordova.

1. **Adopt Ordinance No. 15-2003, An Urgency Ordinance of the City of Rancho Cordova Regulating Commercial Solid Waste Collection, Transportation or Disposal and Establishing Commercial Solid Waste Collection Franchises.**

Upon a motion by Council Member Sander, seconded by Council Member Cooley, Ordinance No. 15-2003 was adopted. Motion carried.

AYES: Council Members: Cooley, McGarvey, Sander, Budge, Roberts
NOES: Council Members: None
ABSENT: Council Members: None
ABSTAIN: Council Members: None

2. **Adopt Resolution No. 55-2003, A Resolution of the City of Rancho Cordova Establishing a Franchise Fee for Commercial Solid Waste Collection Franchises and Appointing the Assistant to City Manager as the Administrator for Commercial Solid Waste Franchises.**

Upon a motion by Council Member McGarvey, seconded by Council Member Cooley, Resolution No. 55-2003 was adopted. Motion carried.

AYES: Council Members: Cooley, McGarvey, Sander, Budge, Roberts
NOES: Council Members: None
ABSENT: Council Members: None
ABSTAIN: Council Members: None

12e. Discussion of Proposed Community Development Block Grant Projects for 2003-04.

Council Member Budge reported SHRA has asked for Rancho Cordova's input on $464,000 in CDBG monies.

Council Member Budge made a motion to earmark the money as follows: $150,000 for facade rebate program, $214,000 for South White Rock neighborhood and $100,000 towards a skateboard park. Mayor Roberts expressed his concern over the need for traffic calming devices on Zinfandel and Coloma; but agreed with the motion. Council Member Cooley seconded the motion. The motion carried 5-0.

AYES: Council Members: Cooley, McGarvey, Sander, Budge, Roberts
NOES: Council Members: None
ABSENT: Council Members: None
ABSTAIN: Council Members: None

PUBLIC COMMENT:

Olivia Anders of Rancho Cordova emphasized the need for calming traffic on Zinfandel.

12f. Consider Resolution No. 53-2003, A Resolution of the City Council of the City of Rancho Cordova Pursuing a Boundary Change Between the Elk Grove School District and the Folsom Cordova School District.

Upon a motion by Council Member Sander, seconded by Council Member Budge, to adopt Resolution #53-2203. Motion carried.

AYES: Council Members: Cooley, McGarvey, Sander, Budge, Roberts
NOES: Council Members: None
ABSENT: Council Members: None
ABSTAIN: Council Members: None

12g. Set date for a City Council Workshop on Transportation Issues.

Council set October 27, 2003 at 6:30 p.m. as the date for this workshop. City Engineer Abhar will send out outline of the workshop to the City Council.

12h. Status Report on Six Month Goals and Objectives. The prioritized list will be presented at the September 26th workshop.

COUNCIL REPORTS

- Council Member Cooley will be out-of-town on 9/12 and will not be able to attend Mr. Cate's going away bash.
- Mayor Roberts noted the Cordova High cheerleaders need money for a special trip.
- Council Member McGarvey noted good news with the Aerojet and water agreement.

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Adopt paratransit resolution; water reliability study; Weed and Seed Steering Committee Appointment (Council Member Cooley); solid waste consultant; show money going to state in the budget.

CITY MANAGER'S/CITY ATTORNEY'S REPORT

No report at this time.

ADJOURNMENT TO CLOSED SESSION FOR THE FOLLOWING PURPOSES:

1. Public Employee Appointment

   Public employee appointment – Title: City Manager
   Government Code section 54957.

2. Conference with Legal Council – Anticipated Litigation

   Significant exposure to litigation pursuant to subdivision (b) of section 54956.9. (One case).

The City Council readjourned to Closed Session at 11:15 p.m. The City Council reconvened at 11:40 p.m. No announcement was made.

ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11: 40 p.m.

David Roberts, Mayor

ATTEST:

Patty O'Connor, Secretary

CITY OF RANCHO CORDOVA

Minutes of Meeting of The City Council
September 15, 2003

The Regular Meeting of the City Council of the City of Rancho Cordova was held on Monday, September 15, 2003 at the City Council Chambers. Mayor Dave Roberts called the meeting to order at 6:40 p.m.

ROLL CALL:	Council Members Present:	McGarvey, Sander, Budge, Roberts
	Council Members Absent:	Cooley (excused)
	Staff Present:	Interim City Manager Charles Cate
		Assistant to City Attorney Adam Lindgren
		Interim City Treasurer, Gene Albaugh
		Interim City Clerk Diana Biddle

PLEDGE OF ALLEGIANCE

The pledge of allegiance was conducted.

The invocation was presented by Ravi Gill, Sikh Community.

AGENDA APPROVAL

Upon a motion by Council Member Budge, seconded by Council Member Sander, the agenda was approved as presented. Motion carried.

AYES:	Council Members:	McGarvey, Sander, Budge, Roberts
NOES:	Council Members:	None
ABSENT:	Council Members:	Cooley
ABSTAIN:	Council Members:	None

SPECIAL ITEM

5a. Announcement of Appointment of New City Manager and Approval of Employment Agreement:

Mayor Roberts announced Mr. Ted Gaebler had been selected to be the first city manager of Rancho Cordova effective October 6, 2003.

Mayor Roberts thanked Interim City Manager Cate for his service on behalf of the City and presented him with a plaque recognizing this service.

AGENDA ITEM # 4e.

Attorney Lindgren presented the final revisions to the employment agreement with Mr. Gaebler. Upon a motion by Council Member Budge, seconded by Council Member McGarvey, the employment agreement with Mr. Gaebler was approved as presented. Motion carried.

AYES: Council Members: McGarvey, Sander, Budge, Roberts
NOES: Council Members: None
ABSENT: Council Members: Cooley
ABSTAIN: Council Members: None

5b. **Appointment of Gene Albaugh as Interim City Manager**: As there will be a few weeks between when Mr. Cate leaves and Mr. Gaebler begins, another interim city manager is needed. Upon a motion by Council Member Budge, seconded by Council Member McGarvey, Gene Albaugh was appointed as Interim City Manager during this time period. Motion carried.

AYES: Council Members: McGarvey, Sander, Budge, Roberts
NOES: Council Members: None
ABSENT: Council Members: Cooley
ABSTAIN: Council Members: None

APPROVAL OF MINUTES

6a. August 11, 2003 – Special Meeting: Upon a motion by Council Member Sander, seconded by Council Member Budge, the minutes were approved as presented. Motion carried.

AYES: Council Members: McGarvey, Sander, Budge, Roberts
NOES: Council Members: None
ABSENT: Council Members: Cooley
ABSTAIN: Council Members: None

6b. August 11, 2003 – Regular Meeting: Upon a motion by Council Member Budge, seconded by Council Member McGarvey, the minutes were approved as presented. Motion carried.

AYES: Council Members: McGarvey, Sander, Budge, Roberts
NOES: Council Members: None
ABSENT: Council Members: Cooley
ABSTAIN: Council Members: None

COUNCIL ANNOUNCEMENTS

- Council Member Sander encouraged people to attend the Great American River Clean-up this Saturday 9/20 at 9:00 a.m. It is a way to show respect and care for the river, an important aspect of the area.

- Mayor Roberts noted the Folsom Boulevard Streetscape meeting is 9/18; Cordova Community Council meets 9/19.
- Council Member Budge noted Cordova High School's first football game of the season is 9/19; Chamber of Commerce luncheon is 9/24.
- Council Member McGarvey encouraged the public to come out to the football game to see the results of the school bond.

PUBLIC COMMENT

- Lorraine Black of the Weed and Seed Program noted their grant application has been submitted. The fundraising was very successful. She thanked the Council, and especially Council Member Cooley, and the community for their support of this very important program.

PRESENTATION

9. None.

CONSENT CALENDAR

10a. Adopt Ordinance No. 14-2003, an Ordinance of the City Council of the City of Rancho Cordova Replacing Title I, Chapter 10, Article 7 of the City of Rancho Cordova Zoning Code and Establishing a Design Review Process. (Second Reading)

10c. Request for authorization to re-advertise for bids on the Coloma Road Enhancement Project.

10d. Departmental Activity Reports. (Receive and File)

It was requested to pull Item 10b. for further discussion, and to remove Item 10e. due to lack of information. Upon a motion by Council Member Budge, seconded by Council Member Sander, it was voted 4-0 to approve items 10a., 10c., and 10d. Motion carried.

AYES: Council Members: McGarvey, Sander, Budge, Roberts
NOES: Council Members: None
ABSENT: Council Members: Cooley
ABSTAIN: Council Members: None

10b. Adopt Resolution No. 33-2003, A Resolution of the City of Rancho Cordova Requesting the Sacramento Area Council of Governments Fund a Study to Consider Issues Faced by the Sacramento Region in Creating New Ways for the Community to Stay Mobile and Independent as it Ages.

Upon a motion by Council Member Budge, seconded by Council Member Roberts, it was voted 4-0 to adopt Resolution No. 33-2003 as amended. Motion carried.

AYES: Council Members: McGarvey, Sander, Budge, Roberts
NOES: Council Members: None
ABSENT: Council Members: Cooley
ABSTAIN: Council Members: None

PUBLIC HEARINGS

11a. Moore-Omec Circle Auto Dismantler – Project No. RC-03-013 – Conditional Use Permit: It was noted that the applicant has withdrawn this application.

11b. H.A.P. Auto Dismantlers – Project No. RC-03-009 – Conditional Use Permit: Adoption of Resolution No. 57-2003, A Resolution of the City Council of the City of Rancho Cordova Approving a Conditional Use Permit for the H.A.P. Recycling Project RC-03-009:

Kathleen Franklin, Assistant Planner, presented a brief background and summary of the staff report for this project.

Mayor Roberts opened the public hearing.

Bill Moore, applicant, was present for questions. He noted he will use redwoods if that is what staff desires. He agreed the conditions presented are reasonable.

Mayor Roberts closed the public hearing.

Upon a motion by Council Member Sander, seconded by Council Member McGarvey, it was voted 4-0 to adopt the Negative Declaration prepared for this project, subject to the findings included in the Resolution dated September 15, 2003. Motion carried.

AYES: Council Members: McGarvey, Sander, Budge, Roberts
NOES: Council Members: None
ABSENT: Council Members: Cooley
ABSTAIN: Council Members: None

Upon a motion by Council Member Sander, seconded by Council Member Budge, it was voted 4-0 that the City Council adopt Resolution No. 57-2003, approving the Conditional Use Permit, along with the Conditions of Approval as amended, and Site Map, and subject to the findings contained in Resolution No. 57-2003. Motion carried.

AYES: Council Members: McGarvey, Sander, Budge, Roberts
NOES: Council Members: None
ABSENT: Council Members: Cooley
ABSTAIN: Council Members: None

11c. Anatolia III Subdivision – Project No. RC-03-003 – Tentative Subdivision Map. Large Lot Map, and Small Lot Tentative Subdivision Map and Design Review – Adoption of Resolution No. 58-2003, A Resolution of the City council of the City of Rancho Cordova approving a Large Lot Tentative Subdivision Map, Small Lot Tentative Subdivision Map for Assessor Parcel Numbers 067-0090-016, 067-0090-023, and 067-0090-024, for the Anatolia III Project No. RC-03-003, Subject to the Findings and Conditions of Approval/MMRP:

William Campbell, Principal Planner, presented the background and the summary of the staff report for this project.

Mayor Roberts opened the public hearing.

Tim Taron, representing the owner/applicant and other involved parties, was present for questions. He noted the conditions are extensive but acceptable. New modifications include the new location of the park, separate bike lanes on Kiefer and Joeger, and Road #1 and 31 providing separated sidewalks. He noted they are not responsible to pay for the Swainson's Hawk issue per an agreement with Fish and Game. He discussed overshoots and noted they are working with the Department of Water Quality to resolve the Sunrise Boulevard flooding. Requested conditions to add included CSD-1 fee timing, and #44 less specific to read "Dedicate land or pay in lieu fees..." Mr. Tarran did have a concern about new condition #27 that was handed out prior to the meeting regarding the development agreement. He feels it is too open-ended and staff needs to clarify additional terms before his associates can comment. They can proceed but need a more specific agreement on this issue. Item #11d. was then thoroughly discussed.

Mayor Roberts closed the public hearing.

Upon a motion by Council Member Budge, seconded by Council Member Roberts, it was voted 4-0 to adopt the Mitigated Negative Declaration prepared for this project, subject to the findings included in the Resolution dated September 15, 2003. Motion carried.

AYES:	Council Members:	McGarvey, Sander, Budge, Roberts
NOES:	Council Members:	None
ABSENT:	Council Members:	Cooley
ABSTAIN:	Council Members:	None

Upon a motion by Council Member Budge, seconded by Council Member Roberts, it was voted 4-0 to adopt Resolution No. 58-2003, along with the amended Conditions of Approval/MMRP Exhibit B, and subject to the findings contained in Resolution No. 58-2003.

AYES:	Council Members:	McGarvey, Sander, Budge, Roberts
NOES:	Council Members:	None
ABSENT:	Council Members:	Cooley
ABSTAIN:	Council Members:	None

11d. Introduce Ordinance No. 17-2003, An Ordinance of the City Council of the City of Rancho Cordova Approving a Development Agreement between the City and Sunridge-Anatolia Units III:

Mayor Roberts opened the public hearing.

Tim Taron, representing the applicant noted the development agreement's purpose is to raise money for new and existing parks. AKT has agreed to pay $733 for rehabilitating older parks, and $250 for police tax. However, the park district requested an additional $3,400 for new facilities and AKT feels $3,000 is more than enough for the "Park Renovation Fee". This is over and above Quimby fees. Mr. Taron and AKT feel this is too high compared to other areas and there are too many shared facilities. Mr. Taron suggested taking the facility construction in steps as the project grows. Council Member Sander asked about payment for maintenance and operations of the new parks; a Mello-Roos will be established for this. The Park District is responsible for maintenance and operations in existing parks, however, the property tax from the new houses should help.

PUBLIC COMMENT

- Jerry Steinke, Administrator of Cordova Recreation and Park District, encouraged the Council to approve the requested $3,400 developer fee. This will help the District and the City plan for new facilities as more houses are constructed and occupied. He noted the many park board members and residents in support at the meeting.

- Don Davis, consultant to the Cordova Recreation and Park District, also encouraged the council to approve the requested amount, saying it is comparable to other districts. He noted the lack of the $400/unit will probably negate the new proposed aquatic center.

- Larry Ladd of Rancho Cordova, asked about the Elk Grove School District's participation in this issue. The Council noted they are committed to moving the boundary line to include the Sunridge development schools in the Folsom-Cordova School District.

- Walt Myers of Rancho Cordova asked what parks may be rehabbed first: Lincoln Village and Community Park II.

- Greg Foell, Assistant Administrator of the Cordova Park and Recreation District, noted every $100 counts to build and maintain the facilities for the community.

It was noted this agreement is specific to Anatolia III only, but a precedence is being set. Staff will go back to I and I to renegotiate fee. Mr. Lindgren noted it is prudent planning to estimate what the future costs will be.

Mayor Roberts closed the public hearing.

After discussion, Attorney Lindgren presented the revised Condition #27: "The developer shall enter into a development agreement with the City of Rancho Cordova specifying the obligation of the developer to pay a special police services tax in the amount of $250 per residential unit, a new park development fee of $3,000 per residential parcel and an existing park renovation fee in the amount of $744 per unit, all of which shall be subject to annual increases based upon the CPI or other appropriate index."

Council Member Sander expressed his concern over voting on condition #27 without more information. The Council agreed a more systematic approach/methodology was needed for future decisions.

Upon a motion by Council Member Sander, seconded by Council Member Budge, it was voted 4-0 to continue this item and renotice to the meeting of October 6. Motion carried.

