



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

**City Hall
David B. Roberts Council Chambers
2729 Prospect Park Drive, Rancho Cordova**

Monday, September 18, 2006

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

AGENDA

CLOSED SESSION

Council will Meet in Closed Session for the Following Purpose:

1. Conference with Legal Counsel – Anticipated Litigation Significant Exposure to Litigation Government Code Section 54956.9 (b) (two cases).

REGULAR MEETING – CALL TO ORDER

Call to Order

Roll Call: Council Members Budge, Cooley, Skoglund, Sander and Mayor McGarvey

Metro Cable TV Telecast Announcement

Pledge of Allegiance

Invocation

2. Pastor David McFarland, New Life Center, will give the invocation.

Closed Session Report

3. The City Attorney will report on action taken in Closed Session.

Note: *Time listed on the agenda is approximate and for convenience only

Page 1 of 6

**ANY ITEM THAT IS NOT INITIATED BEFORE 11 P.M. WILL BE CONTINUED TO THE NEXT DAY AT 5:30 P.M. OR
SCHEDULED ON THE NEXT REGULAR MEETING AGENDA OF THE COUNCIL**

Presentation(s)

4. Railyards Presentation by Thomas Enterprises, developer Deborah Pacyna, VP Public Affairs Fleishman-Hillard.
5. Proclamation for Project Help for Family Day.
6. Proclamation for Ovarian Cancer Awareness Month.
7. Recognition of Council Member Skoglund's Birthday.

ORAL COMMUNICATIONS

8. Public Comment

Citizens wishing to address the Council for any matter on the Consent Calendar or not on the agenda may do so at this time by completing and submitting a (blue) Speaker Card to the City Clerk. **For items on the agenda, speakers will be called up to the podium by the Mayor at the point on the agenda when the item will be heard.** Speakers are encouraged to keep comments to three minutes or less and to state name and community of residence.

Note, 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 immediate action arose after the posting of the agenda.

CONSENT CALENDAR ITEMS – ROLL CALL VOTE

9. **Subject:** Minutes of City Council Meetings:
- a. Regular Meeting of April 17, 2006
 - b. Special and Regular Meeting of May 15, 2006
 - c. Regular Meeting of June 5, 2006
 - d. Special and Regular Meeting of July 5, 2006
 - e. Regular Meeting of July 17, 2006
 - f. Special Meeting of July 31, 2006
 - g. Regular Meeting of August 7, 2006

Recommendation: Adopt Minutes.

10. **Subject:** Two Ordinances Granting a Water Franchise to the Golden State Water Company and California American Water Company.

Recommendation: Waive second readings and adopt Ordinance No. 52-2006 granting a water franchise to Golden State Water Company and Ordinance No. 53-2006 granting a water franchise to California American Water Company. **(Roll Call Vote)**

Result of Recommended Action: Passage of these ordinances will grant water franchises to the Golden State and California American Water Companies for purposes of operating and maintaining water pipelines within the City's rights-of-way.

Staff Report: Cyrus Abhar, Public Works Department.

Advances Goals: 7 and 10

11. **Subject:** Old Placerville Road RC-05-183, Tentative Subdivision Map, Residential Design Review, Special Development Permit and Development Agreement.

Recommendation: Waive second readings and adopt Ordinance No. 50-2006 rezoning a portion of the property to RD-10 and Ordinance No. 51-2006 approving a Development Agreement. **(Roll Call Vote)**

Result of Recommended Action: Approval of the Tentative Subdivision Map will allow for the creation of 40 parcels with four parcels designated for office buildings, 35 residential parcels designated for single-family homes, and one parcel designated for an access driveway. The rezone will divide the property into two zoning districts: MP Zone on 2.5 acres for the office buildings and RD-10 zone on 2.5 acres for the residential development. The Special Development Permit will allow for the deviation of typical lot size and setback requirements. The Residential Design Review will allow for the construction of the single-family homes according to the approved plans. A Development Agreement accompanies the project approval.

Staff Report: Jeffrey Beiswenger, Planning Department.

Advances Goals: 1, 6 and 7

12. **Subject:** Resolution Acknowledging Obligations Imposed by Sacramento Countywide Transportation Mitigation Fee Program (SCTMFP).

Recommendation: Adopt Resolution No. 161-2006.

Result of Recommended Action: The New Countywide Measure A Ordinance for Transportation Improvements approved by voters in November 2004 calls for the implementation of the Sacramento Countywide Transportation Mitigation Fee Program. Adoption would acknowledge the City's obligation with respect to implementation of the Sacramento Countywide Transportation Mitigation Fee as a condition of receiving its allocation of local Road Maintenance Formula Funds, and use tax imposed by the Sacramento Transportation Authority. It also demonstrates to the financial markets that the SCTMFP represents a legitimate revenue stream on which to extend credit. The fee effective April 1, 2009 will be charged to new development and does not impact the existing residents.

Staff Report: Cyrus Abhar, Public Works Department.

Advances Goals: 2 and 10

13. **Subject:** Resolution Endorsing Sacramento Municipal Utility District's Annexation of Cities of West Sacramento, Davis, Woodland and the Unincorporated Portions of Yolo County for Provision of Electrical Services.

Recommendation: Adopt Resolution No. 162-2006.

Result of Recommended Action: Adoption of the Resolution fulfills Council direction given at the September 5th Regular meeting following presentations from SMUD Board Member Patterson and Yolo County Supervisor Yamada.

Staff Report: Adam Lindgren, City Attorney's Office and Anna Olea-Moger, City Clerk's Office.

Advances Goal: 4

14. **Subject:** Urgency Ordinance Amending Rancho Cordova Municipal Code Chapter 16.18, Section 16.18.205(d), Relating to the Abatement of Public Nuisances.

Recommendation: Adopt Urgency Ordinance No. 54-2006. **(Roll Call Vote)**

Result of Recommended Action: Adoption of Ordinance will give the District Attorney's Office more options in addressing violations to the nuisance code.

Staff Report: Adam Lindgren, City Attorney's Office.

