CITY OF RANCHO CORDOVA CALIFORNIA Incorporated 2003

CONCURRENT MEETING
CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY (CRA)/
RANCHO CORDOVA FINANCING CORPORATION (RCFC)

City Council Chambers
3121 Gold Canal Drive, Rancho Cordova

MINUTES

Monday, November 7, 2005

4:00 P.M. – Study Session
5:30 P.M. – Regular Meeting

STUDY SESSION

Call to Order

Mayor Cooley called the study session to order at 4:15 p.m.

Present: Council Members Budge, McGarvey, Sander, Skoglund & Mayor Cooley
Staff Present: Gaebler, Abhar, Meyers, Junker, Sparkman, Hare, Olea-Moger, Haven

Oral Communications

1. Public Comment

The following individuals addressed the Council on the transportation impact fee:

- Kevin Wilcox, architect, to express opposition to the impact fee
- Ardie Zahedani, BIA, to express difficulty in understanding the fee
- David Nystrom to address the impact of the fee on the Mather Specific Plan projects

Study Session Item

2. **Subject:** Transportation Impact Fee Workshop - The purpose of the workshop is to respond to outstanding inquiries from the City Council, the BIA and Chamber of Commerce regarding the Nexus Study methodology and fee implementation. The workshop will also include discussion of policies related to infill, rate alternatives and non-residential rate adjustments for economic development reasons.
Recommendation: No action required.

Adjournment

The study session adjourned at 5:45 p.m.

REGULAR MEETING

Call to Order

Mayor Cooley called the meeting to order at 6:03 p.m. and announced the cablecast playback schedule.

Present: Council Members Budge, McGarvey, Sander, Skoglund & Mayor Cooley
Staff Present: Gaebler, Meyers, Hare, Olea-Moger, Haven, Junker, Hersch, Abhar, Sparkman, Dehaan, Thomas

Pledge of Allegiance

Devin Dedier led the Pledge of Allegiance.

Invocation

3. Pastor Steve Curran, Mayhew Community Baptist Church, gave the invocation.

Report from Closed Session

City Attorney Steve Meyers reported on the November 1, 2005 Closed Session – Public Employee Performance Evaluation (G.C. Section 54957) for the City Manager stating there were no changes made to the employment contract and Council action was to award a 9.25% performance pay incentive for accomplishments made within the previous twelve months.

Presentation

Mayor Cooley presented Certificates of Recognition to the following A.M. Winn Elementary School Student Council Officers for their service in the process of governance:

- Lisa Hoang, President
- Alina Poberezhnik, Vice President
- Devin Dedier, Treasurer
- Chrishten Mason, Secretary

CONSENT CALENDAR – ROLL CALL VOTE

ACTION: Motion by Budge second by Sander and unanimously carried by roll call vote, Council adopted the Consent Calendar with exception of Items #4 and #7. At the request of City Clerk Hare, Item #4 was pulled for correction, and at the request of Vice Mayor McGarvey, Item #7 was pulled for separate discussion.

4. **Subject:** Minutes of City Council Regular Meeting of October 3, 2005
   Recommendation: Adopt Minutes (**pulled**).

5. **Subject:** Resolution for Adoption of Greenprint Initiative.
   Recommendation: Adopt Resolution No. 139-2005.

6. **Subject:** Second Reading of Ordinance No. 26-2005 Levying a Special Tax Within Sunridge North Douglas Community Facilities District No. 2005-1.
   Recommendation: Waive second reading and adopt Ordinance No. 26-2005. **(Roll Call Vote)**

8. **Subject:** Adoption of Redevelopment Project Area Preliminary Plan, Selection of Project Area Boundary and Project Area Legal Description.
   Recommendation: Adopt Resolution No. 145-2005.

9. **Subject:** Rejection of Bids for Telephone System at New City Hall.
   Recommendation: Adopt Resolution No. 142-2005.

10. **Subject:** Awarding Contract to the Lowest Responsive Bidder New West Partitions for Metal Stud Framing and Drywall for the New City Hall.
    Recommendation: Award contract to New West Partitions.

11. **Subject:** Awarding Contract to the Lowest Responsive Bidder Robert Simas Floor Company for Carpet and Resilient Flooring Trade for the New City Hall.
    Recommendation: Award contract to Robert Simas Floor Company.