AYES: Council Members: McGarvey, Sander, Budge, Roberts
NOES: Council Members: None
ABSENT: Council Members: Cooley
ABSTAIN: Council Members: None

ACTION ITEMS

12a. Sunridge LLC Development Project – Anatolia Units III

1. **Adopt Resolution No., 56-2003, A Resolution of the City Council of the City of Rancho Cordova Creating a Special Tax Area Zone I within the Rancho Cordova Special Police Tax Area for Sunridge-Anatolia III Subdivision.**

Upon a motion by Council Member Budge, seconded by Council Member Roberts, it was voted 4-0 to adopt Resolution No. 56-2003. Motion carried.

AYES: Council Members: McGarvey, Sander, Budge, Roberts
NOES: Council Members: None
ABSENT: Council Members: Cooley
ABSTAIN: Council Members: None

2. **Introduce Ordinance No. 16-2003, An Ordinance of the City of Rancho Cordova Establishing a Special Tax for Police Protection Subject to Voter Confirmation Within the Sunridge – Anatolia III Subdivision Project. (First Reading)**

Upon a motion by Council Member Budge, seconded by Council Member Roberts, it was voted 4-0 to adopt Ordinance No. 16-2003. Motion carried.

AYES: Council Members: McGarvey, Sander, Budge, Roberts
NOES: Council Members: None
ABSENT: Council Members: Cooley
ABSTAIN: Council Members: None

AYES: Council Members: McGarvey, Sander, Budge, Roberts
NOES: Council Members: None
ABSENT: Council Members: Cooley
ABSTAIN: Council Members: None

12d. Appointment of Council Representatives to the Weed and Seed Program.

Upon a motion by Council Member Sander, seconded by Council Member Roberts, it was voted 4-0 to appoint Council Member Cooley as representative to the Weed and Seed Program. Council Member Sander will be the alternate. Motion carried.

AYES: Council Members: McGarvey, Roberts, Sander
NOES: Council Members: None
ABSENT: Council Members: Cooley
ABSTAIN: Council Members: None

12e. Discussion and direction on hosting a meeting of the Mayors and Board Chair Forum:

Rancho Cordova has been asked by the Mayors and Board Chair Forum to host the executives and elected officials from the jurisdictions in Sacramento County for a function in November. The Council agreed this would be a good opportunity. Interim Clerk Diana Biddle will set up the date and location.

COUNCIL REPORTS

- Council Member McGarvey noted at the League of California Cities meeting there was discussion re: the measure to be on the ballot in November 2004 to protect local monies and taxes.
- Council Member Budge noted the SACOG workshop to discuss the "Blueprint" will be 11/15.
- Council Member Sander noted the 4th of July event was very successful this year and made money. He and Council Member Budge took the RT Southline tour.
- Council Member Budge noted Light Rail will be celebrating its16 year anniversary on 9/25.

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Requests for internships; more information on air show as reported in the Bee; legislative plan. Good staff reports – would like follow up on code enforcement activities.

CITY MANAGER'S/CITY ATTORNEY'S REPORT

No report at this time.

ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11:10 p.m

David Roberts, Mayor

ATTEST:

Patty O'Connor, Secretary

CITY OF RANCHO CORDOVA

ORDINANCE NO. 23-2003

AN ORDINANCE OF THE CITY OF RANCHO CORDOVA CONTINUING THE ROADWAY AND TRANSIT DEVELOPMENT IMPACT FEES IN EFFECT

THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS FOLLOWS:

Section 1. Recitals

WHEREAS, the City of Rancho Cordova incorporated on July 1, 2003; and

WHEREAS, by Ordinance No. 01-2003, the City Council adopted all ordinances of the County of Sacramento for a 120-day period, as required by law; and

WHEREAS, ordinances of the County of Sacramento which were continued in effect by Ordinance No. 01-2003 included the ordinances of the County which enacted the Roadway and Transit Development Fees (Sacramento County Code Chapter 16.87), hereafter referred to as the "ROADWAY AND TRANSIT DEVELOPMENT IMPACT FEES"; and

WHEREAS, the amount of the ROADWAY AND TRANSIT DEVELOPMENT IMPACT FEES was not changed by the City of Rancho Cordova upon adoption of Ordinance No. 01-2003; and

WHEREAS, the City Council held a public hearing on November 17, 2003, to consider continuation of the ROADWAY AND TRANSIT DEVELOPMENT IMPACT FEES in effect at the same rates as adopted by Ordinance No. 01-2003; and

WHEREAS, proper notice of such public hearing was given as provided by law; and

WHEREAS, the data on which the Roadway and Transit Development Fees are based consist of (1) the Sacramento County General Plan (as adopted by the City of Rancho Cordova); (2) the Mather Field Specific Plan and the SunRidge Specific Plan; (3) the Sacramento County Code; (4) the Sacramento County Zoning Ordinance as adopted by Rancho Cordova Ordinance No. 01-2003; (5) Sacramento County Ordinances Nos. SCC-0742 (An Ordinance Amending The Sacramento County Code Establishing The Imposition Of Development Fees To Finance The Cost Of Roadway And Transit Facilities Necessitated By New Development In The Unincorporated Area Of Sacramento County), dated August 31, 1988; SZC-88-0069 (An Ordinance Amending The Zoning Code Of Sacramento County, Ordinance No. SZC 83-10, As Amended, Establishing The Imposition Of Development Fees To Finance The Cost Of Roadway And Transit Facilities Necessitated By New Development In Specified Land Use Zones In The Unincorporated Area Of Sacramento County), dated August 31, 1988; SCC-0752 (An Ordinance Amending The Sacramento County Code Establishing The Imposition Of Development Fees To Finance The Cost Of Transit Facilities Necessitated By New Development In The Antelope, Laguna, And Laguna Creek Ranch/Elliott Ranch Area), dated January 3, 1989; SCC-0788 (An Ordinance Amending Chapter 16.87 Of

The Sacramento County Code Relating To Reimbursement For Dedication Or Improvement Of Portions Of Certain Roadways, Installment Payment Of Certain Fees, And Recovery Of Administrative Costs), dated February 13, 1990; SCC-0941 (Ordinance Of The Board Of Supervisors Amending Title 16, Chapter 16.87 Of The Sacramento County Code Regarding Roadway And Transit Development Fees), dated November 23, 1993; (6) Sacramento County Board of Supervisors Resolutions Nos. 88-2242 (Resolution Of The Board Of Supervisors Of The County Of Sacramento, State Of California, Adopting The "Consolidated Roadway And Transit Capital Improvements Program" As The Construction Schedule For The Transportation Development Fee Program; Adopting The "Sacramento County Development Fee Analysis For Roadway Improvements"; Adopting The "Sacramento County Development Fee Analysis For Transit Improvements"; And Appropriating Transportation Development Fee Revenues In Accord With The "Consolidated Roadway And Transit Capital Improvements Program"), dated August 31, 1988; 89-0033 (Resolution Making Findings And Determinations Regarding Amendments To The County Transit Development Fee, Adopting An "Addendum Transit Analysis" And Addendum Capital Improvement Program, Appropriating The Fee Revenues, and Taking Related Actions), dated January 3, 1989; and 93-1495 (Resolution Of The Board Of Supervisors Of The County Of Sacramento, State Of California, Adopting The "Sacramento County Transportation Development Fee Update: Roadway Element" As The Roadway Analysis And Appropriating Revenues In Accord With the "Roadway Element Capital Improvement Program"), dated November 23, 1993; (7) Department of Public Works Staff Report "Sacramento County Transportation Development Fee – Consideration Of Enacting Resolutions And Ordinances" (August 31, 1988); (8) Sacramento County Development Fee Analysis For Roadway Improvements (Revised August 30, 1988); (9) Sacramento County Roadway and Transit Development Fee: Development Fee Analysis For Transit Improvements (Revised August 30, 1988); (10); Sacramento County Consolidated Roadway and Transit Capital Improvements Program For Development Fee Districts One Through Four (Revised August 30, 1988); (11) Department of Public Works Staff Report "Sacramento County Transportation Development Fee Program – Proposed Transit Amendments: Public Hearing And Introduction Of Ordinance" (December 6, 1988); (12) Addendum to Development Fee Analysis For Roadway Improvements: Laguna Community Facilities District, Laguna Creek Ranch/Elliott Ranch And Antelope Public Facilities Financing Plan (October 14, 1988); (13) Department of Public Works Staff Report "Sacramento County Transportation Development Fee Program – Proposed Transit Amendments: Consideration of Resolution and Ordinance (January 3, 1989); (14) Transportation Development Fee Update: Roadway Element (September 22, 1993); (15) 87-PW-1569 Findings of Fact and Statement of Overriding Considerations Re: Adoption of an Ordinance Amending the Sacramento County Code Establishing the Imposition of Development Fees to Finance the Cost of Roadway and Transit Facilities Necessitated by New Development in the Unincorporated Area of Sacramento County (August 31, 1988); and (16) Roadway and Transit Development Fees: Addendum to the Sacramento County Consolidated Roadway and Transit Capital Improvements Program, dated December 6, 1988 (collectively referred to hereinafter as the "ROADWAY AND TRANSIT DEVELOPMENT IMPACT FEE DATA"), copies of which were available at the office of the City Clerk at least ten days in advance of the public hearing for public inspection.

Section 2. Findings.

The City Council finds as follows:

A. The purpose of the ROADWAY AND TRANSIT DEVELOPMENT IMPACT FEES is to finance municipal public facilities to reduce the impacts caused by future developments in the Rancho Cordova area. Such improvements include, but are not limited to, acquisition and construction of roadway and transit improvements.

B. The ROADWAY AND TRANSIT DEVELOPMENT IMPACT FEES will be used to finance the municipal public facilities identified in the ROADWAY AND TRANSIT DEVELOPMENT IMPACT FEE DATA, which are incorporated herein by reference.

C. After considering the ROADWAY AND TRANSIT DEVELOPMENT IMPACT FEE DATA and the testimony received at the public hearing, the Council approves and adopts said ROADWAY AND TRANSIT DEVELOPMENT IMPACT FEE DATA and finds that the future development in the Rancho Cordova area will generate additional demands on municipal services.

D. As development occurs there will be a need in the City of Rancho Cordova for expanded or newly constructed municipal public facilities including those referred to in paragraph 1 above. Such facilities have been called for in, or are consistent with, the ROADWAY AND TRANSIT DEVELOPMENT IMPACT FEE DATA.

E. The ROADWAY AND TRANSIT DEVELOPMENT IMPACT FEE DATA and the testimony establish:

(i) that there is a reasonable relationship between the need for the public facilities designated in the Sacramento County General Plan (as adopted by the City of Rancho Cordova), the Mather Field Specific Plan and the SunRidge Specific Plan, and the impacts of the types of development for which the corresponding ROADWAY AND TRANSIT DEVELOPMENT IMPACT FEES are charged; and

(ii) that there is a reasonable relationship between the use of the ROADWAY AND TRANSIT DEVELOPMENT IMPACT FEES and the types of development for which the ROADWAY AND TRANSIT DEVELOPMENT IMPACT FEES are charged; and

(iii) that there is a reasonable relationship between the amount of the ROADWAY AND TRANSIT DEVELOPMENT IMPACT FEE and the cost of the public facilities or portion of the public facilities attributable to the development on which the ROADWAY AND TRANSIT DEVELOPMENT IMPACT FEES are imposed; and

(iv) that the cost estimates set forth in the ROADWAY AND TRANSIT DEVELOPMENT IMPACT FEE DATA are reasonable cost estimates for constructing these facilities and the ROADWAY AND TRANSIT DEVELOPMENT IMPACT FEES expected to be generated by future

developments will not exceed the total costs of constructing the public facilities identified in the ROADWAY AND TRANSIT DEVELOPMENT IMPACT FEE DATA.

F. The method of allocation of the ROADWAY AND TRANSIT DEVELOPMENT IMPACT FEES to a particular development bears a fair and reasonable relationship to each development's burden on, and benefit from, the facilities to be funded by the fees. Even if Section 66017 is applicable, the City has complied with its provision.

G. The public facilities analyzed in the ROADWAY AND TRANSIT DEVELOPMENT IMPACT FEE DATA further the goals, policies, and objectives of the Sacramento County General Plan (as adopted by the City of Rancho Cordova), the Mather Field Specific Plan and the SunRidge Specific Plan, and are found to be consistent with the Sacramento County General Plan (as adopted by the City of Rancho Cordova), the Mather Field Specific Plan and the SunRidge Specific Plan. Pursuant to Government Code § 65913.2(b), the City has considered the effects of the fees on the City's housing needs as established in the housing element of the Sacramento County General Plan (as adopted by the City of Rancho Cordova).

Section 3. Adoption of Impact Fees.

A. The ROADWAY AND TRANSIT DEVELOPMENT IMPACT FEE is hereby established.

B. The method of computation, establishment and administration of funds, timing of payment of fees, adjustment and review of fees, amount of fees, projects exempt from the fees and other matters applicable to such fees are all as set forth in the Sacramento County Code, chapter 16.87, Sacramento County Ordinance Nos. SCC-0742, SCC-0752, SCC-0788, SCC-0941, and SZC-88-0069, and Sacramento County Resolutions Nos. 88-2242, 89-0033, and 93-1495, all of which are incorporated herein by reference.

C. The City shall deposit, invest, account for and expend the ROADWAY AND TRANSIT DEVELOPMENT IMPACT FEES in accordance with Government Code sections 66006 and 66484.

D. On or before August 30 of each year, the City Manager shall prepare a report for the City Council identifying, for the previous fiscal year, the balance of fees in each fund, the facilities constructed and the capital facilities to be constructed and other matters required by Government Code sections 66006(b) and 66484. The annual report shall also include a review of any administrative charge. The City Council shall review the report at a noticed public hearing.

E. No later than five years from the date of deposit of any of the fees in the appropriate funds, the City Council shall make the findings required by Government Code section 66001(d) for any portion of the fee remaining unexpended or uncommitted.

F. The fees imposed herein shall be effective upon adoption of this ordinance, the Council finding that the provisions of Government Code section 66017 are not applicable inasmuch as the fees adopted

by this ordinance were required to be adopted by the Council as its first act following incorporation and have been in effect since that time and are not being increased.

G. The adoption of this ordinance is not a project for purposes of the California Environmental Quality Act, but even if it could be so characterized, it is exempt from the California Environmental Quality Act pursuant to Public Resources Code § 21080(b)(8) and the State CEQA Guidelines, section 15273, in that the purpose of the fees is to maintain services in developing areas.

Section 4. Substitution of Appropriate Reference to City.

a) Whenever in the provisions of the Sacramento County Code or Zoning Code adopted by this ordinance there is a reference to "Board of Supervisors," this reference shall be interpreted to mean the "City Council of the City of Rancho Cordova."

b) Whenever in the provisions of the Sacramento County Code or Zoning Code adopted by this ordinance there is a reference to an office, official title, or other designation, the referenced shall be interpreted to mean that office, title, or designation in the governmental structure of the City or, if there is none, any official or titleholder in the City who has been specifically directed by the City Council or the City Manager to perform the functions referred to or the duties imposed.

c) Whenever in the provisions of the Sacramento County Code or Zoning Code adopted by this ordinance there is a reference to the "County of Sacramento," such reference shall be interpreted to mean the "City of Rancho Cordova" if such an interpretation is appropriate under the circumstances.

d) Whenever in the provisions of the Sacramento County Code or Zoning Code adopted by this ordinance there is a reference to "unincorporated areas of the County," this reference shall be interpreted to mean the "incorporated areas of the City of Rancho Cordova."

Section 5. Subject Matter Beyond the Jurisdiction of the City. Whenever in the provisions of the Sacramento County Code or Zoning Code adopted by this ordinance there is a reference to subject matter beyond the jurisdiction of the City, this reference shall not be applicable to the City.

Section 6. Future Amendments. Amendments or modifications to the Sacramento County Code or Zoning Code made after the effective date of this Ordinance are not adopted by reference by this Ordinance.

Section 7. Agreement With Other Public Agencies. Any transfer, exchange or apportionment between the City and another local agency, including any city, county, school district, authority, agency, municipal corporation, district or other political subdivision of the state, of fees or monies levied or collected under any provision of the Sacramento County Code or Zoning Code adopted by this ordinance shall be governed by written agreement between the City and the other public agency concerning the manner in which such fees or monies are to be transferred, exchanged or apportioned, and shall not occur until such agreement has been executed by and finally approved by the City and the other public agency.