Advances Goals: 5 and 12

15. **Subject:** Ordinance Amending Chapter 6.130, Section 6.130.040(a) of the Rancho Cordova Municipal Code Relating to the Protection of Children from Sexual Offenders.
Recommendation: Waive first reading and introduce Ordinance No. 55-2006. **(Roll Call Vote)**
Result of Recommended Action: Adoption of Ordinance will protect children from contact and potential sexual assault by registered sex offenders while using Rancho Cordova's public libraries.
Staff Report: Adam Lindgren, City Attorney's Office.
Advances Goal: 5
16. **Subject:** Update Resolution Authorizing a Pre-Tax Payroll Deduction Plan for Public Employees' Retirement System (CalPERS) Service Credit Purchases.
Recommendation: Adopt Resolution No. 163-2006.
Result of Recommended Action: Adoption of Resolution will allow employees to make service credit purchases using pre-tax dollars at no cost to the City.
Staff Report: Lillian Hare, Human Resources Department.
Advances Goal: 3

PUBLIC HEARING ITEMS

17. **Subject:** Elections on the Proposition of Amending the Rate and Method of Apportionment and Authorized Facility and Resources for Community Facilities District's 2004-1 Sunridge Park and 2005-1 North Douglas. **(Continued from July 5, July 17, August 7 and September 5)**
Recommendation: Continue the public hearing and elections to October 16, 2006 at the request of the developer.
Result of Recommended Action: No action to be taken on September 18, 2006.
Staff Report: Bill Thomas, Finance Department.
Advances Goals: 5, 7 and 10

*7:30 P.M. - BREAK

REGULAR CALENDAR ITEMS

18. **Subject:** Update on Citywide Goals & Objectives.
Recommendation: Review status report on 13 Citywide Goals & Objectives, including staff action plans, and direct staff as needed.
Result of Recommended Action: The last review of the Citywide Goals & Objectives was during the annual budget process. This item gives the City Council an opportunity to review the current status of projects and plans to give direction where needed or desired.
Staff Report: Stephanie Snyder, City Manager's Office.
Advances Goals: 1 through 13

CORRESPONDENCE

COUNCIL REPORTS

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

CITY MANAGER'S REPORT

19. Animal Services Division Activities Report.

ADJOURNMENT

ADDITIONAL INFORMATION

The agenda items are accessible on the City's website at www.cityofranhocordova.org on Thursdays prior to the Regular City Council Meeting.

CITYWIDE GOALS - (Adopted March 20, 2006)	
1.	Foster a Positive Image of Rancho Cordova
2.	Improve Transportation & Connectivity
3.	Champion Employee Development & High Performance Work Environment
4.	Ensure the Availability of the Best Public Services in the Region
5.	Establish a Vibrant Downtown
6.	Ensure a Safe Community
7.	Improve the Quality of Housing In Rancho Cordova
8.	Sustain a Livable Community
9.	Drive Diverse Economic Opportunities
10.	Foster Responsible Citizenship
11.	Practice Sound Fiscal Management
12.	Establish Logical (City) Boundaries
13.	Continue To Provide Regional Leadership

UPCOMING MEETINGS	
<i>Tuesday, September 26, 2006</i>	<i>5:30 p.m. – Work Session Legislative Program</i>
<i>Monday, October 2, 2006</i>	<i>4:00 p.m. – Study Session on Public Information</i> <i>5:30 p.m. – Regular Meeting</i>
<i>Monday, October 16, 2006</i>	<i>5:30 p.m. – Regular Meeting</i>
<i>Tuesday, October 24, 2006</i>	<i>5:30 p.m. – Work Session – Joint Meeting with Cordova Recreation and Park District</i>
<i>Monday, October 30, 2006</i>	<i>5:30 p.m. – Work Session on Metropolitan Transportation Plan</i>

Note: *Time listed on the agenda is approximate and for convenience only

Page 5 of 6

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If you have any technical questions related to the agenda items, please contact the appropriate department as follows:

DEPARTMENTAL GENERAL TELEPHONE NUMBERS	
Building Department	(916) 851-8760
Finance Department	(916) 851-8730
Planning Department	(916) 851-8750
Public Works Department	(916) 851-8710
Redevelopment & Economic Development Department	(916) 851-8780

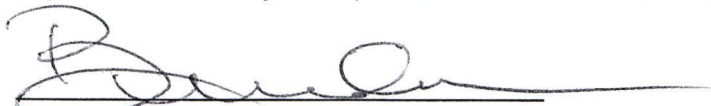
The Rancho Cordova City Council/CRA/RCFC will be videotaped in its entirety and will be cablecast without interruption on Metro Cable 14, the Government Affairs Channel on the Comcast, SureWest and Strategic Technologies Cable Systems. Tune to Metro Cable Channel 14, for playback times. It will be webcast at www.sacmetroable.tv. A VHS copy is also available for check out from any library branch. 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 need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the City Clerk's Office at (916) 851-8720 or amoger@cityofranhocordova.org at least 48 hours prior to the meeting.

CERTIFICATION OF POSTING OF AGENDA

I, Brenda Lehr, Deputy City Clerk for the City of Rancho Cordova, declare that the foregoing agenda for the September 18, 2006 Regular Meeting of the Rancho Cordova City Council/CRA/RCFC was posted and available for review on September 14, 2006 at City Hall of the City of Rancho Cordova, 2729 Prospect Park Drive, Rancho Cordova, California, 95670. The agenda is also available on the city web site at www.cityofranhocordova.org.

Signed this 14th day of September 2006 at Rancho Cordova, California.



Brenda Lehr, Deputy City Clerk



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

**City Hall – Council Chambers
2729 Prospect Park Drive, Rancho Cordova**

Monday, April 17, 2006

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

MINUTES

CLOSED SESSION

Council Met in Closed Session AT 4:00 P.M. for the Following Purpose:

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

Present: Council Members Budge, Cooley, Sander, Skoglund and Mayor McGarvey

Staff Present: City Attorney Steve Meyers, Assistant City Attorney Adam Lindgren, City Manager Ted Gaebler, Chief Financial Officer Bill Thomas and Public Information Officer Erin Treadwell

REGULAR MEETING

Call to Order

Mayor McGarvey called the regular meeting to order at 5:56 p.m. and announced the cablecast playback schedule.

Present: Council Members Budge, Cooley, Skoglund, Sander and Mayor McGarvey

Staff Present: Gaebler, Meyers, Lindgren, Chapman, Olea-Moger, Lehr, Abhar, Junker, Campbell, Johns, Beiswenger, Trimberger, Miller, Snyder, Treadwell, McMahon and Dailey

Pledge of Allegiance

Dennis Dunn Led the Pledge.

AGENDA ITEM # 9

Invocation

2. Pastor Cecil Smith, Pastor of Jubilee Sacramento Valley Church, gave the invocation.

Closed Session Report

3. The City Attorney reported Council met in Closed Session to discuss anticipated litigation and that there was no reportable action.

Presentations

4. Proclamation for 16th Annual Creek Week
5. Recognition of Capital Air Show Volunteer Groups
6. Recognition of Dennis Dunn's Retirement
7. 2-1-1 Service in Sacramento County Presentation by Community Services Planning Council

ORAL COMMUNICATIONS

8. **Public Comment** – There were no public comments.

CONSENT CALENDAR ITEMS – ROLL CALL VOTE

ACTION: Motion by Budge second by Cooley and unanimously carried by roll call vote, the Consent Calendar was approved, with the exception of Item #11, which was pulled for discussion.