12. **Subject:** Second Amendment to Existing Contract Between the City and ACCO Engineered Systems for Heating Ventilation and Air Conditioning Trade for the New City Hall.
    Recommendation: Approve contract amendment #2 to ACCO Engineered Systems.

13. **Subject:** First Amendment to Existing Contract Between the City and CH&D Architects for Architectural Services and Limited Structural Engineering Consultant for the New City Hall.
    Recommendation: Approve contract amendment #1 to CH&D Architects.

The following item was pulled from the Consent Calendar for separate discussion:

7. **Subject:** Second Reading of Ordinance No. 18-2005 Amending Rancho Cordova Municipal Code Chapter 9.28, "Curfew."
   Recommendation: Waive second reading and adopt Ordinance No. 18-2005. **(Roll Call Vote)**

The following individuals addressed the Council on the transportation impact fee:

- Dennis Davis, Principal of Mather Youth Academy, in support of the curfew ordinance.
- Rolando Rosas, Assistant Principal of Mather Youth Academy, in support of the curfew ordinance.

ACTION: Motion by Budge second by McGarvey and unanimously carried by roll call vote, Council adopted Ordinance No. 18-2005.

CONSENT PUBLIC HEARINGS

Mayor Cooley opened the consent public hearing. There were no speakers. Mayor Cooley closed the consent public hearing.

ACTION: Motion by Budge second by Sander and unanimously carried, Council approved Item #16. Item #14 was pulled at the applicant's request and no action taken, and Item #15 was pulled for separate discussion.

14. **Subject:** Target Store Remodel – RC-05-150 – Design Review Amendment and Special Review of Parking- A 5,567 SF Addition to a Previously-Approved Design Review.
Recommendation: Adopt Resolution No. 136-2005 approving the modification to the Target Remodel Project, thereby adding 5,567 square feet of retail space and the reduction of 52 parking spaces, subject to the Findings and Conditions of Approval **(pulled)**

16. **Subject** Adoption of the Final Draft Source Reduction and Recycling Element, Household Hazardous Waste Element, and Nondisposal Facility Element AB 939 Planning Documents, and Negative Declaration/ Initial Study for the Source Reduction and Recycling Element and Household Hazardous Waste Element.
Recommendation: Adopt the final draft SRRE, HHWE and NDFE and adopt Resolution No. 143-2005 adopting the CEQA Negative Declaration/Initial Study.

The following item was pulled from Consent Public Hearings for separate discussion.

15. **Subject:** Mather GET - RC-05-194 – Conditional Use Permit/Design Review for Construction of a Combined Water Treatment Facility at an Undeveloped Site Located at 10699 North Mather Boulevard.
Recommendation: Adopt Resolution No. 138-2005.

ACTION: Motion by McGarvey second by Budge and unanimously carried, Council adopted Resolution No. 138-2005 with stipulation that Conditions of Approval be amended to add the following conditions:

- Applicant shall make all best efforts to seek authorization for installation of landscaping and a masonry wall to screen all four sides of the project site and the adjacent county parcel. If unable to gain County authorization, the applicant shall provide a masonry wall on the north side of the project site.
- Additional tress shall be planted on the perimeter of the project site. The trees shall be Redwoods or a similar tree approved by the Planning Director.
- Install final site landscaping according to the approved plan. The total site landscaping shall be installed and accepted by the Planning Director, prior to occupancy of the building.

ORAL COMMUNICATIONS

17. **Public Comment**

The following individual addressed the Council:

Sheryl Longsworth regarding continued development near the intersection of Zinfandel and Olson Drive and its impact to traffic congestion and safety.

PUBLIC HEARINGS

18. **Subject**: Mills Shopping Center Design Review (**Continued from October 17, 2005.**).
Recommendation: Due to lack of submittal of required materials by the applicant, staff recommends this item be continued to the City Council meeting of November 21, 2005.

Mayor Cooley opened the public hearing. The following individual addressed the Council on this issue:

Marcus LoDuca, Project Counsel, to advise his client reached an agreement with Raleys and is ready to go forward with the project.

Mayor Cooley closed the public hearing.

ACTION: Motion by Budge second by McGarvey and unanimously carried, Council moved to find the Project Categorically Exempt from review under Section 15301, Existing Facilities, of the California Environmental Quality Act Guidelines, and adopt Resolution No. 125-2005 Approving Design Review for Exterior Renovations at Mills Shopping Center, subject to Conditions of Approval with amended color changes.