Section 8. Effective Date and Publication. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Grapevine Independent, a newspaper of general circulation printed and published in Sacramento County and circulated in the City of Rancho Cordova, in accordance with California Government Code §36933. This ordinance shall take effect and be enforced thirty (30) days after its adoption.

ADOPTED, THIS ____ day of November, 2003 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

CITY OF RANCHO CORDOVA

ORDINANCE NO. 25-2003

AN ORDINANCE OF THE CITY OF RANCHO CORDOVA CONTINUING THE PARK AND RECREATION DEVELOPMENT IMPACT FEE IN EFFECT

THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS FOLLOWS:

Section 1. Recitals.

WHEREAS, the City of Rancho Cordova incorporated on July 1, 2003; and

WHEREAS, by Ordinance No. 01-2003, the City Council adopted all ordinances of the County of Sacramento for a 120-day period, as required by law; and

WHEREAS, ordinances of the County of Sacramento which were continued in effect by Ordinance No. 01-2003 included the ordinances of the County which enacted Park and Recreation Fee (Sacramento County Code Chapter 22.40), hereafter referred to as the "PARK AND RECREATION DEVELOPMENT IMPACT FEE"; and

WHEREAS, the amount of the PARK AND RECREATION DEVELOPMENT IMPACT FEE was not changed by the City of Rancho Cordova upon adoption of Ordinance No. 01-2003; and

WHEREAS, the City Council held a public hearing on November 17, 2003, to consider continuation of the PARK AND RECREATION DEVELOPMENT IMPACT FEE in effect at the same rates as adopted by Ordinance No. 01-2003; and

WHEREAS, proper notice of such public hearing was given as provided by law; and

WHEREAS, the data on which the PARK AND RECREATION DEVELOPMENT IMPACT FEE are based consist of (1) the Sacramento County General Plan (as adopted by the City of Rancho Cordova); (2) the Mather Field Specific Plan and the SunRidge Specific Plan; (3) the Sacramento County Code; and (4) the Sacramento County Zoning Ordinance as adopted by Rancho Cordova Ordinance No. 01-2003; and (5) Sacramento County Ordinance No. SCC-0574 (Ordinance Repealing Title 22 of the Sacramento County Code and Readopting A New Title 22 Relating To Subdivisions and Land Development), dated December 7, 1983 (collectively referred to hereinafter as the "PARK AND RECREATION DEVELOPMENT PARK AND RECREATION DEVELOPMENT IMPACT FEE DATA"), copies of which were available at the office of the City Clerk at least ten days in advance of the public hearing for public inspection.

Section 2. Findings.

The City Council finds as follows:

A. The purpose of the PARK AND RECREATION DEVELOPMENT IMPACT FEE is to finance municipal public facilities to reduce the impacts caused by future developments in the Rancho Cordova area. Such improvements include, but are not limited to, acquisition of park and recreation land.

B. The PARK AND RECREATION DEVELOPMENT IMPACT FEE will be used to finance the municipal public facilities identified in the PARK AND RECREATION DEVELOPMENT IMPACT FEE DATA, which are incorporated herein by reference.

C. After considering the PARK AND RECREATION DEVELOPMENT IMPACT FEE DATA and the testimony received at the public hearing, the Council approves and adopts said PARK AND RECREATION DEVELOPMENT IMPACT FEE DATA and finds that the future development in the Rancho Cordova area will generate additional demands on municipal services.

D. As development occurs there will be a need in the City of Rancho Cordova for expanded or newly constructed municipal public facilities including those referred to in paragraph 1 above. Such facilities have been called for in, or are consistent with, the PARK AND RECREATION DEVELOPMENT IMPACT FEE DATA.

E. The PARK AND RECREATION DEVELOPMENT IMPACT FEE DATA and the testimony establish:

(i) that there is a reasonable relationship between the need for the public facilities designated in the Sacramento County General Plan (as adopted by the City of Rancho Cordova), the Mather Field Specific Plan and the SunRidge Specific Plan, and the impacts of the types of development for which the corresponding PARK AND RECREATION DEVELOPMENT IMPACT FEE is charged; and

(ii) that there is a reasonable relationship between the use of the PARK AND RECREATION DEVELOPMENT IMPACT FEE and the types of development for which the PARK AND RECREATION DEVELOPMENT IMPACT FEE is charged; and

(iii) that there is a reasonable relationship between the amount of the PARK AND RECREATION DEVELOPMENT IMPACT FEE and the cost of the public facilities or portion of the public facilities attributable to the development on which the PARK AND RECREATION DEVELOPMENT IMPACT FEE is imposed; and

(iv) that the cost estimates set forth in the PARK AND RECREATION DEVELOPMENT IMPACT FEE DATA are reasonable cost estimates for constructing these facilities and the PARK AND RECREATION DEVELOPMENT IMPACT FEE expected to be generated by future developments will not exceed the total costs of constructing the public facilities identified in the PARK AND RECREATION DEVELOPMENT IMPACT FEE DATA; and

F. The method of allocation of the PARK AND RECREATION DEVELOPMENT IMPACT FEES to a particular development bears a fair and reasonable relationship to each development's burden on, and benefit from, the facilities to be funded by the fees. Even if Section 66017 is applicable, the City has complied with its provision; and

G. The public facilities analyzed in the PARK AND RECREATION DEVELOPMENT IMPACT FEE DATA further the goals, policies, and objectives of the Sacramento County General Plan (as adopted by the City of Rancho Cordova), the Mather Field Specific Plan and the SunRidge Specific Plan, and are found to be consistent with the Sacramento County General Plan (as adopted by the City of Rancho Cordova), the Mather Field Specific Plan and the SunRidge Specific Plan. Pursuant to Government Code § 65913.2(b), the City has considered the effects of the fees on the City's housing needs as established in the housing element of the Sacramento County General Plan (as adopted by the City of Rancho Cordova).

Section 3. Adoption of Impact Fees.

A. The PARK AND RECREATION DEVELOPMENT IMPACT FEE is hereby established.

B. The method of computation, establishment and administration of funds, timing of payment of fees, adjustment and review of fees, amount of fees, projects exempt from the fees and other matters applicable to such fees are all as set forth in the Sacramento County Code, chapter 22.40 and Sacramento County Ordinance No. SCC-0574, which are incorporated herein by reference.

C. The City shall deposit, invest, account for and expend the PARK AND RECREATION DEVELOPMENT IMPACT FEE in accordance with Government Code sections 66006 and 66484.

D. On or before August 30 of each year, the City Manager shall prepare a report for the City Council identifying, for the previous fiscal year, the balance of fees in each fund, the facilities constructed and the capital facilities to be constructed and other matters required by Government Code sections 66006(b) and 66484. The annual report shall also include a review of any administrative charge. The City Council shall review the report at a noticed public hearing.

E. No later than five years from the date of deposit of any of the fees in the appropriate funds, the City Council shall make the findings required by Government Code section 66001(d) for any portion of the fee remaining unexpended or uncommitted.

F. The fees imposed herein shall be effective upon adoption of this ordinance, the Council finding that the provisions of Government Code section 66017 are not applicable inasmuch as the fees adopted by this ordinance were required to be adopted by the Council as its first act following incorporation and have been in effect since that time and are not being increased.

G. The adoption of this ordinance is not a project for purposes of the California Environmental Quality Act, but even if it could be so characterized, it is exempt from the California Environmental Quality Act pursuant to Public Resources Code § 21080(b)(8) and the State CEQA Guidelines, section 15273, in that the purpose of the fees is to maintain services in developing areas.

Section 4. Substitution of Appropriate Reference to City.

a) Whenever in the provisions of the Sacramento County Code adopted by this ordinance there is a reference to "Board of Supervisors," this reference shall be interpreted to mean the "City Council of the City of Rancho Cordova."

b) Whenever in the provisions of the Sacramento County Code adopted by this ordinance there is a reference to an office, official title, or other designation, the referenced shall be interpreted to mean that office, title, or designation in the governmental structure of the City or, if there is none, any official or titleholder in the City who has been specifically directed by the City Council or the City Manager to perform the functions referred to or the duties imposed.

c) Whenever in the provisions of the Sacramento County Code adopted by this ordinance there is a reference to the "County of Sacramento," such reference shall be interpreted to mean the "City of Rancho Cordova" if such an interpretation is appropriate under the circumstances.

d) Whenever in the provisions of the Sacramento County Code adopted by this ordinance there is a reference to "unincorporated areas of the County," this reference shall be interpreted to mean the "incorporated areas of the City of Rancho Cordova."

Section 5. Subject Matter Beyond the Jurisdiction of the City. Whenever in the provisions of the Sacramento County Code adopted by this ordinance there is a reference to subject matter beyond the jurisdiction of the City, this reference shall not be applicable to the City.

Section 6. Future Amendments. Amendments or modifications to the Sacramento County Code made after the effective date of this Ordinance are not adopted by reference by this Ordinance.

Section 7. Agreement With Other Public Agencies. Any transfer, exchange or apportionment between the City and another local agency, including any city, county, school district, authority, agency, municipal corporation, district or other political subdivision of the state, of fees or monies levied or collected under any provision of the Sacramento County Code adopted by this ordinance shall be governed by written agreement between the City and the other public agency concerning the manner in which such fees or monies are to be transferred, exchanged or apportioned, and shall not occur until such agreement has been executed by and finally approved by the City and the other public agency.

Section 8. Effective Date and Publication. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Grapevine Independent, a newspaper of general circulation printed and published in Sacramento County and circulated in the City of Rancho Cordova, in accordance with California Government Code §36933. This ordinance shall take effect and be enforced thirty (30) days after its adoption.

ADOPTED, THIS ____ day of November, 2003 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

CITY OF RANCHO CORDOVA

ORDINANCE NO. 26-2003

AN ORDINANCE OF THE CITY OF RANCHO CORDOVA CONTINUING THE HOUSING TRUST DEVELOPMENT IMPACT FEE IN EFFECT

THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS FOLLOWS:

Section 1. Recitals.

WHEREAS, the City of Rancho Cordova incorporated on July 1, 2003; and

WHEREAS, by Ordinance No. 01-2003, the City Council adopted all ordinances of the County of Sacramento for a 120-day period, as required by law; and

WHEREAS, ordinances of the County of Sacramento which were continued in effect by Ordinance No. 01-2003 included the ordinances of the County which enacted the Housing Trust Fee (Sacramento County Code Chapter 16.89), hereafter referred to as the "HOUSING TRUST DEVELOPMENT IMPACT FEE"; and

WHEREAS, the amount of the HOUSING TRUST DEVELOPMENT IMPACT FEE was not changed by the City of Rancho Cordova upon adoption of Ordinance No. 01-2003; and

WHEREAS, the City Council held a public hearing on November 17, 2003, to consider continuation of the HOUSING TRUST DEVELOPMENT IMPACT FEE in effect at the same rates as adopted by Ordinance No. 01-2003; and

WHEREAS, proper notice of such public hearing was given as provided by law; and

WHEREAS, the data on which the HOUSING TRUST DEVELOPMENT IMPACT FEE are based consist of (1) the Sacramento County General Plan (as adopted by the City of Rancho Cordova); (2) the Mather Field Specific Plan and the SunRidge Specific Plan; (3) the Sacramento County Code; (4) the Sacramento County Zoning Ordinance as adopted by Rancho Cordova Ordinance No. 01-2003; (5) Sacramento County Ordinances Nos. SCC-0801 (An Ordinance Adding Chapter 16.89 To The Sacramento County Code Establishing Fees On Non-Residential Construction To Fund Very Low Income Housing), dated June 19, 1990, and SCC-0903 (An Ordinance Amending Chapter 16.89 Of The Sacramento County Code For The Purpose Of Clarifying Procedures For The Determination And Collection Of Fees On Non-Residential Construction To Fund Very Low Income Housing), dated December 15, 1992; (6) Staff Report "Proposed Revisions To The Sacramento County Housing Trust Fund Program (Sacramento County Code Chapter 16.89)" (December 8, 1992); and (7) Sacramento Housing and Redevelopment Agency Supplemental Report: Economic Nexus Analysis: Housing Linkage Fee (September 1990) (collectively referred to hereinafter as the "HOUSING TRUST DEVELOPMENT IMPACT FEE DATA"), copies of which were available at the office of the City Clerk at least ten days in advance of the public hearing for public inspection.

Section 2. Findings.

The City Council finds as follows:

A. The purpose of the HOUSING TRUST DEVELOPMENT IMPACT FEE is to finance municipal public facilities to reduce the impacts caused by future developments in the Rancho Cordova area. Such improvements include, but are not limited to construction of very low income housing facilities.

B. The HOUSING TRUST DEVELOPMENT IMPACT FEE will be used to finance the municipal public facilities identified in the HOUSING TRUST DEVELOPMENT IMPACT FEE DATA, which are incorporated herein by reference.

C. After considering the HOUSING TRUST DEVELOPMENT IMPACT FEE DATA and the testimony received at the public hearing, the Council approves and adopts said HOUSING TRUST DEVELOPMENT IMPACT FEE DATA and finds that the future development in the Rancho Cordova area will generate additional demands on municipal services.

D. As development occurs there will be a need in the City of Rancho Cordova for expanded or newly constructed municipal public facilities including those referred to in paragraph 1 above. Such facilities have been called for in, or are consistent with, the HOUSING TRUST DEVELOPMENT IMPACT FEE DATA.

E. The HOUSING TRUST DEVELOPMENT IMPACT FEE DATA and the testimony establish:

(i) that there is a reasonable relationship between the need for the public facilities designated in the Sacramento County General Plan (as adopted by the City of Rancho Cordova), the Mather Field Specific Plan and the SunRidge Specific Plan, and the impacts of the types of development for which the corresponding HOUSING TRUST DEVELOPMENT IMPACT FEE is charged; and

(ii) that there is a reasonable relationship between the use of the HOUSING TRUST DEVELOPMENT IMPACT FEE and the types of development for which the HOUSING TRUST DEVELOPMENT IMPACT FEE is charged; and

(iii) that there is a reasonable relationship between the amount of the HOUSING TRUST DEVELOPMENT IMPACT FEE and the cost of the public facilities or portion of the public facilities attributable to the development on which the HOUSING TRUST DEVELOPMENT IMPACT FEE is imposed; and

(iv) that the cost estimates set forth in the HOUSING TRUST DEVELOPMENT IMPACT FEE DATA are reasonable cost estimates for constructing these facilities and the HOUSING TRUST DEVELOPMENT IMPACT FEE expected to be generated by future developments will not exceed

the total costs of constructing the public facilities identified in the HOUSING TRUST DEVELOPMENT IMPACT FEE DATA.

F. The method of allocation of the HOUSING TRUST DEVELOPMENT IMPACT FEE to a particular development bears a fair and reasonable relationship to each development's burden on, and benefit from, the facilities to be funded by the fees. Even if Section 66017 is applicable, the City has complied with its provision.

G. The public facilities analyzed in the HOUSING TRUST DEVELOPMENT IMPACT FEE DATA further the goals, policies, and objectives of the Sacramento County General Plan (as adopted by the City of Rancho Cordova), the Mather Field Specific Plan and the SunRidge Specific Plan, and are found to be consistent with the Sacramento County General Plan (as adopted by the City of Rancho Cordova), the Mather Field Specific Plan and the SunRidge Specific Plan. Pursuant to Government Code § 65913.2(b), the City has considered the effects of the fees on the City's housing needs as established in the housing element of the Sacramento County General Plan (as adopted by the City of Rancho Cordova).

H. This ordinance satisfies the requirement of paragraph 14(b) of Exhibit C of LAFCO Resolution No. 1243, by effectuating the assessment and collection of the Housing Trust Fund Fee.

Section 3. Adoption of Impact Fees.