9. **Subject:** Resolution for City Manager Authorization to Execute Banking Services Agreement with Wells Fargo Bank.
Recommendation: Adopt Resolution No. 20-2006.
Result of Recommended Action: This action will authorize the City Manager to sign the Banking Services Agreement necessary to establish a full service government banking relationship with Wells Fargo Bank.
Staff Report: Bill Thomas, Finance Department
10. **Subject:** Reintroduce Ordinance Amending the City of Rancho Cordova Municipal Code Chapter 12.09 Street Trench Fee.
Recommendation: Waive the first reading and introduce Ordinance No. 17-2006 amending Chapter 12.09 of the City of Rancho Cordova Municipal Code. **(Roll Call Vote)**
Result of Recommended Action: On April 3rd, the Council held a public hearing regarding amendments to Municipal Code Chapter 12.09, "Street Trench Fee". As a result of formatting issues with the ordinance, staff decided to bring back the ordinance for a renewal of the first reading. No substantive changes to the ordinance have been made since the discussion at the April 3rd Council meeting.
Staff Report: Cyrus Abhar, Public Works Department
12. **Subject:** Sacramento Transportation and Air Quality Collaborative Final Report.
Recommendation: Receive the Sacramento Transportation and Air Quality Collaborative (Collaborative) Agreements and Recommendations, along with other sections of the Final

Report, direct staff to draw upon these planning documents when considering development projects and when amending City codes and regulations.

Result of Recommended Action: Approval of staff's recommendations would establish the Collaborative's Agreements and Recommendations as referenced material to inform the City in making policy-level and project-level decisions. This action would not require formal analysis of whether City decisions would be consistent with the Collaborative's recommendations.

Staff Report: Paul Junker, Planning Department

13. **Subject:** Approval of 2006/2007 Measure "A" Transportation Expenditure Request.

Recommendation:

- a. Approve the attached FY 2006/2007 expenditure plan for Measure "A" funds requesting allocation of future revenues to City roadway projects, programs and maintenance, and direct staff to submit the request to the Sacramento Transportation Authority (STA).
- b. Approve the attached expenditure plan for FY 2005/2006 Supplemental Measure "A" Revenues and direct staff to submit the request to STA.

Result of Recommended Action: This action will allow the City to submit an allocation request and expenditure plan to the STA for \$2,757,094 in Measure "A" funds for fiscal year 2006/2007 in addition to the \$288,035 in Supplemental Revenues from fiscal year 2005/2006. These funds will be used for road maintenance and construction projects.

Staff Report: Cyrus Abhar, Public Works Department

14. **Subject:** Sunridge Specific Plan Traffic Threshold Amendments – Adoption of Ordinances and Resolutions.

Recommendation: Adopt Ordinance No. 13-2006 amending the Sunridge Specific Plan; adopt Ordinance No. 14-2006 amending the Conditions of Approval for land use Zoning amendments within the SunRidge Specific Plan area; adopt Ordinance No. 15-2006, amending Development Agreements for the Anatolia III, Sunridge Park I and II, and North Douglas development projects; adopt Resolution No. 31-2006 amending Mitigation Monitoring Reporting Program requirements for the Sunridge Specific Plan; adopt Resolution No. 32-2006 amending tentative map Conditions of Approval for the Anthology at Anatolia, Anatolia III, Sunridge Park I and II, Sundance, and North Douglas development projects. **(Roll Call Vote)**

Result of Recommended Action: The amendments to the Sunridge Specific Plan Traffic Thresholds will allow for the orderly development of the necessary road system to serve the new developments in the Sunridge Specific Plan area. The Sunridge Specific Plan amendments will provide the City a better monitoring system to gauge and control the number of new homes and the impacts of traffic created by the residents on the road system.

Staff Report: Bill Campbell, Planning Department

15. **Subject:** Resolution Approving Subdivision No. RC-03-002.1 Final Map of North Douglas Village 1 and Executing Subdivision Improvement Agreement

Recommendation: Adopt Resolution No. 36-2006 approving the subdivision titled "Final Map North Douglas Village 1", consisting of 88 proposed lots, located on the north side of Douglas Road approximately 4,200 feet west of Grant Line Road.

Result of Recommended Action: Approval of this recommended action will result in the city entering into a Subdivision Improvement Agreement guaranteeing the construction of public roads and utilities with US Home/KB North Douglas, LLC and the recording of the final subdivision map creating 88 new residentially zoned lots.

Staff Report: Marilyn Phelps, Public Works Department

16. **Subject:** Resolution No. 37-2006 Approving Subdivision No. RC-03-002.2 Final Map of North Douglas Village 2 and Executing Subdivision Improvement Agreement.
Recommendation: Adopt Resolution No. 37-2006 approving the subdivision titled "Final Map North Douglas Village 2", consisting of 80 proposed lots, located on the north side of Douglas Road approximately 4,200 feet west of Grant Line Road.
Result of Recommended Action: Approval of this recommended action will result in the city entering into a Subdivision Improvement Agreement guaranteeing the construction of public roads and utilities with US Home/KB North Douglas, LLC and the recording of the final subdivision map creating 80 new residentially zoned lots.
Staff Report: Marilyn Phelps, Public Works Department
17. **Subject:** Resolution Approving Subdivision No. RC-03-002.3 Final Map of North Douglas Village 3 and Executing Subdivision Improvement Agreement.
Recommendation: Adopt Resolution No. 38-2006 approving the subdivision titled "Final Map North Douglas Village 3", consisting of 72 proposed lots, located on the north side of Douglas Road approximately 4,200 feet west of Grant Line Road.
Result of Recommended Action: Approval of this recommended action will result in the city entering into a Subdivision Improvement Agreement guaranteeing the construction of public roads and utilities with US Home/KB North Douglas, LLC and the recording of the final subdivision map creating 72 new residentially zoned lots.
Staff Report: Marilyn Phelps, Public Works Department
18. **Subject:** Resolution Approving Subdivision No. RC-03-002.4 Final Map of North Douglas Village 4 and Executing Subdivision Improvement Agreement.
Recommendation: Adopt Resolution 39-2006 approving the subdivision titled "Final Map North Douglas Village 4", consisting of 82 proposed lots, located on the north side of Douglas Road approximately 4,200 feet west of Grant Line Road.
Result of Recommended Action: Approval of this recommended action will result in the city entering into a Subdivision Improvement Agreement guaranteeing the construction of public roads and utilities with US Home/KB North Douglas, LLC and the recording of the final subdivision map creating 82 new residentially zoned lots.
Staff Report: Marilyn Phelps, Public Works Department
19. **Subject:** Resolution Approving Subdivision No. RC-03-002.5 Final Map of North Douglas Village 5 and Executing Subdivision Improvement Agreement.
Recommendation: Adopt Resolution No. 40-2006 approving the subdivision titled "Final Map North Douglas Village 5", consisting of 77 proposed lots, located on the north side of Douglas Road approximately 4,200 feet west of Grant Line Road.
Result of Recommended Action: Approval of this recommended action will result in the city entering into a Subdivision Improvement Agreement guaranteeing the construction of public roads and utilities with US Home/KB North Douglas, LLC and the recording of the final subdivision map creating 77 new residentially zoned lots.
Staff Report: Marilyn Phelps, Public Works Department
20. **Subject:** Resolution Approving Subdivision No. RC-03-002.6 Final Map of North Douglas Village 6 and Executing Subdivision Improvement Agreement.
Recommendation: Adopt Resolution No. 41-2006 approving the subdivision titled "Final Map North Douglas Village 6", consisting of 75 proposed lots, located on the north side of Douglas Road approximately 4,200 feet west of Grant Line Road.
Result of Recommended Action: Approval of this recommended action will result in the city entering into a Subdivision Improvement Agreement guaranteeing the construction of

public roads and utilities with US Home/KB North Douglas, LLC and the recording of the final subdivision map creating 75 new residentially zoned lots.