19. **Subject**: An Urgency Ordinance Adopting a Permanent Citywide Transportation Impact Fee and Approving the Nexus Study, and Urgency Resolution Imposing Transportation Impact Fees on New Development in the City.
Recommendation: Adopt Urgency Ordinance No. 24-2005 adopting a permanent Citywide Transportation Impact Fee, and Urgency Resolution No. 127-2005, establishing the amount of the Transportation Impact Fees. **(Roll Call Vote)**

Mayor Cooley opened the public hearing. The following individual addressed the Council on this item:

Kevin Wilcox, architect, to advise he and his partners had their fees based on projected a pro forma that increased over 300% overnight.

Mayor Cooley closed the public hearing.

ACTION: Motion by Budge second by McGarvey and unanimously carried by roll call vote, Council adopted Urgency Ordinance No. 24-2005.

ACTION: Motion by Budge second by McGarvey to adopt Urgency Resolution No. 127-2004 with Schedule 4. Motion to amend by Cooley second by Sander and unanimously approved, Council amended the motion to add that the fees are in effect for 24 months. By unanimous roll call vote, Council adopted Urgency Resolution No. 127-2005 with the amendment.

AT THIS POINT, Council took a brief recess. The full Council reconvened.

20. **Subject:** Resolution to Extend Interim Transportation Impact Fee.
Recommendation: Adopt Resolution No. 135-2005 extending an Interim Transportation Impact Fee for 30 days.

ACTION: Due to action on Item #19, no Council action was needed on this item.

21. **Subject:** Mining Policy Fee Ordinance
Recommendation: Continue to December 5, 2005 meeting.

ACTION: By consensus, Council continued Item #21 to December 5, 2005.

22. **Subject:** Resolution Creating a Transit-Related Services Special Tax Area in Newly Developing Areas to Provide Financing for Transit-Related Services.
Recommendation: Adopt Resolution No. 141-2005 Creating the Transit-Related Services Special Tax Area and Indicating Intent to Impose the Tax on New Development.

Mayor Cooley opened the public hearing. There were no speakers. Mayor Cooley closed the public hearing.

ACTION: Motion by Budge seconded by McGarvey and unanimously carried, Council adopted Resolution No. 141-2005.

23. **Subject:** Gold Canal – RC-05-181 – Design Review for Two Office Buildings on a 2.36 Acre Site on the East Side of Gold Canal Drive, North of White Rock Road Adjacent Parcels on Gold Canal Drive.
Recommendation: Adopt Resolution No. 137-2005 approving Design Review for Project No. RC-05-181, for the construction of the Gold Canal Office Buildings located on Gold Canal Drive, subject to the Design Package and Conditions of Approval.

Mayor Cooley opened the public hearing. There were no speakers. Mayor Cooley closed the public hearing.

ACTION: Motion by Sander second by Budge and unanimously carried, Council voted to adopt Resolution No. 137-2005.

24. **Subject:** Ordinance Amending Ordinance No. 18-2003 Changing the Functions of "Zoning Administrator" to "Planning Director" for Certain Administrative Approvals. The Planning Director Would be Able to Approve Minor Projects With or Without the Hearings, as Provided in the Zoning Code.
Recommendation: Continue this item to the City Council meeting of November 21, 2005.

ACTION: By consensus, Council continued the item to November 21, 2005.

25. **Subject:** Zoning Code Amendments Regarding Screening of Trash Containers and Mechanical Equipment.
Recommendation: Waive first reading and introduce Ordinance No. 27-2005. **(Roll Call Vote)**

Mayor Cooley opened the public hearing. There were no speakers. Mayor Cooley closed the public hearing.

ACTION: Motion by Sander second by Budge and unanimously carried by roll call vote, Council introduced Ordinance No. 27-2005.

REGULAR CALENDAR

26. **Subject:** Resolution Approving the Application for Grant Funding from the California Office of Traffic Safety to Fund Traffic Enforcement Officer.
Recommendation: Adopt Resolution No. 144-2005.

ACTION: Motion by Budge second by McGarvey and unanimously carried, Council adopted Resolution No. 144-2005.