A. The HOUSING TRUST DEVELOPMENT IMPACT FEE is hereby established.

B. The method of computation, establishment and administration of funds, timing of payment of fees, adjustment and review of fees, amount of fees, projects exempt from the fees and other matters applicable to such fees are all as set forth in the Sacramento County Code chapter 16.89, and Sacramento County Ordinance Nos. SCC-0801 and SCC-0903, all of which are incorporated herein by reference.

C. The City shall deposit, invest, account for and expend the HOUSING TRUST DEVELOPMENT IMPACT FEE in accordance with Government Code sections 66006 and 66484.

D. On or before August 30 of each year, the City Manager shall prepare a report for the City Council identifying, for the previous fiscal year, the balance of fees in each fund, the facilities constructed and the capital facilities to be constructed and other matters required by Government Code sections 66006(b) and 66484. The annual report shall also include a review of any administrative charge. The City Council shall review the report at a noticed public hearing.

E. No later than five years from the date of deposit of any of the fees in the appropriate funds, the City Council shall make the findings required by Government Code section 66001(d) for any portion of the fee remaining unexpended or uncommitted.

F. The fees imposed herein shall be effective upon adoption of this ordinance, the Council finding that the provisions of Government Code section 66017 are not applicable inasmuch as the fees adopted

by this ordinance were required to be adopted by the Council as its first act following incorporation and have been in effect since that time and are not being increased.

G. The adoption of this ordinance is not a project for purposes of the California Environmental Quality Act, but even if it could be so characterized, it is exempt from the California Environmental Quality Act pursuant to Public Resources Code § 21080(b)(8) and the State CEQA Guidelines, section 15273, in that the purpose of the fees is to maintain services in developing areas.

Section 4. Substitution of Appropriate Reference to City.

a) Whenever in the provisions of the Sacramento County Code adopted by this ordinance there is a reference to "Board of Supervisors," this reference shall be interpreted to mean the "City Council of the City of Rancho Cordova."

b) Whenever in the provisions of the Sacramento County Code adopted by this ordinance there is a reference to an office, official title, or other designation, the referenced shall be interpreted to mean that office, title, or designation in the governmental structure of the City or, if there is none, any official or titleholder in the City who has been specifically directed by the City Council or the City Manager to perform the functions referred to or the duties imposed.

c) Whenever in the provisions of the Sacramento County Code adopted by this ordinance there is a reference to the "County of Sacramento," such reference shall be interpreted to mean the "City of Rancho Cordova" if such an interpretation is appropriate under the circumstances.

d) Whenever in the provisions of the Sacramento County Code adopted by this ordinance there is a reference to "unincorporated areas of the County," this reference shall be interpreted to mean the "incorporated areas of the City of Rancho Cordova."

Section 5. Subject Matter Beyond the Jurisdiction of the City. Whenever in the provisions of the Sacramento County Code adopted by this ordinance there is a reference to subject matter beyond the jurisdiction of the City, this reference shall not be applicable to the City.

Section 6. Future Amendments. Amendments or modifications to the Sacramento County Code made after the effective date of this Ordinance are not adopted by reference by this Ordinance.

Section 7. Agreement With Other Public Agencies. Any transfer, exchange or apportionment between the City and another local agency, including any city, county, school district, authority, agency, municipal corporation, district or other political subdivision of the state, of fees or monies levied or collected under any provision of the Sacramento County Code adopted by this ordinance shall be governed by written agreement between the City and the other public agency concerning the manner in which such fees or monies are to be transferred, exchanged or apportioned, and shall not occur until such agreement has been executed by and finally approved by the City and the other public agency.

Section 8. Effective Date and Publication. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Grapevine Independent, a newspaper of general circulation printed and published in Sacramento County and circulated in the City of Rancho Cordova, in accordance with California Government Code §36933. This ordinance shall take effect and be enforced thirty (30) days after its adoption.

ADOPTED, THIS ____ day of November, 2003 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

CITY OF RANCHO CORDOVA

ORDINANCE NO. 27-2003

AN ORDINANCE OF THE CITY OF RANCHO CORDOVA CONTINUING THE MATHER FIELD PUBLIC FACILITIES FINANCING PLAN DEVELOPMENT IMPACT FEE IN EFFECT

THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS FOLLOWS:

Section 1. Recitals.

WHEREAS, the City of Rancho Cordova incorporated on July 1, 2003; and

WHEREAS, by Ordinance No. 01-2003, the City Council adopted all ordinances of the County of Sacramento for a 120-day period, as required by law; and

WHEREAS, ordinances of the County of Sacramento which were continued in effect by Ordinance No. 01-2003 included the ordinances of the County which enacted the Mather Field Public Facilities Financing Plan Development Fee (Sacramento County Code Chapter 16.84), hereafter referred to as the "MATHER FIELD PFFP DEVELOPMENT IMPACT FEE"; and

WHEREAS, the amount of the MATHER FIELD PFFP DEVELOPMENT IMPACT FEE was not changed by the City of Rancho Cordova upon adoption of Ordinance No. 01-2003; and

WHEREAS, the City Council held a public hearing on November 17, 2003, to consider continuation of the MATHER FIELD PFFP DEVELOPMENT IMPACT FEE in effect at the same rates as adopted by Ordinance No. 01-2003; and

WHEREAS, proper notice of such public hearing was given as provided by law; and

WHEREAS, the data on which the MATHER FIELD DEVELOPMENT IMPACT FEE are based consist of (1) the Sacramento County General Plan (as adopted by the City of Rancho Cordova); (2) the Mather Field Specific Plan; (3) the Sacramento County Code; (4) the Sacramento County Zoning Ordinance as adopted by Rancho Cordova Ordinance No. 01-2003; (5) Sacramento County Ordinance No. SCC-1213 (An Ordinance Adding Chapter 16.84 to Title 16 of the Sacramento County Code Relating To Establishment of Development Fees To Finance The Cost Of Public Facilities Within Mather Field Public Facilities Financing Plan Area), dated March 5, 2002; (6) Sacramento County Resolution No. 2002-0257 (Resolution Approving the Mather Field Public Facilities Fee Program and Imposing Development Impact Fees), dated March 5, 2002; (7) Mather Field Financing Plan (February 1, 2002); (8) Final Mather Field Public Facilities Fee Nexus Study (September 25, 2001), and (9) Department of County Engineering and Administration Staff Report "Public Hearing – Mather Field Public Facilities Financing Plan and Public Facilities Fee Nexus Study (February 26, 2002), (collectively referred to hereinafter as the "MATHER

FIELD PFFP DEVELOPMENT IMPACT FEE DATA"), copies of which were available at the office of the City Clerk at least ten days in advance of the public hearing for public inspection.

Section 2. Findings.

The City Council finds as follows:

A. The purpose of the MATHER FIELD PFFP DEVELOPMENT IMPACT FEE is to finance municipal public facilities to reduce the impacts caused by future development in the portion of the area covered by the Mather Field Public Facilities Financing Plan that lies within the boundaries of the City of Rancho Cordova. Such improvements include, but are not limited to, acquisition and construction of roadway and transit improvements.

B. The MATHER FIELD PFFP DEVELOPMENT IMPACT FEE will be used to finance the municipal public facilities identified in the MATHER FIELD PFFP DEVELOPMENT IMPACT FEE DATA, which are incorporated herein by reference.

C. After considering the MATHER FIELD PFFP DEVELOPMENT IMPACT FEE DATA and the testimony received at the public hearing, the Council approves and adopts said MATHER FIELD PFFP DEVELOPMENT IMPACT FEE DATA and finds that the future development in the portion of the area covered by the Mather Field Public Facilities Financing Plan that lies within the boundaries of the City of Rancho Cordova will generate additional demands on municipal services.

D. As development occurs there will be a need in the City of Rancho Cordova for expanded or newly constructed municipal public facilities including those referred to in paragraph 1 above. Such facilities have been called for in, or are consistent with, the MATHER FIELD PFFP DEVELOPMENT IMPACT FEE DATA.

E. The MATHER FIELD PFFP DEVELOPMENT IMPACT FEE DATA and the testimony establish:

(i) that there is a reasonable relationship between the need for the public facilities designated in the Sacramento County General Plan (as adopted by the City of Rancho Cordova), the Mather Field Specific Plan, and the impacts of the types of development for which the corresponding MATHER FIELD PFFP DEVELOPMENT IMPACT FEE is charged; and

(ii) that there is a reasonable relationship between the use of the MATHER FIELD PFFP DEVELOPMENT IMPACT FEE and the types of development for which the MATHER FIELD PFFP DEVELOPMENT IMPACT FEE is charged; and

(iii) that there is a reasonable relationship between the amount of the MATHER FIELD PFFP DEVELOPMENT IMPACT FEE and the cost of the public facilities or portion of the public facilities attributable to the development on which the MATHER FIELD PFFP DEVELOPMENT IMPACT FEE is imposed; and

(iv) that the cost estimates set forth in the MATHER FIELD PFFP DEVELOPMENT IMPACT FEE DATA are reasonable cost estimates for constructing these facilities and the MATHER FIELD PFFP DEVELOPMENT IMPACT FEE expected to be generated by future developments will not exceed the total costs of constructing the public facilities identified in the MATHER FIELD PFFP DEVELOPMENT IMPACT FEE DATA; and

F. The method of allocation of the MATHER FIELD PFFP DEVELOPMENT IMPACT FEE to a particular development bears a fair and reasonable relationship to each development's burden on, and benefit from, the facilities to be funded by the fees. Even if Section 66017 is applicable, the City has complied with its provision.

G. The public facilities analyzed in the MATHER FIELD PFFP DEVELOPMENT IMPACT FEE DATA further the goals, policies, and objectives of the Sacramento County General Plan (as adopted by the City of Rancho Cordova) and the Mather Field Specific Plan, and are found to be consistent with the Sacramento County General Plan (as adopted by the City of Rancho Cordova) and the Mather Field Specific Plan. Pursuant to Government Code § 65913.2(b), the City has considered the effects of the fees on the City's housing needs as established in the housing element of the Sacramento County General Plan (as adopted by the City of Rancho Cordova).

Section 3. Adoption of Impact Fees.

A. The MATHER FIELD PFFP DEVELOPMENT IMPACT FEE is hereby established.

B. The method of computation, establishment and administration of funds, timing of payment of fees, adjustment and review of fees, amount of fees, projects exempt from the fees and other matters applicable to such fees are all as set forth in the Sacramento County Code chapter 16.84, Sacramento County Ordinance No. SCC-1213, and Sacramento County Resolution No. 2002-0257, all of which are incorporated herein by reference.

C. The City shall deposit, invest, account for and expend the MATHER FIELD PFFP DEVELOPMENT IMPACT FEE in accordance with Government Code sections 66006 and 66484.

D. On or before August 30 of each year, the City Manager shall prepare a report for the City Council identifying, for the previous fiscal year, the balance of fees in each fund, the facilities constructed and the capital facilities to be constructed and other matters required by Government Code sections 66006(b) and 66484. The annual report shall also include a review of any administrative charge. The City Council shall review the report at a noticed public hearing.

E. No later than five years from the date of deposit of any of the fees in the appropriate funds, the City Council shall make the findings required by Government Code section 66001(d) for any portion of the fee remaining unexpended or uncommitted.

F. The fees imposed herein shall be effective upon adoption of this ordinance, the Council finding that the provisions of Government Code section 66017 are not applicable inasmuch as the fees adopted

by this ordinance were required to be adopted by the Council as its first act following incorporation and have been in effect since that time and are not being increased.

H. The adoption of this ordinance is not a project for purposes of the California Environmental Quality Act, but even if it could be so characterized, it is exempt from the California Environmental Quality Act pursuant to Public Resources Code § 21080(b)(8) and the State CEQA Guidelines, section 15273, in that the purpose of the fees is to maintain services in developing areas.

Section 4. Substitution of Appropriate Reference to City.

a) Whenever in the provisions of the Sacramento County Code adopted by this ordinance there is a reference to "Board of Supervisors," this reference shall be interpreted to mean the "City Council of the City of Rancho Cordova."

b) Whenever in the provisions of the Sacramento County Code adopted by this ordinance there is a reference to an office, official title, or other designation, the referenced shall be interpreted to mean that office, title, or designation in the governmental structure of the City or, if there is none, any official or titleholder in the City who has been specifically directed by the City Council or the City Manager to perform the functions referred to or the duties imposed.

c) Whenever in the provisions of the Sacramento County Code adopted by this ordinance there is a reference to the "County of Sacramento," such reference shall be interpreted to mean the "City of Rancho Cordova" if such an interpretation is appropriate under the circumstances.

d) Whenever in the provisions of the Sacramento County Code adopted by this ordinance there is a reference to "unincorporated areas of the County," this reference shall be interpreted to mean the "incorporated areas of the City of Rancho Cordova."

Section 5. Subject Matter Beyond the Jurisdiction of the City. Whenever in the provisions of the Sacramento County Code adopted by this ordinance there is a reference to subject matter beyond the jurisdiction of the City, this reference shall not be applicable to the City.

Section 6. Future Amendments. Amendments or modifications to the Sacramento County Code made after the effective date of this Ordinance are not adopted by reference by this Ordinance.

Section 7. Agreement With Other Public Agencies. Any transfer, exchange or apportionment between the City and another local agency, including any city, county, school district, authority, agency, municipal corporation, district or other political subdivision of the state, of fees or monies levied or collected under any provision of the Sacramento County Code adopted by this ordinance shall be governed by written agreement between the City and the other public agency concerning the manner in which such fees or monies are to be transferred, exchanged or apportioned, and shall not occur until such agreement has been executed by and finally approved by the City and the other public agency.

Section 8. Effective Date and Publication. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Grapevine Independent, a newspaper of general circulation

printed and published in Sacramento County and circulated in the City of Rancho Cordova, in accordance with California Government Code §36933. This ordinance shall take effect and be enforced thirty (30) days after its adoption.

ADOPTED, THIS ____ day of November, 2003 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Memorandum

Date: November 13, 2003

To: Honorable City Council
Ted A. Gaebler, City Manager

From: Curt Haven, Assistant to the City Manager

Subject: City of Rancho Cordova Newsletter

Background: One of the products that came out of our Strategic Planning Retreat held in March 2003 was the desire to enhance civic involvement through the creation of a city newsletter. In September a consultant was hired and a committee of staff department heads was created. The committee has looked at several different city newsletters regarding content and format. We have several ideas and concepts that we would like your input on.

Recommendation: The committee and consultant would like feedback from the Council on what you feel is the mission or goal of the newsletter and how the city can tell that it is fulfilling that mission. We also would like to discuss what you feel is the correct format and content. Other issues like frequency and to whom we send the newsletter to should also be discussed. Should the newsletter be in an electronic form? If so what format and how should it be offered? A discussion of all of the above would be very beneficial to the committee.

Financial Impact: Depending on design, length, color, distribution and frequency, costs of mailing and production will determine the cost.

AGENDA ITEM # 6c.

Estimate: City of Rancho Cordova Newsletter

Fees/Costs

Design
10 hours – 1st issue only $600

Photography
4 hours $240

Meetings
10 hours $500

Copywriting
6-Page @ 20 hours $1,000

Preliminary Art & Consultation
3 hours – graphic artist $180

Camera Ready Art & Production
6-page @ 8 hours $480

Printing
6-Page Tri-Fold, 2-Colors, 23,100 total pieces $3,059
Printed on 80lb. Gloss Book
(Union Printer in Rancho Cordova)

Distribution (MSI)
PreSort Mail (Simplified Address) package,
sack, tray and delivered to Post Office
(Postage Included) $3,371

Total Cost: $9,430
(Does not include sales tax)

9432 Appalachian Drive Sacramento, CA 95827 • Phone/Fax (916) 364-5844 • Cell Phone: (916) 712-6382

City Council/Planning Agency Report

November 17, 2003

Project: Aerojet Groundwater Remediation
File: RC-03-035
Request: Use Permit for ground water remediation wells and treatment facilities for a site in the City known as C-7
Location: Site C-7 is located on the northwest corner of Cordova Lane and Zinfandel Drive (St Clements Episcopal Church)
APN: 057-0322-002
Planner: William Campbell, Principal Planner

OWNER	**APPLICANT:**	**ENGINEER:**
C-7 Site St. Clements Episcopal Church 2376 Zinfandel Drive Rancho Cordova, CA 95670	Aerojet-General Corp Attn: Alan Jackson	Central Valley Environmental 9718 Fair Oaks Blvd. Fair Oaks, CA 95628 Attn: Rob Fagerness

Recommendation

Approve Resolution No. 70-2003 for sites C-7, as shown on the site plan and elevations (Exhibit A), and subject to the Conditions of Approval (Exhibit B), based on one of the alternative methods of water discharge listed below.