Staff Report: Marilyn Phelps, Public Works Department

21. **Subject:** Resolution Approving Subdivision No. RC-03-002.7 Final Map of North Douglas Village 7 and Executing Subdivision Improvement Agreement.
Recommendation: Adopt Resolution 42-2006 approving the subdivision titled "Final Map North Douglas Village 7", consisting of 129 proposed lots, located on the north side of Douglas Road approximately 4,200 feet west of Grant Line Road.
Result of Recommended Action: Approval of this recommended action will result in the city entering into a Subdivision Improvement Agreement guaranteeing the construction of public roads and utilities with US Home/KB North Douglas, LLC and the recording of the final subdivision map creating 129 new residentially zoned lots.
Staff Report: Marilyn Phelps, Public Works Department
22. **Subject:** Resolution Approving Subdivision No. RC-03-002.8 Final Map of North Douglas Village 8 and Executing Subdivision Improvement Agreement.
Recommendation: Adopt Resolution No. 43-2006 approving the subdivision titled "Final Map North Douglas Village 8", consisting of 62 proposed lots, located on the north side of Douglas Road approximately 4,200 feet west of Grant Line Road.
Result of Recommended Action: Approval of this recommended action will result in the city entering into a Subdivision Improvement Agreement guaranteeing the construction of public roads and utilities with US Home/KB Douglas, LLC and the recording of the final subdivision map creating 62 new residentially zoned lots.
Staff Report: Marilyn Phelps, Public Works Department
23. **Subject:** Resolution Approving Subdivision No. RC-03-001.1 Final Map of Sunridge Park Unit A and Executing Subdivision Improvement Agreement.
Recommendation: Adopt Resolution No. 44-2006 approving the subdivision titled "Final Map Sunridge Park Unit A", consisting of 145 proposed lots, located on the south side of Douglas Road approximately 1,320 feet east of Jaeger Road.
Result of Recommended Action: Approval of this recommended action will result in the city entering into a Subdivision Improvement Agreement guaranteeing the construction of public roads and utilities with Sunridge Park LLC, a California Limited Liability Company and the recording of the final subdivision map creating 145 new residentially zoned lots.
Staff Report: Marilyn Phelps, Public Works Department
24. **Subject:** Resolution Approving Subdivision No. RC-03-001.1A Final Map of Sunridge Park Village No. 1A and Executing Subdivision Improvement Agreement.
Recommendation: Adopt Resolution No. 45-2006 approving the subdivision titled "Final Map Sunridge Park Village No. 1A", consisting of 20 proposed lots, located on the south side of Douglas Road approximately 1,320 feet east of Jaeger Road.
Result of Recommended Action: Approval of this recommended action will result in the city entering into a Subdivision Improvement Agreement guaranteeing the construction of public roads and utilities with Woodside Bella Brisa Inc., a California Corporation and the recording of the final subdivision map creating 20 new residentially zoned lots.
Staff Report: Marilyn Phelps, Public Works Department
25. **Subject:** Resolution Approving Subdivision No. RC-03-001.03 Final Map of Sunridge Park Village No. 3 and Executing Subdivision Improvement Agreement.

Recommendation: Adopt Resolution No. 46-2006 approving the subdivision titled “Final Map Sunridge Park Village No. 3”, consisting of 67 proposed lots, located on the south side of Douglas Road approximately 1,320 feet east of Jaeger Road.

Result of Recommended Action: Approval of this recommended action will result in the city entering into a Subdivision Improvement Agreement guaranteeing the construction of public roads and utilities with Rancho 80 LLC, a California Limited Liability Company and the recording of the final subdivision map creating 67 new residentially zoned lots.

Staff Report: Marilyn Phelps, Public Works Department

26. **Subject:** Resolution Approving Subdivision No. RC-03-001.04A Final Map of Sunridge Park Village No. 4A and Executing Subdivision Improvement Agreement.

Recommendation: Adopt Resolution No. 47-2006 approving the subdivision titled “Final Map Sunridge Park Village No. 4A”, consisting of 55 proposed lots, located on the south side of Douglas Road approximately 1,320 feet east of Jaeger Road.

Result of Recommended Action: Approval of this recommended action will result in the city entering into a Subdivision Improvement Agreement guaranteeing the construction of public roads and utilities with Woodside Mariposa, Inc., a California Corporation and the recording of the final subdivision map creating 55 new residentially zoned lots.

Staff Report: Marilyn Phelps, Public Works Department

27. **Subject:** Resolution Approving Subdivision No. RC-03-001.06 Final Map of Sunridge Park Village No. 6 and Executing Subdivision Improvement Agreement.

Recommendation: Adopt Resolution No. 48-2006 approving the subdivision titled “Final Map Sunridge Park Village No. 6”, consisting of 108 proposed lots, located on the south side of Douglas Road approximately 1,320 feet east of Jaeger Road.

Result of Recommended Action: Approval of this recommended action will result in the city entering into a Subdivision Improvement Agreement guaranteeing the construction of public roads and utilities with Woodside Eclipse Inc., a California Corporation and the recording of the final subdivision map creating 108 new residentially zoned lots.

Staff Report: Marilyn Phelps, Public Works Department

28. **Subject:** Resolution Approving Subdivision No. RC-03-001.07 Final Map of Sunridge Park Village No. 7 and Executing Subdivision Improvement Agreement.

Recommendation: Adopt Resolution No. 49-2006 approving the subdivision titled “Final Map Sunridge Park Village No. 7”, consisting of 76 proposed lots, located on the south side of Douglas Road approximately 1,320 feet east of Jaeger Road.

Result of Recommended Action: Approval of this recommended action will result in the city entering into a Subdivision Improvement Agreement guaranteeing the construction of public roads and utilities with Woodside Vista Inc., a California Corporation and the recording of the final subdivision map creating 76 new residentially zoned lots.

Staff Report: Marilyn Phelps, Public Works Department

29. **Subject:** Resolution Approving Subdivision No. RC-03-001.08A Final Map of Sunridge Park Village No. 8A and Executing Subdivision Improvement Agreement.

Recommendation: Adopt Resolution No. 50-2006 approving the subdivision titled “Final Map Sunridge Park Village 8A”, consisting of 109 proposed lots, located on the south side of Douglas Road approximately 1,320 feet east of Jaeger Road.