27. **Subject:** Ordinance Regulating Commercial Solid Waste Collection, Transportation or Disposal and Establishing Commercial Solid Waste Collection Franchises (**Continued from October 17, 2005**) and Resolution Authorizing the City Manager to Execute Non-Exclusive Commercial Solid Waste and Recyclables Collection Franchise Agreements.
Recommendation: Waive first reading and introduce Ordinance No. 22-2005. **(Roll Call Vote)** and adopt Resolution No. 140-2005.

The following individual addressed the Council on this item:

Jerry Mayberry in support of the proposed ordinance.

ACTION: Motion by McGarvey second by Skoglund and unanimously carried by roll call vote, Council introduced Ordinance No. 22-2005 as amended by the City Attorney and adopted Resolution No. 140-2005. Amendments to Ordinance No. 22-2005 are as follows:

(a) Section 1.D to be deleted.

(b) Section 8.B.5 to be amended to read as follows:

> "Diversion Plans. Each Franchisee shall submit a Diversion Plan with their Franchise Application. The Diversion Plan shall provide a detailed description of how the Franchisee intends to divert recyclable materials from commercial solid waste in order to assist the City in meeting the City's AB 939 reporting requirements."

(c) Section 14.A to be amended to provide that the franchise shall terminate on December 31, 2006.

(d) Section 19.A.4 to be deleted.

(e) Last sentence of Section 19.C, beginning with "If upon review…," to be deleted.

(f) Section 22 to be deleted.

(g) Section 23 to be deleted.

(h) Section 24 to be deleted.

(i) Section 25 to be deleted.

(j) Section 26.A to be amended to read as follows:

"Franchisees shall not be required to divert treated medical waste."

(k) Section 45.C.4 to be deleted.

28. **Subject:** Ordinance Amending Section 16.18.401 of the Rancho Cordova Municipal Code Relating to the Identification of Public Nuisances.
Recommendation: Waive first reading and introduce Ordinance No. 25-2005. **(Roll Call Vote)**

The following individual addressed the Council on this item:

Matt Cummings, Lincoln Village Homeowners Association, addressed the Council in support of the proposed ordinance.

ACTION: Motion by Sander second by Skoglund and unanimously carried by roll call vote, Council introduced Ordinance No. 25-2005.

29. **Subject:** Quarterly Financial Report
Recommendation: Receive and file report.

ACTION: Consensus to receive and file report.

CORRESPONDENCE

Vice Mayor McGarvey reported on New House Commerce Committee Draft Bill dealing with broadband internet transmission services, VOIP services and broadband video services.

COUNCIL REPORTS

Council Members reported on various meetings, invitations, and events since the last Council meeting.

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Council Member Budge requested:

- Legal Counsel letter to State Director of Conservation to eliminate the recycle center as soon as possible
- Presentation by Bruce Risley on planned improvements to the Prairie City Raceway on White Rock at a future meeting
- Report from city staff members on Dan Burton walk-through experience

CITY MANAGER'S REPORT

30. Planning Department

    Planning Director Paul Junker provided an overview of the department's operations, allocation of staff resources, and major development projects underway.

31. Police Communication and 911 and Non-Emergency Response System Used by the Rancho Cordova Police Department

    Police Chief Tom McMahon reported actions taken to respond to poor customer service complaints associated with the Sheriff's Communication Centers.

CLOSED SESSION

Council adjourned into Closed Session at 11:12 p.m.

32. Conference with Legal Counsel – Anticipated Litigation Significant Exposure to Litigation Government Code Section 54956.9 (b) (one case).

33. Conference with Legal Counsel Existing Litigation Government Code Section 54956.9 – City of Rancho Cordova v. 99 Cent Store.

Present in Closed Session were all Council Members; Ted Gaebler, City Manager; Steve Meyers, City Attorney, and Adam Lindgren, Assistant City Attorney.

CLOSED SESSION REPORT

The meeting was reconvened into Open Session at 11:59 p.m.

City Attorney Steve Meyers reported the City Council approved an appeal to the 3rd District Count of Appeals in the matter of 99 Cent Store liquor license protest.

ADJOURNMENT

The meeting adjourned at 12:00 a.m. (midnight) in memory of Boyd Johnson a 40-year resident of Rancho Cordova (White Rock area) and ardent supporter of city hood. Council Member Sander reported Mr. Johnson was the first resident to fly the Rancho Cordova (city's) flag.

Anna Olea-Moger

Anna Olea-Moger, Assistant City Clerk