Background

Based upon direction provided at the City Council meeting of November 3, 2003, the applicant has prepared additional information for this project application. The following briefly summarizes the WGOU, Area 3 discharge alternatives for the C7 treatment facility located at Zinfandel Drive and Cordova Lane.

Proposed Discharge

This discharge proposes to pipe treated groundwater from well C7, less than 100 feet to an existing 60-inch storm water drain located on the St. Clement Church property (Zinfandel Drive and Cordova Lane). The storm drain discharges to an open channel drainage (Cordova Canal) near Beclan and Zinfandel, and flows overland approximately 1.8 miles through residential neighborhoods to the American River. The Proposed Discharge requires a saddle junction on the 60-inch storm drain. No piping within public streets is necessary and no additional scheduling delays are anticipated. Minimal to no disruption of the community or traffic flow is anticipated.

Alternative 1

Discharge Alternative 1 proposes piping treated groundwater from the C7 treatment facility north beneath Cordova Lane to Coloma Road, then east along Coloma Road to an existing manhole (Manhole M25 at Coloma and Rossmor). From the manhole, this storm drain system flows in buried piping beneath streets to an overland drainage

AGENDA ITEM # 7a

channel located north of Ambassador Drive. The drainage channel flows north to the American River.

Alternative 2
Discharge Alternative 2 proposes piping treated groundwater from the C7 treatment facility south beneath Zinfandel, crossing beneath Folsom Boulevard to Olson, then west beneath Olson to an appropriate sized storm drain (Manhole M30, located 200 feet west of the intersection of Olson and Zinfandel). From the manhole, this storm drain system flows in buried piping beneath local streets, US Highway 50, and public utility easements to the Boyd Station Drainage Channel. This open channel flows west along US Highway 50 and then north to the American River.

Analysis
The applicants will present their alternatives regarding the treated water discharge into the storm drain system. The presentation will include maps and diagrams of the proposed locations and routes of the piping. The original method of discharge is still the applicant's preferred alternative and this alternative presents the least amount of disruption to the community and delay in the treatment process.

Alternative 1 assumes one major thoroughfare crossing of Coloma Road, requires 2,600 feet of piping, and one tie-in to an existing manhole. An additional 15 weeks of scheduling increases (design, permitting, and construction) are anticipated as compared to the Proposed Discharge. The additional construction requirements would create disruptions to residents and traffic flow along Cordova Lane and Coloma Road. This alternative is moderately disruptive to the community.

Alternative 2 assumes one major thoroughfare crossing one at Folsom Boulevard. This alternative requires 5,500 feet of piping, and one tie-in to an existing manhole. An additional 21 weeks of scheduling increases (design, permitting, and construction) are anticipated as compared to the Proposed Discharge. The additional construction requirements would create disruptions to residents, commercial establishments and traffic flow along Zinfandel, Folsom Boulevard and Olson Road. This alternative would pose the most disruption to the community.

Recommended Motions

1. *"I move the City Council adopt Resolution No. 70-2003, approving the Conditional Use Permit for the well Area 3, C-7, with the selected discharge alternative, as submitted according to the site and elevation plans Exhibit A, with the Conditions of Approval Exhibit B, and subject to the findings contained in Resolution 70-2003".*

ATTACHMENTS

Resolution 70-2003
Site and Elevation Plans for Area 3 well C-7 (Exhibit A)
Conditions of Approval (Exhibit B)

RESOLUTION # 70-2003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA APPROVING A CONDITIONAL USE PERMIT FOR THE AEROJET GROUNDWATER TREATMENT FACILITIES LOCATED ON THE NORTHWEST CORNER OF ZINFANDEL DRIVE AND CORDOVA LANE (PROPOSED SITE C-7) - PROJECT # RC-03-035

WHEREAS, Aerojet-General Corp. (hereinafter referred to as Applicant) filed an application with the City of Rancho Cordova (hereinafter referred to as City) for a Conditional Use Permit to allow a water extraction well and accompanying water treatment facilities to assist in the clean up activities directed by the United States Environmental Protection Agency. (Assessor's Parcel Number 057-0322-002); and

WHEREAS, the City Council is the appropriate authority to hear and take action on this project; and

WHEREAS, the project was found to be exempt per Section 15061 (3) of the California Environmental Quality Act (CEQA).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA HEREBY RESOLVES AS FOLLOWS:

1. Find that the project is not under Section 15302 (b) of CEQA.

   a. Finding: The proposal project is not subject to the California Environmental Quality Act (CEQA).

      Evidence: The proposed project is to remediate contamination to the groundwater causes by the applicant. Section 15061 (3) of the CEQA Guidelines exempts the remediation activity due to the fact it will not have a significant impact on the environment. The end product of the program will improve the quality of the environment.

   b. Finding: The project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

      Evidence: The proposed project is a groundwater remediation program regulated by the EPA for removing groundwater contamination. Therefore, the proposed project involves no potential for any adverse effect, either individually or cumulatively on wildlife resources.

2. Approve the Conditional Use Permit subject to the Site Plans (see Exhibit A and B) and the Conditions of Approval (Exhibit C), subject to the following findings:

   c. Finding: The establishment, maintenance and operation of the use, building, or structure applied for will not under the circumstances of the particular case

be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. (Zoning Code §110-30)

Evidence: These facilities will have a beneficial effect upon the groundwater quality of the City of Rancho Cordova. Along with the other well sites and the major treatment facilities within the Aerojet property, contaminants will be removed from the ground water supply to produce a healthier aquifer for future generations. The mandated program will benefit and protect the health and welfare of the public and will not be injurious to adjoining properties, due to the quiet nature of the treatment facility and the screening walls to enclose the mechanical equipment.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 17th day of November, 2003.

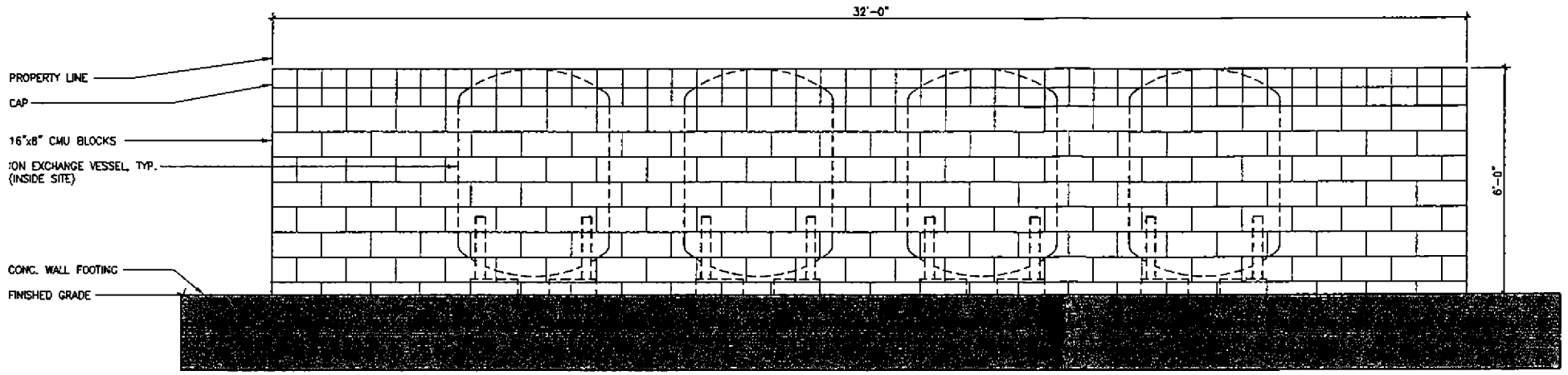
DAVID ROBERTS, MAYOR of the
CITY OF RANCHO CORDOVA

ATTEST:

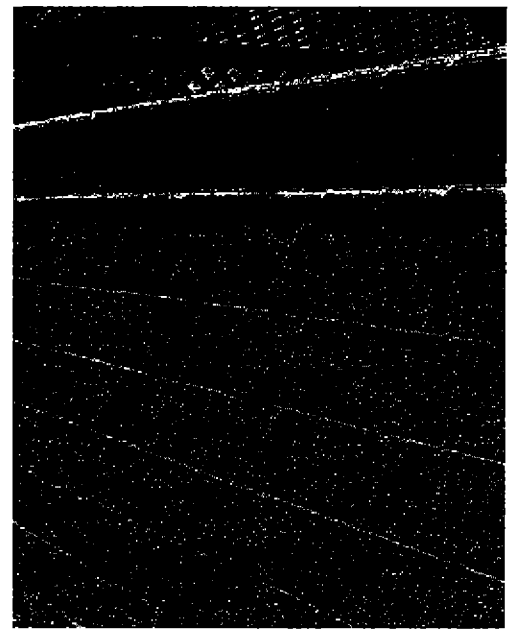
APPROVED AS TO FORM:

DIANA BIDDLE
CITY CLERK

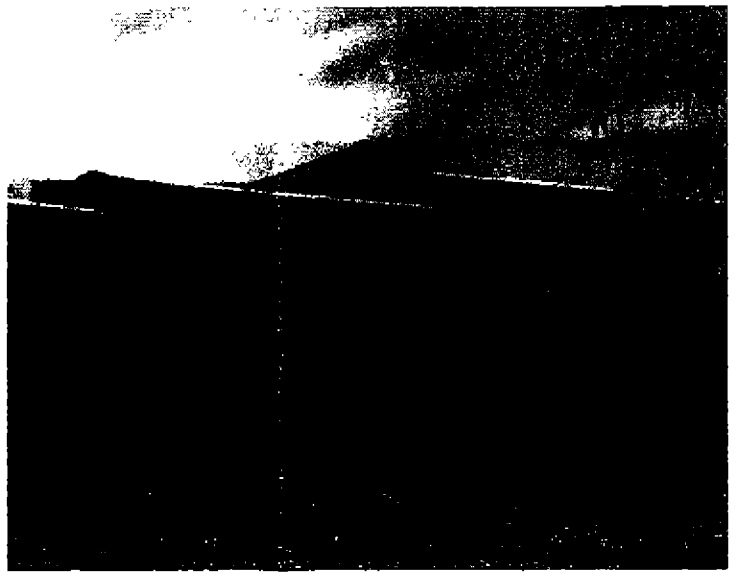
STEVEN MEYERS
CITY ATTORNEY



1 EX **MASONRY WALL**
SCALE: 1/2" = 1'-0"



PROTO II OPTION A



PROTO II OPTION B

NOTES:

1. WALL SHALL BE CONCRETE MASONRY UNITS BASALITE (CMU) OR PRE-APPROVED PANEL WALL SYSTEM.

2. CMU BLOCKS TO BE SPLIT-FACE OR TEXTURED:
   ALTERNATE 'A'
   SPLIT FACE BLOCK - TAN (#0345) W/LIGHT TAN BEVELED CAP.
   ALTERNATE 'B'
   SPLIT FACE BLOCK - DARK GRAY (#205) W/DARK GRAY BEVELED CAP.

Exhibit A

TECH DOC RELEASE	BY	DATE	DESCRIPTION	DRAWN	CHECKED	APP'D
			REVISIONS			

DESIGN ENGINEER	T. CLAPP	OCT 03
DRAWN	G. CUSICK	OCT 03
PROJECT ENGINEER	D. KINOSHITA	OCT 03

GENCORP FACILITY ENGINEERING AEROJET SACRAMENTO OPERATIONS RANCHO CORDOVA, CA
AEROJET

Stantec Consulting Inc. 3260 Venture Oaks Way Sacramento, CA 95833, USA Tel. 916.348.2500 Fax. 916.921.9274 www.stantec.com

PROJECT TITLE
ZINFANDEL DRIVE 'GET' SYSTEM

DWG. DESCRIPTION PRELIMINARY LANDSCAPE ELEVATION

SCALE	DRAWING NO.	SHT NO.	REV
AS NOTED	SFE-1691	EX1 OF 2	-
SPEC NO SP-1691	TECH DOC RELEASE		PC995

ZINFANDEL DRIVE 'GET' SYSTEM
REVISIONS
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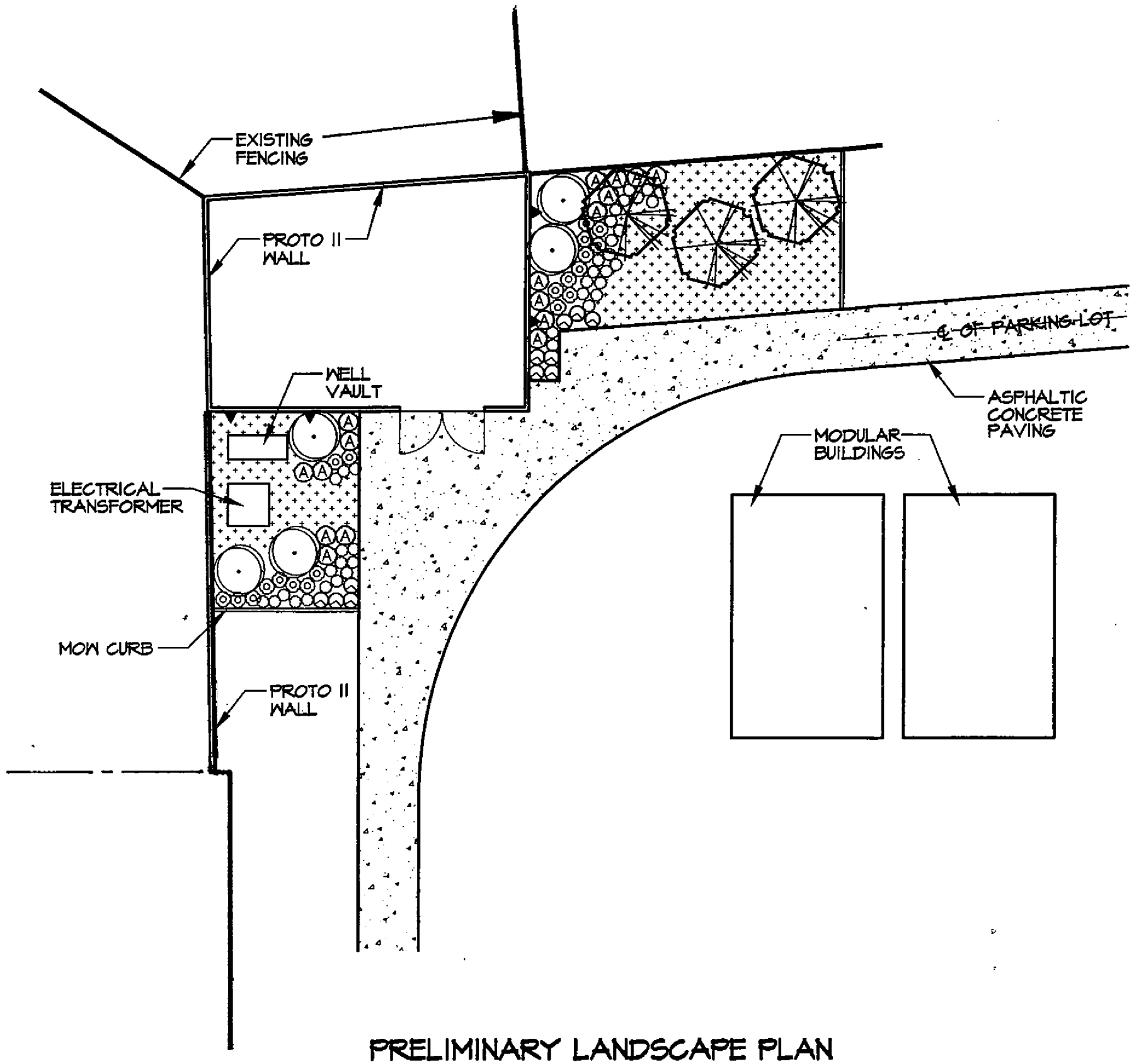

PRELIMINARY LANDSCAPE PLAN

PROPOSED PLANT LEGEND

TREES

PYRUS CALLERYANA 'CHANTICLEER' - ORNAMENTAL PEAR

SHRUBS

Ⓐ ABELIA GRANDIFLORA - GLOSSY ABELIA

XYLOXMA CONGESTUM - SHINY XYLOSMA

RHAPHIOLEPIS INDICA 'CLARA' - INDIA HAWTHORN

PITTOSPORUM TOBIRA 'WHEELERS DWARF' - DWARF MOCK ORANGE

NANDINA DOMESTICA 'GULF STREAM' - HEAVENLY BAMBOO

VINES & GROUNDCOVER

▲ PARTHENOCISSUS TRICUSPIDATA - BOSTON IVY

BARK

PROPOSED IRRIGATION

LOW VOLUME BUBBLER SYSTEM TO ALL TREES AND SHRUBS.