Result of Recommended Action: Approval of this recommended action will result in the city entering into a Subdivision Improvement Agreement guaranteeing the construction of public roads and utilities with Woodside Vista Inc., a California Corporation and the recording of the final subdivision map creating 109 new residentially zoned lots.

Staff Report: Marilyn Phelps, Public Works Department

30. **Subject:** Resolution Approving Subdivision No. RC-03-001.09A Final Map of Sunridge Park Village No. 9A and Executing Subdivision Improvement Agreement.
Recommendation: Adopt Resolution No. 51-2006 approving the subdivision titled "Final Map Sunridge Park Village 9A", consisting of 38 proposed lots, located on the south side of Douglas Road approximately 1,320 feet east of Jaeger Road.
Result of Recommended Action: Approval of this recommended action will result in the city entering into a Subdivision Improvement Agreement guaranteeing the construction of public roads and utilities with Beazer Homes Holdings Corp., a Delaware Corporation and the recording of the final subdivision map creating 38 new residentially zoned lots.
Staff Report: Marilyn Phelps, Public Works Department
31. **Subject:** Resolution Approving Subdivision No. RC-03-001.10A Final Map of Sunridge Park Village No. 10A and Executing Subdivision Improvement Agreement.
Recommendation: Adopt Resolution No. 52-2006 approving the subdivision titled "Final Map Sunridge Park Village No. 10A", consisting of 47 proposed lots, located on the south side of Douglas Road approximately 1,320 feet east of Jaeger Road.
Result of Recommended Action: Approval of this recommended action will result in the city entering into a Subdivision Improvement Agreement guaranteeing the construction of public roads and utilities with Beazer Homes Holding Corp., a Delaware Corporation and the recording of the final subdivision map creating 47 new residentially zoned lots.
Staff Report: Marilyn Phelps, Public Works Department
32. **Subject:** Resolution Approving Subdivision No. RC-03-001.11A Final Map of Sunridge Park Village No. 11A and Executing Subdivision Improvement Agreement.
Recommendation: Adopt Resolution No. 53-2006 approving the subdivision titled "Final Map Sunridge Park Village 11A", consisting of 36 proposed lots, located on the south side of Douglas Road approximately 1,320 feet east of Jaeger Road.
Result of Recommended Action: Approval of this recommended action will result in the city entering into a Subdivision Improvement Agreement guaranteeing the construction of public roads and utilities with Woodside Bella Brisas Inc., a California Corporation and the recording of the final subdivision map creating 36 new residentially zoned lots.
Staff Report: Marilyn Phelps, Public Works Department

The following item was pulled for separate discussion:

11. **Subject:** Update on General Plan Review Process and Schedule.
Recommendation: Approve the Council recommended schedule for preliminary Council review of the Draft General Plan.
Result of Recommended Action: At the Council's request, staff has identified dates to conduct focused review of the Draft General Plan prior to the formal Planning Commission and City Council adoption hearings. This review is proposed to occur during two full-day working sessions that will be conducted in a workshop format. City Council, Planning Commission and community input will likely result in revisions to the Draft General Plan.
Staff Report: Paul Junker & Pam Johns, Planning Department

Motion by Budge second by Sander and unanimously carried, Council modified its portion of the General Plan Review Process and Schedule as follows:

- April 23, 2006 Work Session, Joint with Planning Commission
- April 27, 2006 Work Session, Joint with Planning Commission
- May 15, 2006 Public Hearing at Regular Meeting

- June 19, 2006 Public Hearing at Regular Meeting
- June 26, 2006 Public Hearing at Special Meeting (if needed)

CONSENT PUBLIC HEARING ITEMS – ROLL CALL VOTE

Mayor McGarvey opened the Consent Public Hearing for Items #33-37. There were no speakers. Mayor McGarvey closed the Consent Public Hearing.

ACTION: Motion by Sander second by Skoglund and unanimously carried by roll call vote, Council approved the Consent Public Hearing items, with exception of Item #34, which was pulled for discussion.

33. **Subject:** Anatolia IV RC-03-023 - a 25.1-Acre Residential Project with 203 Single-Family Homes and a 2.6-Acre Park. The Requested Development Approvals are: a Specific Plan Amendment, a Rezone; a Tentative Tract Map, a Special Development Permit, and a Development Agreement.

Recommendation: Determine the Mitigated Negative Declaration was completed in accordance with the California Environmental Quality Act (CEQA) Guidelines; waive first reading and introduce Ordinance No. 18-2006, amending the Specific Plan and approving the Rezone of the Anatolia IV project, within the Sunridge Specific Plan, according to the exhibits contained within the staff report; adopt Resolution No. 54-2006 approving the Anatolia IV Tentative Subdivision Map, subject to the Conditions of Approval and waive first reading and introduce Ordinance No. 19-2006, approving the Development Agreement. **(Roll Call Vote)**

Result of Recommended Action: The approval will allow development of a 25.1-acre site located at the southwest corner of Chrysanthy Boulevard and Jaeger Road according to the Specific Plan by allowing the construction of a residential development with 203 detached single-family homes and a neighborhood park. The project will extend a local street network through the project to Chrysanthy Boulevard and Jaeger Road. The Development Agreement provides financial assurances that will ensure fiscal stability, as the City builds out the Specific Plan.

Staff Report: Jeff Beiswenger, Planning Department

35. **Subject:** Sundance RC-04-122 – A Development Agreement for a 129-Unit Residential Development Located within the Sunridge Specific Plan.

Recommendation: Waive first reading and introduce Ordinance No. 22-2006 approving a Development Agreement between the City of Rancho Cordova and RHNC Sundance-Sacramento GP for the Sundance development. **(Roll Call Vote)**

Result of Recommended Action: The Development Agreement will provide the City with an additional funding source to support the community services, such as police service, road maintenance and park improvements for the Sunridge planning area. This project is contributing its fair share to advancing improvement funds to the City to construct the major roads.

Staff Report: William Campbell, Planning Department

36. **Subject:** Resolution for Silverado at Stone Creek RC-05-191 – Tentative Subdivision Map and Design Review for a 218-unit Condominium Project, within the Villages of Zinfandel Special Planning Area.

Recommendation: Adopt Resolution No. 56-2006 approving Silverado at Stone Creek Condominiums Tentative Subdivision Map for Condominiums, subject to the Conditions of Approval and the Design Review Package, as submitted.

Result of Recommended Action: This project will complete the residential component of the Villages of Zinfandel Special Planning Area. This project and the Alexander Collection will provide medium density housing opportunities according to the plan and give the homebuyer another housing product, besides the single-family detached unit. The project connects to the planned green belt traversing through the planning area to connect future commercial to homes and jobs.

Staff Report: William Campbell, Planning Department

37. **Subject:** Resolution to Vacate a Portion of Armstrong Avenue Located at the Northeast Corner of Grissom Avenue and Bleckely Street.

Recommendation: Adopt Resolution No. 35-2006. Staff recommends the City Council recognize the exempt status of this proposed vacation and abandon a portion of Armstrong Avenue by determining the proposed vacation is exempt under General Rule, Section 15061(b)(3)1 shown in environmental certificate entitled "Notice of Exemption".

Result of Recommended Action: Approval of this recommended action will result in forcing traffic onto the newly constructed portion of Armstrong and the termination of use by the public of the old Armstrong Avenue as a public road right of way, reserving the public utility easement.

Staff Report: Cyrus Abhar, Public Works Department

The following item was pulled for separate discussion:

34. **Subject:** Sunridge Lot J RC-03-027 – The Requested Development Approvals are: a Rezone, a Development Agreement, and a Tentative Subdivision Map.

Recommendation: Determine the Mitigated Negative Declaration prepared for the project is adequate and consistent with the requirements of CEQA and waive first reading and introduce Ordinance No. 20-2006 approving the rezone, adopt Resolution No. 55-2006 approving the Tentative Subdivision Map for the Sunridge Lot J, according to the Map (Exhibit A) and subject to the draft Conditions of Approval/MMRP (Exhibit B) and waive first reading and introduce Ordinance No. 21-2006, approving the Development Agreement. **(Roll Call Vote)**

Result of Recommended Action: The approval will allow the middle portion of the Sunridge Specific Plan to develop according to the General Plan. The needed major road connection of Jaeger Road to Douglas Road and Chrysanthy Blvd. will be extended by this project, closing the loop with Douglas Road and Sunrise Blvd.; and providing financial assurances in the Development Agreements that will ensure fiscal stability, as the City builds out the Specific Plan.

Staff Report: William Campbell, Planning Department

ACTION: Motion by Cooley second by Sander and carried by a 4:1 roll call vote (Budge dissenting), Council waived the first reading and introduced Ordinance No. 20-2006 approving the rezone, adopted Resolution No. 55-2006 approving the Tentative Subdivision Map subject to the draft Conditions of Approval/MMRP, and waived the first reading and introduced Ordinance No. 21-2006 approving the Development Agreement.

PUBLIC HEARING ITEMS

38. San Joaquin Valley College RC-05-208 - Appeal of Planning Commission Denial of a Conditional Use Permit for a Sign Along the Highway 50 Frontage that Exceeds Size Guidelines within Special Sign Corridor. At the hearing the Council may consider all

information relating to the item, including new information and testimony that was not presented to the Planning Commission.

Recommendation: Continue the item to May 15, 2006 at the request of the applicant.

Result of Recommended Action: Continuation of the item allows the applicant additional preparation time needed before the matter is considered by the Council.

Staff Report: Jeffrey Beiswenger, Planning Department

Mayor McGarvey opened the public hearing for Item #38. There were no speakers. Mayor McGarvey closed the public hearing.

ACTION: Motion by Budge second by Cooley and unanimously carried, Council continued the item to May 15, 2006 at the request of the applicant.

39. **Subject:** Olson Plaza Conditional Use Permit Appeal RC-05-215 – Consider an appeal of Planning Commission denial of a Conditional Use Permit for an oversized sign in the Highway 50 Special Sign Corridor. At the hearing the Council may consider all information relating to the item, including new information and testimony that was not presented to the Planning Commission.

Recommendation: That the City Council determine the project Categorically Exempt under Section 15311(a) of the California Environmental Quality Act (CEQA) Guidelines and adopt Resolution No. 58-2006 approving a Conditional Use Permit for an oversized sign located at 10910 Olson Drive within the Highway 50 Special Sign Corridor.

Result of Recommended Action: Approval of the Conditional Use Permit will allow the applicant to construct a sign that is 92 square feet in area (not including the supporting structure) and twenty (20) feet in height along the street frontage of Olson Plaza (10910 Olson Drive) as depicted in the staff report.

Staff Report: Jeff Beiswenger, Planning Department

Mayor McGarvey opened the public hearing for Item #39. The following individuals addressed the Council:

- David Wink from Pacific Neon Company was called by Council Member Skoglund to speak on the project. Mr. Wink advised the sign is not intended for highway visibility. Mr. Wink expressed his concern about the Planning Department oversight of zoning and believes the design of the sign will set a precedent for new signage in Rancho Cordova.
- Kenny Jackson in support of the sign.
- Tom Trimberger – Chief Building Official spoke regarding Stop Work Notice on this project.

Mayor McGarvey closed the public hearing.

ACTION: Motion by Budge second by Cooley and unanimously carried, Council continued the item to its next meeting to adopt a resolution of denial of the Conditional Use Permit.

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

REGULAR CALENDAR ITEMS

40. **Subject:** Betty's Kitchen – Update on Coordinated Community Prosecution and Code Enforcement Efforts in the Lincoln Village Neighborhood.

Recommendation: Receive the update and provide staff with any additional direction.
Result of Recommended Action: Staff will continue to pursue opportunities to improve the Lincoln Village Neighborhood.

Staff Report: Adam Lindgren, Asst. City Attorney; Tom Trimberger, Richard Hodnett, Building & Safety Department; Bob Stone, Code Enforcement; and Tom McMahon, Police Department

The following individuals addressed the Council:

- Lieutenant Dan Dailey in support of the project and advised the owners are moving toward being in compliance.
- Rolland Jennings in support of the project and concern about the image of the business.
- Ernest King welcomes the Lincoln Village Neighborhood Association to visit Betty's Kitchen to help establish closeness to the community.
- Betty Adams, business owner to encourage more meetings to discuss any negative problems.
- Matt Cummings, Lincoln Village Neighborhood Association, in opposition to the project and does not agree that it improves the quality of life within LVNA area.

ACTION: No action required; information item only.

41. **Subject:** Ordinance Establishing Deemed Approved Alcoholic Beverage Sales Regulations. **(Roll Call Vote)**

Recommendation: Waive first reading and introduce Ordinance No. 23-2006 establishing the Deemed Approved Alcoholic Beverage Sale regulations.

Result of Recommended Action: Ordinance No. 23-2006 will establish the Deemed Approved Alcoholic Beverage Sale regulations in an effort to enforce existing nuisance laws to protect the public health, welfare, and safety.

Staff Report: Steve Meyers, City Attorney's Office

ACTION: Motion by Cooley second by Budge and unanimously carried, Council continued this item to the May 15, 2006 Regular City Council meeting.

42. **Subject:** Appeal of Business License Denial by Phil Snyder.

Recommendation: Conduct appeal hearing.

Result of Recommended Action: By conducting the appeal hearing, Council conforms to the business license denial appeal process outlined in Ordinance No. 45-2004 and provides an opportunity for the applicant to be heard.

Staff Report: Bill Thomas, Finance Department

The following individuals addressed the Council:

- Phil Snyder regarding the use of his business for supplemental income and that he does not intend to expand his business, and his concern for the need to move in order to find a part-time job and put his 3 kids in daycare if the business license application is denied.
- Mabel Jones, neighbor in opposition to denial of the business license and to report she does not hear noise coming from the Snyder house.
- Ken Stevenson in opposition to the denial of the business license.
- Beverly Harris in support of the business license denial because she does not want more noise in the neighborhood.