N

0 5 10 20 30 40

REVISIONS

T. CLAPP	OCT 03	
L. RUSH	OCT 03	
D. KINOSHITA	OCT 03	

KENCORP FACILITY ENGINEERING AEROJET

ZINFANDEL DRIVE 'GET' SYSTEM

PRELIMINARY LANDSCAPE PLAN

AS NOTED | SFE-1691 | EX1 of 2 | -

SP-1691 | PC995

Exhibit B: Conditions of Approval for Sites C-7

		Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
1.	The Conditional Use Permit approved by this action is for the location of two extraction water wells, known as C-7, located on the northwest corner of Zinfandel Road and Cordova Lane. This Use Permit is valid for the duration of the water remediation and treatment and the facilities shall be removed from the site within 60 days of the closure of operation.	On-Going	Planning	
2.	Aeroject is obtaining this Use Permit to comply with the United States, Environmental Protection Agency's, Region IX Unilateral Administrative Order Docket No. 2002-13.	On-Going	Planning	
3.	The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	On-Going	Planning	
4.	Applicant shall submit proof of insurance that provides coverage for job related property damage, as a result of the drilling of the extraction well on the Church property.	Prior to drilling the well	Planning	
5.	Applicant shall provide a 10 day advanced notice to the adjoining neighbors within 500 feet of the Church property and to the Planning Department, before the drilling operation is to begin.	Prior to drilling the well	Planning	

Exhibit B: Conditions of Approval

		Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
6.	Applicant shall provide temporary lodging accommodations to adjoining neighbors of the drill site, during the drilling operation. Kennel accommodations for the neighbors' pets during the drilling operation shall also be provided upon request.	Prior to drilling the well	Planning	
	Prior to Final Inspection and Utility Release			
7.	The Groundwater Treatment facility shall be constructed, including the water extraction, treatment and containment facilities, and screening wall, in accordance with approved plans. No additional equipment may be installed unless reviewed and approved by the Planning Director.	Prior to Final Inspection	Planning	
8.	Construct a 6 foot split face masonry wall with cap stone surrounding the water treatment facility and along the rear property line of parcel numbers 057-0303-015 and 057-0322-009, according to the approved plans for sites C-7. Color of the wall and cap stone shall be reviewed and approved by the Planning Director prior to construction.	Prior to Final Inspection	Planning	
9.	The landscaping shall be installed in substantial compliance with the preliminary plan, any modification shall first be approved by the Planning Director.	Prior to Final Inspection	Planning	
10.	Obtain appropriate permit from Public Works and provide adequate drain facilities into the establish flood control system, in accordance with the Sacramento County Improvement Standards.	Prior to Final Inspection	Water Resources	

Exhibit B: Conditions of Approval

		Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
11.	All utilities serving the water treatment facility shall be installed underground.	Prior to Final Inspection	Building	
12.	Construction of the treatment facilities, including the drilling of the well, shall be preformed during hours 8:00 a.m. to 7:00 p.m. on week days only.	Prior to Final Inspection	Building	
	General Operating Conditions			
13.	Maintenance and service of the facilities shall be preformed during regular business hours, 8:00 a.m. to 5:00 p.m. on week days only.	On-going	Planning	

Staff Report

Date: November 17, 2003

To: Honorable City Council

From: Steven R. Meyers, City Attorney

Subject: Four Ordinances of the City of Rancho Cordova Continuing In Effect Four Development Impact Fees, namely, (1) Roadway and Transit Development Impact Fees; (2) Park and Recreation Development Impact Fee; (3) Housing Trust Development Impact Fee; and (4) Mather Field Public Facilities Financing Plan Development Impact Fee

RECOMMENDATION

This item pertains to four separate development impact fees: 1) Roadway and Transit Development Impact Fee, 2) Park and Recreation Development Impact Fee, 3) Housing Trust Development Impact Fee, and 4) Mather Field Public Facilities Financing Plan Development Impact Fee. With respect all of these fees, the staff recommends that the City Council simultaneously take the following actions:

1. Open the public hearing.
2. Receive the staff report.
3. Receive testimony.
4. Close public hearing.
5. Waive the first reading and introduce the attached ordinances.

BACKGROUND

On July 1, 2003, by Ordinance No. 01-2003, the City adopted and continued in effect certain impact fees of Sacramento County (i.e., Roadway and Transit Development Impact Fees, Park and Recreation Development Impact Fee, Housing Trust Development Impact Fee, and Mather Field Public Facilities Financing Plan Development Impact Fee). Initial adoption of these fees was an interim measure, making the fees effective in the City for only 120 days (i.e., until October 29, 2003). At its meeting on October 20, 2003, the City adopted an urgency ordinance continuing the development fees in effect. Following a public hearing, the City should now adopt these fees by regular ordinance.

Below we have summarized the various impact fees and provided a recommendation for each fee.

AGENDA ITEM # 7b.

Summary of Current County Impact Fees.

The County has imposed fees on new development to pay for the costs of infrastructure needed to serve the new development.

Four fees are applicable to new development in Rancho Cordova:

1. **Roadway and Transit Development Fees**

The County adopted Roadway and Transit Development Fees ("Roadway Fee" and "Transit Fee," respectively) to exact financing from new development throughout unincorporated Sacramento County, to provide for expansion of the county road and transit system to accommodate increased vehicle traffic and transit ridership from that additional development. Facilities and improvements to be funded by the Roadway Fee and the Transit Fee, and the proposed timing of their construction, are specified in the documents entitled "Sacramento County Transportation Development Fee Update: Roadway Element," "Sacramento County Development Fee Analysis for Transit Improvements," "Addendum to Development Fee Analysis for Transit Improvements," and "Consolidated Roadway and Transit Capital Improvements Program," "Addendum to Consolidated Roadway and Transit Capital Improvements Program," and "Roadway Element Capital Improvement Program." (Sacramento County Code (henceforth, "SCC," §16.87.020.)

The Roadway and Transit Development Fee program incorporates a schedule of fees for six categories of land use zones: Single Family, Multiple Family, Commercial, Business and Professional, Industrial and Office Park. Roadway and Transit Development Fees are assessed according to the net increase in residential dwelling units or commercial/industrial floor area proposed to be constructed at each development site, and are collected prior to issuance of building permits. The schedule allocates the costs of the needed roadway and transit improvements to the six land use types based upon the average vehicular traffic and transit ridership generation characteristics of those land use types.

The Roadway and Transit Development Fees were adopted pursuant to Article XI, §7, of the California Constitution, which provides authority for local agencies including cities and counties to impose fees to fund the cost of public facilities, the need for which is generated by the type and level of development designated in applicable general and specific planning documents.

The County implemented the Roadway and Transit Development Fees in Chapter 16.87 of the County Code. These provisions established six fee divisions within unincorporated Sacramento County, and also established a Roadway Fund and a Transit Fund, each comprising separate accounts for each fee district ("District Roadway Account" and "District Transit Account," respectively). (SCC §§16.87.030 and 16.87.040.) Chapter 16.87 further requires that every Roadway Fee collected in each fee district be deposited in the District Roadway Account for that fee district, and that every Transit Fee collected in each fee district be deposited in the District

Transit Account for that fee district ("District Transit Account"). (*Ibid.*) The monies in each District Roadway Account and each District Transit Account are to be used only to finance facilities approved for the district from which the monies were collected. (SCC §16.87.120.)

Paragraph 9(k) of LAFCO Resolution No. 1243 requires the County to transfer to the City development impact fees collected within the boundaries of the City and intended for use in the City, for road-related facilities or services that have not yet been rendered. In addition, paragraph 9(k) of the LAFCO resolution requires the City to collect and expend these already-collected road-related development impact fees for the original purposes for which the County collected the fees. Since the boundaries of the City appear to include portions of three of the County's six Roadway and Transit Fee districts, and do not wholly occupy the entirety of any such district, the City and the County should negotiate an agreement to establish the manner of ascertaining which fees should be transferred to the City, how those fees can be used, who will prepare the AB 1600 reports and similar matters.

Paragraph 9(k) of LAFCO Resolution No. 1243 also provides that existing transportation fee impact programs shall be continued at levels necessary to adequately fund approved road construction projects, and paragraph 18 of Exhibit C to LAFCO Resolution No. 1243 requires the City to continue to enforce all transit impact fees and to adopt the necessary ordinances to accomplish the same within one year of incorporation. The ordinance before the Council will maintain the status quo, allowing the City to levy and expend the Roadway and Transit Development Fees within its boundaries, and also maintain the existing division of the City among three Roadway and Transit Fee districts. Before July 1, 2004, the City, in discussion with the County, will need to approve a more permanent Roadway and Transit Development Fee ordinance or ordinances to more clearly establish the City's autonomous mechanism for levying and expending these Fees.

Finally, §16.87.020(e) of the Sacramento County Code establishes a Base Conversion Demolition Account to contain credits for demolition of structures in the Mather Field Air Force Base Redevelopment Project Area pursuant to base conversion and reuse activities. The County apportions these credits to offset Roadway and Transit Development Fees under Sacramento County Code Chapter 16.87 for new construction pursuant to base conversion and reuse activities. (SCC §16.87.020(e).) Paragraph 11 of LAFCO Resolution No. 1243 provides that the Base Conversion Demolition Account shall be continued and shall continue to be administered by the County. Under Paragraph 11, the County is to have sole discretion to allocate credits from the Base Conversion Demolition Account to new construction within the City portions of the former Mather Air Force Base. The City is required to adopt the necessary ordinances to effectuate this condition within 180 days of incorporation.

2. Park and Recreation Fee

Developers who subdivide property for residential projects that result in five (5) or more legal parcels are required to dedicate land or pay fees in lieu thereof for neighborhood and community park or recreation facilities to serve the subdivision. (SCC §§22.40.010, 22.40.030(e).) This requirement was adopted pursuant to Government Code §66477, commonly referred to as the "Quimby Act," which is part of the Subdivision Map Act. (SCC §22.40.005.) The County implemented §66477 in Chapter 22.40 of the Sacramento County Code.

The County Code requires the fees to be committed within five (5) years after payment of those fees, or issuance of building permits for one-half of the lots created by the subdivision, whichever occurs later. (SCC §22.40.030(c).) If such fees are not committed, they are required to be distributed to the then-record owners of the subdivision. (*Ibid.*)

Paragraph 9(k) of LAFCO Resolution No. 1243 requires the County to transfer to the City development impact fees collected within the boundaries of the now-existing City and intended for use in that same territory, for park-related facilities or services that have not yet been rendered. In addition, paragraph 9(k) of the LAFCO resolution requires the City to collect and expend these already-collected park-related development impact fees for the original purposes for which the County collected the fees. The City and the County should negotiate an agreement to establish the manner of ascertaining which fee revenues should be transferred to the City, how they can be used, who will prepare the AB 1600 reports and similar matters.

3. Housing Trust Fee

The Housing Element of the Sacramento County General Plan (as adopted by the City of Rancho Cordova) calls for the provision of housing for all sectors of the population to accommodate the demands of both existing and new residents attracted to the region by increased employment. The Housing Element also provides that special efforts should be made to encourage an increased supply of housing affordable to low and very low income housing households, and in that light contains specific provisions calling for the creation of a housing trust fund and the financing thereof by various means including, but not limited to fees on new commercial construction.

Pursuant to these provisions of the General Plan, and based upon a Nexus Report that determined that a certain percentage of employees brought in by new non-residential construction will live in very low income households (i.e., households with incomes of fifty percent (50%) or below the County median income) within the County, the County adopted a Fee on Non-Residential Construction to Fund Very Low Income Housing ("Housing Trust Fee"). The County implemented the Housing Trust Fee in Chapter 16.89 of the Sacramento County Code.

Chapter 16.89.00 establishes the Sacramento County Very Low Income Housing Fund ("Fund"). (SCC §16.89.300.) The Fund is a special interest-bearing trust fund. (*Ibid.*) Monies deposited in the Fund shall be used to construct, rehabilitate, subsidize, or assist other governmental entities, private organizations or individuals in the construction of housing units affordable to households of very low income, and reasonable administrative expense for that purpose. (SCC §16.89.305.) The Fund is administered by the Executive Director of the Sacramento Housing and Redevelopment Agency. (SCC §§16.89.245, 16.89.310.)

Under Chapter 16.89.00 of the Sacramento County Code, the Housing Trust Fee is assessed on new non-residential construction, including but not limited to any addition or interior remodeling of any non-residential structure that either would add additional square feet or would result in specified changes of use. The Housing Trust Fee must be paid prior to issuance of a building permit. (SCC §16.89.400.) In administering the Housing Trust Fee, the County assesses a certain fee per gross square foot of new construction, with the amount per gross square foot varying depending on the type of use of the structure, categorized as "office," "hotel," "research and development," "commercial," "manufacturing," or "warehouse." (SCC §16.89.715.)

Paragraph 9(k) of LAFCO Resolution No. 1243 requires the County to transfer to the City development impact fees collected within the boundaries of the now-existing City and intended for use in that same territory, for housing-related facilities or services that have not yet been rendered. In addition, paragraph 9(k) of the LAFCO resolution requires the City to collect and expend these already-collected housing-related development impact fees for the original purposes for which the County collected the fees. The City and the County should negotiate an agreement to establish the manner of ascertaining which fee revenues should be transferred to the City, how they can be used, who will prepare the AB 1600 reports and similar matters.

Paragraph 14(b) of Exhibit C to LAFCO Resolution No. 1243 requires the City to continue to assess and collect the Housing Trust Fund Fee consistent with the existing Housing Trust Fund Fee imposed by the County. The City is required to adopt the necessary ordinances and resolutions to effectuate this requirement within 180 days of incorporation. The ordinance satisfies the requirement of 14(b).

4. <u>Mather Field Public Facilities Financing Plan Development Fee</u>

The Sacramento County General Plan (as adopted by the City of Rancho Cordova) requires that areas chosen for urban expansion shall be capable of being provided within a reasonable period with an adequate level of public facilities, including but not limited to transportation facilities. The General Plan further requires preparation of a plan that identifies a mechanism for financing those facilities necessary to serve urban development in areas designated for urban expansion. The General Plan contains additional policies for the use of developer dedications, development impact fees and other means to pay for an acceptable level of transportation facilities.

The County, in planning for urban expansion proposed for the Mather Field Air Force Base Redevelopment Project Area, developed a Mather Field Public Facilities Financing Plan ("PFFP"). To pay for administration of the PFFP and for public facilities proposed under the PFFP, the County imposed a Mather Field Public Facilities Financing Plan Development Fee Program to allow for developer financed transportation facilities, the need for which is directly or indirectly generated by the type and level of urban expansion proposed for the area covered by the PFFP. (SCC Chapter 16.84.) The County adopted the Fee Program under the authority of Article XI, §7, of the California Constitution. (SCC §16.84.010.)