- Art Jones in support of the business license denial because he does not want more noise in the neighborhood.

ACTION: Motion by Sander second by Cooley and unanimously carried, Council approved the business license as an Original Artist use under the Home Occupation Section of the Zoning Code with an expiration period of 2 years.

43. **Subject:** Review of Community Room Rental Policy.

Recommendation: Review and comment on the proposed City Hall community room rental policy.

Result of Recommended Action: The proposed policy addresses both the objective of operating revenues and serving the community. Once Council has reviewed the policy, City staff will begin renting City Hall facilities.

Staff Report: Tom Trimberger, Building & Safety Department and Alexandra Miller, City Manager's Office

The following individuals addressed the Council:

- Rex Albright – supports the rental policy, but is against the rate schedule. The policy is not cost effective to the community.
- Conrad Mayer – supports the rental policy, but feels that City staff should re-evaluate the rental policy rates and bring it back to City Council for further review.

ACTION: Motion by Cooley second by Budge and unanimously carried, Council created a subcommittee comprised of Vice Mayor Sander, Council Member Skoglund, staff, and community representatives, to revise the proposed rental rates for the City Hall community room facilities.

44. **Subject:** Sister City Program.

Recommendation: Approve in concept the development of a Sister City Program, and direct staff to conduct outreach to the community and assist in the formation of a citizen's committee with the goal of establishing ties to at least one Sister City by December 31, 2006.

Result of Recommended Action: The recommended action will begin the process of reaching out to community, business and youth groups to engage citizen involvement in determining a Sister City relationship with at least one city by December 31, 2006.

Staff Report: Stephanie Snyder, City Manager's Office

ACTION: Motion by McGarvey second by Cooley and unanimously carried, Council approved the Sister City Program as outlined in the staff report.

45. **Subject:** Comprehensive Annual Financial Report (FY 2005 CAFR).

Recommendation: Information presentation only. Staff recommends Council receive and file the report.

Result of Recommended Action: The FY 2005 CAFR will be formally presented to Council and their receipt of the report will allow the City to distribute it to interested parties as well as publish the document on the City's website so it is available to the public.

Staff Report: Bill Thomas, Finance Department

ACTION: No action taken; information item only.

CORRESPONDENCE

None

COUNCIL REPORTS

None

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

None

CITY MANAGER'S REPORT

None

ADJOURNMENT

Mayor McGarvey adjourned the meeting at 11:06 p.m.

Brenda Lehr, Deputy City Clerk



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

**City Hall
David B. Roberts Council Chambers
2729 Prospect Park Drive, Rancho Cordova**

Monday, May 15, 2006

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

MINUTES

STUDY SESSION

Call to Order

Mayor McGarvey called the study session to order at 4:07 p.m. in the American River Community Room North.

Roll Call:

Present: Council Members Budge, Cooley, Sander, Skoglund, and Mayor McGarvey
Staff Present: Gaebler, Hare, Junker, Johns, Lindgren, Meyer, Abhar

Public Comment

There was no public comment.

Study Session Item

1. **Subject:** Review of Draft General Plan Revisions.

Recommendation: Staff recommends City Council consider revisions to Draft General Plan and direct staff to proceed with consistency, legal, and environmental analysis of the revised General Plan. Revisions were prepared in response to City Council direction at two day-long General Plan Workshops on April 23 and 27, 2006.

Result of Recommended Action: With City Council support of revisions to the Draft General Plan, staff will conduct the required consistency analysis, legal analysis, and environmental analysis prior to public hearings for the adoption of the General Plan and Final Environmental Impact Report. Once final revisions and analysis are complete, the formal adoption process for the General Plan will commence.

Staff Report: Paul Junker and Pam Johns, Planning Department

Advances Goals: All Goals, 1 through 12

The following individuals addressed the Council on Item #1:

- a) Jennifer O'Brien feels revised language regarding convention center overlay is too restrictive.
- b) John Firchau feels revised language regarding convention center overlay is too restrictive.
- c) Scott Clark, Walk Sacramento feels changes to pedestrian elements within the Circulation Element are positive; however, pedestrian crossings need to be addressed.
- d) David Hatch, regarding the Housing Element, he felt revise statement of the 10% housing should have more flexibility; 70/30 mix of housing statement is confusing and needed clarification; regarding the Land Use Element, he encouraged revisions to the connectivity and wanted more clarification on the District Map.
- e) Victoria Harris would like to see flexibility to modification of natural resources within the HCP of the General Plan.
- f) Ardie Zahedani would like to see better defined use of space. Concerned about the Open Space within the General Plan.
- g) Bob Shattock would like to encourage the ½ acre minimum lot size remain the same within the Executive Housing Element.
- h) Justin Carney submitted a letter on the East Planning Area and wanted Council to be aware there is an existing natural resource to the East.
- i) Larry Ladd submitted speaker card, but left meeting – did not make any comment – Mayor McGarvey read comment from card to the public addressing a need for a historical society.
- j) Alex Sioukas needed clarification on the Conceptual Land Uses.

ACTION: No action taken; discussion item only.

ADJOURNMENT OF STUDY SESSION

Mayor McGarvey adjourned the study session at 5:52 p.m. and announced Council would take a brief recess before convening for the regular meeting.

REGULAR MEETING – CALL TO ORDER

Call to Order

Mayor McGarvey called the regular meeting to order at 6:15 p.m. in the American River Community Room North and reordered the agenda to bring Item #3 next before reconvening to the Council Chambers.

Roll Call:

Present: Council Members Budge, Cooley, Sander, Skoglund, and Mayor McGarvey
Staff Present: Gaebler, Hare, Junker, Johns, Jordan, Angell, Lindgren, Meyer, Thomas, Abhar, Franklin, Frechette, Carney.

3. **Subject:** American River Parkway Conceptual Proposals.
Recommendation: Staff recommends City Council review the conceptual proposals related to the American River Parkway Plan, provide direction for revisions as needed, and direct staff to continue moving forward to the Parkway Plan Update Citizens Advisory Committee (UCAC) for further consideration.

Result of Recommended Action: Based on City Council direction, staff will finalize the City's proposed amendments to the American River Parkway Plan. The amendments will be presented to the UCAC for their recommendation to the County Board of Supervisors and the Sacramento City Council.

Staff Report: Paul Junker, Planning Department

Advances Goals: 1 and 7

The following individuals addressed the Council on Item #3:

- a) Joel Corbin, President of Sacramento Valley Live Steamers, would like the live steamers included in the American River Parkway plan.
- b) Kath Pinch shared discrepancies in the plan and wants to know why the plan is being changed.
- c) Pam McCallister wants to know why the plan is being changed regarding soil born.
- d) Jerry Jewell would like to see the area behind his house be a protected area rather than a limited access area and he supports the railroad expansion.
- e) Ron Rothacker would like to see wildlife and nature emphasized within the parkway. Would like to see other areas of the City developed and leave the parkway to nature.
- f) Jerald Drobesh supports the live steamers.
- g) John Barris does not want more development going into the parkway. Would like the parkway to remain the same.
- h) Shawn Harrison would like the parkway to remain the same.
- i) Scottie Moore reiterated the same information as John Barris. Concerned about Ambassador Drive being congested. Concerned the sensory garden won't be deer proof.