The County established a special interest-bearing trust fund, the Mather Field Administration Fund, to pay the costs of administering the PFFP, and a second special interest-bearing trust fund, the Mather Field Transportation Fund, to pay the costs of transportation facilities the need for which was identified in the Mather Field Public Facilities Fee Nexus Study dated February 1, 2002. (SCC §§16.84.030 and 16.84.040.) The County further imposed a PFFP Development Fee to fund both the Mather Field Administration and Transportation funds. (SCC §16.84.080.) Under Chapter 16.84, no change in a land use designation shall be approved within the area covered by the PFFP unless payment of the PFFP Development Fee is made a condition of approval of such a change, and no building permit, or grading permit for commercial, recreation, recreation-regional park, and recreation-golf course shall be approved for property within the area covered by the PFFP unless the PFFP Development Fees for that property are paid by the property owner. (SCC §16.84.050.) The facilities to be funded by the PFFP Development Fee are designated in the Capital Improvement Plan/Program of the PFFP Nexus Study. (SCC §16.84.070.)

A portion of the area covered by the PFFP is within the City boundaries. However, paragraph 9(w)(i) of LAFCO Resolution No. 1243 provides that the PFFP is of regional significance, and that the County is the regional governmental entity that should retain jurisdiction over existing fees collected under the PFFP Development Fee Program, both before and after incorporation. Paragraph 9(w)(i) provides that the County is to retain sole control to levy and collect PFFP Development Fees, and to administer the PFFP Development Fee Program within the City. Further, paragraph 9(w)(i) provides that the City shall not issue building permits or occupancy permits within the area covered by the PFFP without written notice from the County showing that the applicable PFFP Development Fees have been paid. The City is required to adopt an ordinance consistent with this condition within 180 days of incorporation.

The proposed ordinance will preserve the status quo regarding the Mather Field Public Facilities Financing Plan Development Fee pending discussions with the County regarding imposition, collection and administration of the fees on projects within the City.

Continuation of County Impact Fees.

All of the development impact fees described above were adopted as ordinances and are contained in the County Code. As such, they were continued in effect for 120 days when the City Council adopted its first ordinance continuing all County ordinances in effect for 120 days.

The draft ordinance would make the legally required findings to continue these fees in effect. The draft ordinance incorporates all the reports and studies that were used by the County in adopting the fees.

Development impact fees are not subject to Proposition 218.

Conclusion.

The Council should continue the existing development impact fees in effect.

However, the fees can be modified in the future in accordance with the procedures in State law, including the requirement of the Mitigation Fee Act ("AB 1600").

If the Council so decides, it may modify the existing four impact fees to be sure they are based on current General Plan standards, General Plan land use projections, and estimates of land acquisition and construction costs, and that they contain built-in escalators for costs of land, construction, equipment, administration, etc. Any of these changes would require that the City prepare an "AB 1600" Report.

The Council may also decide to impose impact fees where none now exist (e.g., a public facilities fee for a civic center.

Finally, once the new General Plan is adopted, the Council should do a comprehensive revision of all its fees based on new land use designations.

REQUESTED MOTION

1. I move that the City Council waive reading and introduce Ordinance No. ____, An Ordinance Of the City of Rancho Cordova Continuing The Roadway And Transit Development Impact Fees In Effect. (First Reading)

2. I move that the City Council waive reading and introduce Ordinance No. ____, An Ordinance Of the City of Rancho Cordova Continuing The Park And Recreation Development Impact Fee In Effect. (First Reading)

3. I move that the City Council waive reading and introduce Ordinance No. ____, An Ordinance Of the City of Rancho Cordova Continuing The Housing Trust Development Impact Fee In Effect. (First Reading)

4. I move that the City Council waive reading and introduce Ordinance No. ____, An Ordinance Of the City of Rancho Cordova Continuing The Mather Field Public Facilities Financing Plan Development Impact Fee In Effect. (First Reading)

ATTACHMENTS

1. Ordinance Continuing Roadway and Transit Development Impact Fees In Effect. (Other background exhibits, which are not attached, will be available at the City Council meeting for your review and review by members of the public including the documents identified as FEE DATA in the Ordinance Continuing Roadway and Transit Development Impact Fees In Effect.)
2. Ordinance Continuing Park and Recreation Development Impact Fee In Effect. (Other background exhibits, which are not attached, will be available at the City Council meeting for your review and review by members of the public including the documents identified as FEE DATA in the Ordinance Continuing Park and Recreation Development Impact Fees In Effect.)
3. Ordinance Continuing Housing Trust Development Impact Fee In Effect. (Other background exhibits, which are not attached, will be available at the City Council meeting for your review and review by members of the public including the documents identified as FEE DATA in the Ordinance Continuing Housing Trust Development Impact Fees In Effect.)
4. Ordinance Continuing Mather Field Public Facilities Financing Plan Development Impact Fee In Effect. (Other background exhibits, which are not attached, will be available at the City Council meeting for your review and review by members of the public including the documents identified as FEE DATA in the Ordinance Continuing Mather Field Public Facilities Financing Plan Development Impact Fees In Effect.)

Staff Report

Date: November 17, 2003

To: Honorable City Council

From: Steven R. Meyers, City Attorney

Subject: An Ordinance of the City of Rancho Cordova Adopting by Reference Certain Provisions of the Sacramento County Code and Zoning Code

RECOMMENDATION

1. Open public hearing.
2. Receive the staff report.
3. Receive testimony.
4. Close public hearing.
5. Adopt the ordinance (Attachment 1) as introduced October 20, 2003.

BACKGROUND

On October 20, 2003, the City Council passed an urgency ordinance, and introduced a regular non-urgency ordinance, adopting by reference certain provisions of the Sacramento County Code and the Sacramento Zoning Code. The purpose for adopting an urgency ordinance was to ensure that the County Code provisions adopted by the Council on July 1, 2003, for a 120-day interim period remained in effect following termination of that interim period on October 29, 2003.

The regular ordinance, once adopted, will supersede the urgency ordinance adopted on October 20, and will help ensure that the County provisions adopted by the City remain in effect in the event that the urgency ordinance is challenged. In order to adopt the regular non-urgency ordinance, it is necessary for the Council to hold a public hearing, after which the Council may amend, adopt or reject the ordinance.

A list summarizing the 22 titles of the County Code and the 3 titles of the Zoning Code, as well as staff's recommendations for the adoption of each, was set forth in the October 20, 2003, staff report, which has been included as Attachment 2.

REQUESTED MOTION

AGENDA ITEM # 7c.

"I move that the City Council waive the second reading and adopt the ordinance adopting by reference certain provisions of the Sacramento County Code and Zoning Code."

ATTACHMENTS

1. Ordinance
2. October 20, 2003, Staff Report

Staff Report

Date: October 20, 2003

To: Honorable City Council

From: Steven R. Meyers, City Attorney

Subject: Urgency Ordinance of the City of Rancho Cordova Adopting by Reference Certain Provisions of the Sacramento County Code and Zoning Code and Ordinance of the City of Rancho Cordova Adopting by Reference Certain Provisions of the Sacramento County Code and Zoning Code

RECOMMENDATION

1. Read and adopt the urgency ordinance (Attachment 1) (4/5th vote required); and
2. Waive the reading and introduce the ordinance (Attachment 2).

DESCRIPTION:

Continuation of County Code and Zoning Code Beyond Interim Period

As its first meeting on July 1, 2003, the City Council adopted an ordinance to have all Sacramento County ordinances remain in effect within the new City upon incorporation. These County ordinances have been separately codified as the Sacramento County Code and the Sacramento County Zoning Code.

The adoption of County ordinances was an interim measure, making the County Code and Zoning Code effective in the City for only 120 days. The 120-day period ends on October 29, 2003. Nearing the end of that 120-day period, the Council must now consider what provisions in the County Code and Zoning Code should be continued beyond the 120-day period and what provisions should be allowed to lapse after the 120-day period.

Attached are both an urgency ordinance and regular ordinance for adopting by reference the provisions to be continued beyond the 120-day period of the County Code as well as the entirety of the Zoning Code. An ordinance may be enacted by the City on an urgency basis if, among other things, the adoption is Afor the immediate preservation of the public peace, health or safety.@ This insures that the adopted provisions of both Codes remain in effect within the City.

In the event that the urgency ordinance is challenged, the regular ordinance also insures that the adopted provisions of the County Code and Zoning Code remain in effect.

Procedures for the Adoption of Codes by Reference

Government Code §§50022.1 *et seq.* authorize a city to adopt an ordinance that adopts by reference a regulatory or statutory code, provided the adoption complies with a series of statutory requirements. Below we have summarized these requirements as well as indicating applicability to the City's adoption of the County Code and Zoning Code.

The title(s) of the code(s) to be adopted must be included in the title of the adopting ordinance. (Gov. Code §50022.2.) Other requirements apply where a code (known as the primary code) to be adopted by reference itself contains other codes (known as secondary codes). (*Id.*)

As with all non-urgency ordinances, the ordinance adopting by reference another code must first be introduced at a meeting of the city council. (Gov. Code §50022.3.) The introduction must include a reading of the title of the code(s) to be adopted. (*Id.*) Any penalty provisions in the code(s) to be adopted by reference must be set-out in the adopting ordinance. (Gov. Code §50022.4.) After the introduction, a public hearing must occur. (Gov. Code §50022.3.) That hearing may occur at the next meeting of the city council or at another designated time.

Notice of the hearing must be provided by publication in a newspaper of general circulation. (*Id.*) Notice must be published twice in two successive weeks. (*Id.*) The notice period commences on the first day of publication and ends at the end of the fourteenth day, with the first day included. (*Id.*) The notice must state the time and place of the hearing. The notice must indicate that copies of the code(s) to be adopted are available for public inspection from the city clerk. (Gov. Code §50022.3.) Finally, the notice must contain a description that the council deems sufficient to give notice to interested persons of the purpose of the ordinance adopting the code(s) by reference. (*Id.*)

After the public hearing, the city council may amend, adopt or reject the adopting ordinance as it would any other ordinance. (Gov. Code §50022.4.)

After adoption, the ordinance must be published. (Gov. Code §50022.5.) The city clerk must certify a copy of the code(s) adopted by reference. (*Id.*) The certified copies must be filed in the city clerk's office within 15 days of adoption and maintained for public inspection. (*Id.*) The city clerk must also keep copies of the adopted codes for purchase by the public at a price identical to that charged by the county. (*Id.*)

At the October 20, 2003, City Council meeting, the non-urgency ordinance will be introduced by waiving the reading of the entire ordinance, and simply reading the title of the ordinance, which contains the title of the Sacramento County Code and Zoning Code. The hearing for the adoption of the non-urgency ordinance will occur

at the next City Council meeting, November 3, 2003. Notice should be published on October 20 and again on October 27, 2003 in *The Grapevine Independent* (now the adjudicated newspaper of general circulation for Rancho Cordova) to satisfy the publication requirements. The notice must include a description of the ordinance, provide the time and place of the hearing, and indicate that copies of the County Code and Zoning Code are available for public inspection from the City Clerk. After adoption, both the urgency and non-urgency ordinance must be published, respectively before November 4 and November 18, 2003, with certified copies of the adopted codes available for purchase and review.

As discussed above, penalty provisions for violations of the adopted code must be specified in the ordinance. Rather than specify the numerous penalty provisions for violations of County Code and Zoning Code provisions, the attached ordinances provide a "wobbler" penalty, where all violations are misdemeanors unless the City Manager or City Attorney determines that a violation shall be charged as an infraction.

Finally, the Sacramento County Code also provides for the adoption of "secondary codes," specifically the California Building Standards Code (CBSC) (Title 24 of the California Code of Regulations, which includes the California Administrative Code, the California Building Code, etc.) and, by extension, the various uniform codes (the Uniform Building Code, the Uniform Plumbing Code, etc.). However, as a result of state requirements regarding local findings for amendment of the CBSC, the City cannot adopt by reference the CBSC as it has been adopted and amended by the County. Instead, it will be necessary for the City to make its own amendments and findings. City Staff, in conjunction with the City Attorney's office, are currently working on amendments to the CBSC and the underlying uniform codes, which will be presented to the Council in the future for adoption. Until that time, the CBSC and the underlying uniform codes, in their unamended forms, are the default building standards for the City pursuant to state law. Thus, no secondary codes will be adopted at this time by the City.

Summary of and Recommendations Regarding Codes

Below we have summarized the 22 titles of the County Code and the 3 titles of the Zoning Code while providing a recommendation for each title on a title-by-title basis.

Sacramento County Code

Title 1: General Provisions.

Summary. This title contains sections of general applicability both to the numerous sections of the Code as well as County departments.

Recommendation. The bulk of this title should be deleted, with a few necessary sections retained. For example, the City should delete the provisions regarding the voting structure of the Board and the repeal of former ordinances of the County; general provisions regarding interpretation and severability should be retained.

Title 2: Administration and Personnel.

Summary. This title contains provisions on a wide variety of administrative matters. Much of the chapter concerns matters unique to the County, such as the structure of County offices (District Attorney, Public Defender), descriptions of voting districts for the Board of Supervisors, and the administration of County Departments (Agriculture, Planning).

Recommendation. This title should be deleted, as the City has adopted and will continue to adopt ordinances establishing the administrative structure of the City.

Title 3: Revenue and Taxation.

Summary. This title provides for certain taxes, fees, and charges.

Recommendation. This title should be largely deleted because the City has either adopted its own ordinances for these taxes, fees, and charges or the County's ordinances involve taxes, fees, and charges germane only to the County.

Title 4: Business Regulation.

Summary. This title provides a variety of business regulations. Most cities provide for the regulation of these businesses; moreover, County officials will be regulating many of the businesses provided for in this title pursuant to Government Code ' 57384 (requiring County officials to enforce laws in City for first year).

Recommendation. This title should be entirely continued in effect beyond the 120-day period as adopting this title ensures that the City, as well as County officials with enforcement authority, can continue regulating specific businesses within the City.

Title 5: Franchises.

Summary. This title regulates cable television, charitable and door-to-door solicitors, and general provisions regarding franchising power.

Recommendation. This title should be entirely continued in effect beyond the 120-day period to permit the City's continued regulation of these particular franchises.

Title 6: Health and Sanitation.

Summary. This title provides a variety of regulations promoting the health and welfare of the community.

Recommendation. This title should be largely continued in effect beyond the 120-day period with a few exceptions regarding regulations where the County has sole authority to regulate (hazardous waste permits). Again, adopting these ordinances will ensure that the City, as well as County officials with enforcement authority, can continue regulating the particular businesses within the City.

Title 7: War Memorials.

Summary. This title contains provisions for the adoption of war memorials for and payment of lost wages to Japanese-Americans interned during World War II.

Recommendation. As the ordinance applies by its own provisions to actions taken previously by the County, this title should be deleted.

Title 8: Animals.

Summary. This title provides for the regulation of animals.

Recommendation. This title should be entirely continued in effect beyond the 120-day period to permit County Animal Control's continued enforcement of animal regulations within the City.

Title 9: Public Peace, Morals, and Safety.

Summary. This title provides a variety of regulations promoting the public peace and safety within the community.

Recommendation. This title should be largely continued in effect beyond the 120-day period with a few exceptions regarding regulations where the County has sole authority to regulate (jail escapes, Sheriff Deputy salaries) or where the regulations represent policy decisions subject to legal challenge (crime comics). Again, adopting these ordinances will ensure that the City, as well as County officials with enforcement authority, can continue regulating certain activity within the City.

Title 10: Vehicles and Traffic.

Summary. This title provides a variety of vehicular regulations.

Recommendation. This title should be entirely continued in effect beyond the 120-day period as this title contains the vehicle and traffic regulations currently enforced within the City.

Title 11: Airports.

Summary. This title provides a variety of airport regulations.

Recommendation. This title should be deleted as the City has no regulatory power over airports.

Title 12: Streets and Sidewalks.

Summary. This title provides a variety of street and sidewalk construction regulations.

Recommendation. This title should be largely continued in effect beyond the 120-day period with one exception (a highway circulation plan specific to the County's General Plan). Adopting these ordinances will ensure construction conformity as the City contemplates migrating from County standards to its own planning requirements.

Title 13: Watercourses.

Summary. This title provides a variety of waterway regulations.

Recommendation. This title should be deleted as the City has no regulatory power over waterways.

Title 14: Agricultural Activities and Water Use and Conservation.

Summary. This title provides agricultural and water conservation regulations.

Recommendation. This title should be entirely continued in effect beyond the 120-day period. Again, adopting these ordinances will ensure conformity as the City contemplates migrating from County standards to its own regulatory requirements.

Title 15: Water and Sewers.

Summary. This title provides a variety of sewer and stormwater regulations.

Recommendation. This title should be continued to provide for continued City regulation of sewers and stormwater.

Title 16: Buildings and Construction.

Summary. This title provides building and construction regulations, including uniform codes and code enforcement. Also provided are numerous building impact fees.

Recommendation. This title should be largely continued in effect beyond the 120-day period. Adopting these ordinances will ensure construction and enforcement conformity as the City contemplates migrating from County standards to its own planning and code enforcement requirements. The impact fees and Building Standards (as discussed above) shall be adopted by other ordinances.

Title 17: Fire Prevention.

Summary. This title provides uniform fire codes and weed control regulations.

Recommendation. This title should be entirely continued in effect beyond the 120-day period to permit continued enforcement of the uniform fire codes and weed abatement.

Title 18: Repealed by County.

Title 19: Trees.

Summary. This title provides regulations for historic trees and tree-related diseases.

Recommendation. This title should be entirely continued in effect beyond the 120-day period to permit continued enforcement of tree regulations within the City.

Title 20: Environmental Protection.

Summary. This title provides for the adoption of environmental protection regulations.

Recommendation. At its first City Council meeting, the Council adopted its own CEQA Guidelines; thus, this title should be entirely deleted as the City has previously adopted environmental protection regulations.

Title 21: Plans

Summary. This title provides for the procedural adoption of the County General Plan, General Plan Amendments, and Specific Plans.

Recommendation. At its first City Council Meeting, the City adopted the County's General Plan as well as the Mather Field Specific Plan and SunRidge Specific Plan. Since this title provides procedures related to these land use documents, this title should be entirely continued in effect beyond the 120-day period.

Title 22: Land Development.

Summary. This title provides local land use regulations, including subdivision application procedures and approvals.

Recommendation. This title should be largely continued in effect beyond the 120-day period. Adopting these ordinances will ensure land use decision conformity as the City contemplates migrating from County policies its own planning regulations. A provision involving park and recreation impact fees shall be adopted by another ordinance.

Sacramento County Zoning Code

Title 1: General Provisions.

Summary. This title contains numerous provisions establishing regulations for the various land uses contained in the Sacramento Zoning Map or the Zoning Code.

Recommendation. This title should be adopted in its entirety to provide conformity for land use decisions as the City develops its own Zoning regulations.

Title 2: Land Use Zones.

Summary. This title contains provisions defining the various land uses contained in the Sacramento Zoning Map

Recommendation. This title should be adopted in its entirety to provide conformity for land use decisions as the City develops its own Zoning regulations.

Title 3: Use Regulations and Development Standards.

Summary. This title provides land use regulations for special uses defined in the Zoning Map and Zoning Code.

Recommendation. This title should be adopted in its entirety to provide conformity for land use decisions as the City develops its own Zoning regulations.

Conclusion

We recommend the Council adopt the urgency ordinance (a 4/5th affirmative vote is required) and waive the reading and introduce the non-urgency ordinance. We also recommend that the Council direct City Staff to comply with the necessary requirements for the adoption of a Code by reference.

Where the City adopts (or has adopted) its own ordinances, the new ordinances supercede the County Code and Zoning Code provisions adopted by reference. We also recommend that the Council codify its ordinances into the Rancho Cordova Municipal Code in the future to provide an invaluable reference for City regulations.

ATTACHMENTS

1. Draft Urgency Ordinance; and
2. Draft Ordinance

CITY OF RANCHO CORDOVA

ORDINANCE NO. 21-2003

AN ORDINANCE OF THE CITY OF RANCHO CORDOVA PROVIDING FOR THE ADOPTION BY REFERENCE OF CERTAIN PROVISIONS OF THE COUNTY CODE AND ZONING CODE OF THE COUNTY OF SACRAMENTO

THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS FOLLOWS:

SECTION 1. Introduction. The City Council of the City of Rancho Cordova hereby exercises its power pursuant to Government Code §50022.9 to adopt by reference certain provisions of the Sacramento County Code and Sacramento County Zoning Code.

SECTION 2. Adoption By Reference. The City Council hereby ADOPTS BY REFERENCE the following provisions only of the Sacramento County Code, to be effective for an indefinite period:

a) Title 1: Section 1.1.110 to Section 1.1.190.

b) Title 3: Chapter 3.40; Chapter 3.44.

c) Title 4: Chapter 4.02; Chapter 4.06; Chapter 4.10; Chapter 4.14; Chapter 4.18; Chapter 4.22; Chapter 4.23; Chapter 4.26; Chapter 4.28; Chapter 4.29; Chapter 4.30; Chapter 4.32; Chapter 4.34; Chapter 4.38; Chapter 4.50; Chapter 4.54; Chapter 4.58; Chapter 4.60; and Chapter 4.61.

d) Title 5: All.

e) Title 6: Chapter 6.04; Chapter 6.08; Chapter 6.12; Chapter 6.16; Chapter 6.20; Chapter 6.24; Chapter 6.28; Chapter 6.29; Chapter 6.30; Chapter 6.32; Chapter 6.34; Chapter 6.36; Chapter 6.50; Chapter 6.56; Chapter 6.60; Chapter 6.64; Chapter 6.68; Chapter 6.80; Chapter 6.82; Chapter 6.84; Chapter 6.86; Chapter 6.87; Chapter 6.96; Chapter 6.99; Chapter 6.110; and Chapter 6.120.

f) Title 8: All.

g) Title 9: Chapter 9.04; Chapter 9.08; Chapter 9.12; Chapter 9.16; Chapter 9.20; Chapter 9.28; Chapter 9.36; Chapter 9.38; Chapter 9.40; Chapter 9.41; Chapter 9.42; Chapter 9.44; Chapter 9.48; Chapter 9.70; Chapter 9.74; Chapter 9.76; Chapter 9.78; Chapter 9.80; Chapter 9.82; Chapter 9.83; Chapter 9.92; Chapter 9.93; Chapter 9.94; Chapter 9.96; Chapter 9.98; and Chapter 9.100.

h) Title 10: All.

i) Title 12: Chapter 12.01; Chapter 12.03; Chapter 12.08; Chapter 12.09; Chapter 12.12; Chapter 12.16; Chapter 12.20; and Chapter 12.24.

j) Title 14: All.

k) Title 15: All.

l) Title 16: Chapter 16.02; Chapter 16.04; Chapter 16.08; Chapter 16.16; Chapter 16.18; Chapter 16.16.20; Chapter 16.21; Chapter 16.22; Chapter 16.23; Chapter 16.24; Chapter 16.28; Chapter 16.32; Chapter 16.36; Chapter 16.40; and Chapter 16.44.

m) Title 17: All.

n) Title 19: All.

o) Title 21: All.

p) Title 22: Chapter 22.05; Chapter 22.10; Chapter 22.15; Chapter 22.20; Chapter 22.24; Chapter 22.25; Chapter 22.30; Chapter 22.50; Chapter 22.60; Chapter 22.70; Chapter 22.80; Chapter 22.90; Chapter 22.100; Chapter 22.110; Chapter 22.120; Chapter 22.130; Chapter 22.140; Chapter 22.150; Chapter 22.300; and Chapter 22.400.

SECTION 3. Adoption By Reference. The City Council hereby ADOPTS BY REFERENCE the following provisions of the Sacramento Zoning Code, to be effective for an indefinite period:

a) Title 1: All.

b) Title 2: All.

c) Title 3: All.

SECTION 4. Substitution of Appropriate Reference to City.

a) Whenever in the provisions of the Sacramento County Code or Zoning Code adopted by this ordinance there is a reference to "Board of Supervisors," this reference shall be interpreted to mean the "City Council of the City of Rancho Cordova."

b) Whenever in the provisions of the Sacramento County Code or Zoning Code adopted by this ordinance there is a reference to an office, official title, or other designation, the referenced shall be interpreted to mean that office, title, or designation in the governmental structure of the City or, if there is none, any official or titleholder in the City who has been specifically directed by the City Council or the City Manager to perform the functions referred to or the duties imposed.

c) Whenever in the provisions of the Sacramento County Code or Zoning Code adopted by this ordinance there is a reference to the "County of Sacramento," such reference shall be interpreted to mean the "City of Rancho Cordova" if such an interpretation is appropriate under the circumstances.

d) Whenever in the provisions of the Sacramento County Code or Zoning Code adopted by this ordinance there is a reference to "Planning Commission" or "Zoning Administrator," this reference shall be interpreted to mean the planning agency of the City of Rancho Cordova, as the powers of the planning agency may be delegated by the City Council by Ordinance.

e) Whenever in the provisions of the Sacramento County Code or Zoning Code adopted by this ordinance there is a reference to "unincorporated areas the County," this reference shall be interpreted to mean the "incorporated areas of the City of Rancho Cordova."

SECTION 5. Subject Matter Beyond the Jurisdiction of the City. Whenever in the provisions of the Sacramento County Code or Zoning Code adopted by this ordinance there is a reference to subject matter beyond the jurisdiction of the City, this reference shall not be applicable to the City.

SECTION 6. Violation of the Adopted Provisions of the Sacramento County Code or Zoning Code. Pursuant to Government Code §50022.4, the City hereby declares that a violation of any provision of the Sacramento County Code or Zoning Code adopted by this ordinance shall be charged and prosecuted as a misdemeanor punishable pursuant to Government Code §36900, or, in the discretion of the City Manager or City Attorney, the violation may be charged and prosecuted as an infraction punishable under Government Code §36900.

SECTION 7. Future Amendments. Amendments or modifications to the Sacramento County Code or Zoning Code made after the effective date of this Ordinance are not adopted by reference by this Ordinance.

SECTION 8. Effective Date and Posting. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Grapevine Independent, a newspaper of general circulation printed and published in Sacramento County and circulated in the City of Rancho Cordova, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

* * * * *

ADOPTED, THIS ___day of November, 2003 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

THE LOCAL TAXPAYERS AND PUBLIC SAFETY PROTECTION ACT

An Outline and Summary

SECTION ONE. Short Title.
LOCAL TAXPAYERS AND PUBLIC SAFETY PROTECTION ACT

SECTION TWO. Findings and Declarations.
Explains the historical and legal basis for the initiative and sets forth its purposes. Specifically states it does not amend or modify Proposition 98 (school funding guarantee)

SECTION THREE

Section 1. State-wide Voter Approval Required

(a) Requires approval by a majority of the voters before the legislature can:

(1) **Property Tax.** Reduce, or suspend or delay receipt of the percentage shares of the property taxes of local governments (not ERAF or school share) **or** require local governments to pay property taxes to the state, a state-created fund (e.g., ERAF), or another local government (unless consented to). Includes RDAs.

(2) **VLF.** Reduce, or delay or suspend receipt of, the amount of revenue appropriated in 2002-03 to any city or county, plus annual growth, for the VLF and VLF backfill, unless this amount is offset by replacement revenues (like the previous state general fund backfill);

(3) **Sales Tax.** Restrict the authority to impose, or changes the method of distributing, the Bradley Burns Local Sales Tax;

(4) **VLF Loan.** Refuse to repay cities and counties in 2006 for the VLF backfill loan to the state made in the current budget year.

(5) **Triple Flip.** Refuse to return the ½ cent of local sales tax authority suspended by the "Triple Flip" legislation passed as part of the 2003 budget or fail to make the property tax backfill payments to cities and counties while the Triple Flip is in existence.

(b) **Tax Exemptions and Classifications.** Also requires voter approval if the Legislature establishes classifications or exemptions from the property or sales tax without compensating local governments for the lost revenue.

(c) **Required Legislative Vote.** Requires legislative approval of any proposal to reduce local revenues by whatever vote is required by the constitution to approve the state budget. Currently that is a 2/3 vote, but if the Budget Accountability Act is passed in March it will be 55%.

(d) **Wording of Ballot Question.** States the wording of the question for the voters. This is framed like a referendum question would be phrased under the constitution.

Section 2. Definitions (Abbreviated)

(a) "Local Government" means a city, county, city and county, or special district.

(b) "Local Government Base Year Fund" is the term used to describe the amount of the 2002-2003 VLF or its successor if it is eliminated. If it is eliminated, the successor revenue source will grow at a rate consistent with the "Gann Factor" in existing Article XIIIB.

(c) "2003 Local Government Payment Deferral" means the amount of the VLF "Gap" Loan that was approved in the 2003 state budget.

(d) "Local Property Tax" means the ad valorem property tax (not parcel taxes since they are not based on the value of the property) and the redevelopment property tax increment.

(e) "Local Sales Tax" means only the Bradley Burns Sales Tax (before the Triple Flip) and not any other sales taxes, such as transit taxes.
(f) "Special District" means the standard special districts and also includes redevelopment agencies.
(g) "State" means the State of California.

Section 3. Interim Measures (Retroactive Provisions)
This section subjects laws passed after November 1, 2003, which would require voter approval under the ballot measure, to the voter approval requirements of Section 1 if the voters approve the initiative in November 2004. Until approved by the voters at a subsequent statewide election, any such law would be suspended unless the legislature provides a replacement for the lost local revenue.

SECTION FOUR. Mandates.
This section amends and adds additional subsections to an existing section of the state constitution requiring reimbursements for unfunded mandates. It applies only to mandated functions that are eligible for reimbursement. It does not apply to mandated functions that are not eligible for reimbursement (e.g., federal mandates, mandates that also apply to the private sector as well like civil rights mandates, mandates for which a funding source is provided, etc.). The changes are:
(a) No changes are made to this existing subsection.
(b) **Prompt Payment and Definition of Mandate.** Requires state government to pay local governments the reimbursements that are legally due within 180 days of the effective date of a mandate or the final adjudication of the duty to pay. It also clarifies that the State mandates a new or higher level of service when it does a number of specific acts that shift costs to local governments, including expanding eligibility for services, increasing the frequency or duration of services, etc.
(c) **Suspension of Unreimbursed Mandates.** Provides that if the budget does not appropriate the amount due for a mandated program or service that a local government may elect to suspend compliance with the mandate, except for existing mandates that require safe working conditions or establish procedural rights (e.g., Police Officer Bill of Rights), for local government employees.
(d) **Definition of "Mandate" .** Restates the existing definition of a "mandate": an act of the legislature or an order of a state agency that requires reimbursement under Article XIIIB.

SECTION FIVE. Construction
(a) **Liberal Construction.** Requires liberal construction by the courts to ensure the provision of adequate local funds for critical local services.
(b) **Property Tax Shares Not Affected.** States the measure should not be construed either to alter the apportionment of property taxes (to any local government, schools, ERAF, etc.) or to prevent the Legislature from altering the apportionment as provided in the initiative (e.g., with voter approval if it would reduce the shares of local governments).
(c) **Limited Retroactivity.** Clarifies the initiative is not retroactive except as provided in SECTION THREE, concerning interim measures.

SECTION SIX. Severability
Allows the court to hold parts of the Act invalid without invalidating the entire Act.

Staff Report

Date: November 17, 2003

To: Ted Gaebler, City Manager

From: Paul Junker, Planning Director

Subject: Public Notification for Design Review of Villages 10 and 13 of the Anatolia Subdivision (JTS Communities)

RECOMMENDATION

Continue the public hearing to the December 15, 2003 agenda.

DISCUSSION

The application for design review for the JTS Communities property was prematurely published in advance of the project being sent to the CorPAC. This project is scheduled to be heard by CorpPAC before the December 15th City Council meeting. Staff will have completed its report and will be able to present the design review on that date.

AGENDA ITEM # 7d.