ACTION: Motion by Budge second by Sander to approve the staff recommendation.
(Main Motion)

ACTION: Amendment by Sander second by Budge to approve an amendment to the staff recommendation to include a reorientation of the live steamers and developed recreation.
(Amendment)

VOTE ON AMENDMENT: 3:1 (Cooley dissenting and Skoglund abstaining)

VOTE ON MAIN MOTION: 3:1 (Cooley dissenting and Skoglund abstaining)

Reconvened to Chambers

The Council Members reconvened in the Council Chambers, all Council Members were present.

Metro Cable TV Telecast Announcement

Mayor McGarvey announced the cablecast playback schedule.

Pledge of Allegiance

Cyrus Abhar led the pledge.

Invocation

2. Reverend Dr. Keith L. Posehn, Cordova Presbyterian Church, gave the invocation

REGULAR MEETING ITEMS

Presentations

4. Proclamation Bike to Work Month (May 2006) was read by Council Member Cooley.
5. Proclamation for Older Americans Month (May 2006) was read by the Mayor.
6. Proclamation for Daryl Hackbarth's Retirement from Folsom Cordova Unified School District was given by Council Member Budge to Daryl Hackbarth.

ORAL COMMUNICATIONS

7. Public Comment

The following individual addressed the Council:

Bruce Risley to report on past and future community events.

CONSENT CALENDAR ITEMS – ROLL CALL VOTE

ACTION: Motion by Budge second by Sander and unanimously carried by 5:0 roll call vote, the Consent Calendar was approved, except Item #13 and Item #14 which were pulled for discussion.

8. **Subject:** Second Reading and Adoption of Ordinance No. 17-2006 Amending City of Rancho Cordova Municipal Code Chapter 12.09 Street Trench Fee.

Recommendation: Waive second reading and adopt Ordinance No. 17-2006 (**Roll Call Vote**)

Result of Recommended Action: The approval will ensure safety of streets and provide a financial mechanism for repairs of any damaged trenches caused by utility construction.

Staff Report: Cyrus Abhar, Public Works Department

Advances Goals: 5, 3 & 10

9. **Subject:** Second Reading and Adoption of Ordinances - Ordinance No. 18-2006, Amending the Specific Plan and Approving the Rezone of the Anatolia IV Project, within the Sunridge Specific Plan, and Ordinance No. 19-2006, Approving the Development Agreement.

Recommendation: Waive second reading and adopt Ordinance No. 18-2006 and Ordinance No. 19-2006. (**Roll Call Vote**)

Result of Recommended Action: The approval will allow development of a 25.1-acre site located at the southwest corner of Chrysanthy Boulevard and Jaeger Road according to the Specific Plan by allowing the construction of a residential development with 203 detached single-family homes and a neighborhood park. The project will extend a local street network through the project to Chrysanthy Boulevard and Jaeger Road. The Development Agreement provides financial assurances that will ensure fiscal stability, as the City builds out the Specific Plan.

Staff Report: Cyrus Abhar, Public Works Department

Advances Goals: 5, 3 & 10

10. **Subject:** Second Readings and Adoption of Ordinances - Ordinance No. 20-2006 for Sunridge Lot J RC-03-027, Approving the Rezone; and Ordinance No. 21-2006, Approving the Development Agreement.

Recommendation: Waive second readings and adopt Ordinance No. 20-2006 and Ordinance No. 21-2006. **(Roll Call Vote)**

Result of Recommended Action: The approval will allow the middle portion of the Sunridge Specific Plan to develop according to the General Plan. The needed major road connection of Jaeger Road to Douglas Road and Chrysanthy Blvd. will be extended by this project, closing the loop with Douglas Road and Sunrise Blvd. and providing financial assurances in the Development Agreements that will ensure fiscal stability, as the City builds out the Specific Plan.

Staff Report: William Campbell, Planning Department

Advances Goals: 2, 7 & 10

11. **Subject:** Second Reading and Adoption of Ordinance No. 22-2006 Approving a Development Agreement between the City of Rancho Cordova and RHNC Sundance-Sacramento GP for the Sundance Development.

Recommendation: Waive second reading and adopt Ordinance No. 22-2006. **(Roll Call Vote)**

Result of Recommended Action: The Development Agreement will provide the City with an additional funding source to support the community services, such as police service, road maintenance and park improvements for the Sunridge planning area. This project is contributing its far share to advancing improvement funds to the City to construct the major roads.

Staff Report: William Campbell, Planning Department

Advances Goals: 7 & 10

12. **Subject:** Resolution Calling the November 7th General Municipal Election for Two Council Seats and Requesting Consolidation with the Statewide Election.

Recommendation: Adopt Resolution No. 69-2006 calling the November 7, 2006 General Municipal Election and requesting the Sacramento County Board of Supervisors to consolidate the General Municipal Election with the statewide election.

Result of Recommended Action: Adoption of the resolution allows for the consolidation of the City's general municipal election with the statewide election to be held on November 7, 2006 and to obtain election services from the Sacramento County Voter Registration and Elections Department. At the general municipal election, two members of the City Council will be elected for full, four-year terms. The Council Member seats currently filled by Linda Budge and Dan Skoglund expire in November 2006.

Staff Report: Anna Olea-Moger, City Clerk's Office

Advances Goals: 1 through 12

15. **Subject:** Resolution Accepting Proposal from Gilbert Associates, Inc., for Independent Audit Services for 2006, 2007 and 2008.

Recommendation: Adopt Resolution No. 78-2006.

Result of Recommended Action: This action will authorize the audit engagement for Gilbert Associates, Inc., for a three-year period beginning with the current year audit.

Staff Report: Bill Thomas, Finance Department

Advances Goal: 10

The following items were pulled for individual consideration:

13. **Subject:** Traffic Signals at Kilgore/Trade Center and Coloma/Cordova Award of Contract
Recommendation: Staff recommends the Rancho Cordova Traffic Signal and Pavement Overlay Improvement project be awarded to Granite Construction Company for \$1,366,666.00, the lowest responsive bidder.
Result of Recommended Action: Granite Construction Company will furnish all labor, materials, and equipment for the installation of traffic signal improvements at Coloma Road and Cordova Lane and at Kilgore Road and Trade Center Drive, and for placing rubberized asphalt concrete pavement overlay within the limits of work on Kilgore Road and Trade Center. Construction will begin in June 2006 upon City Council approval and will be completed in December 2006.
Staff Report: Cyrus Abhar and Kathy Garcia, Public Works Department
Advances Goal: 2

The following individual addressed the Council on item #13:

Joyce Rosenberg to support the approval of traffic signals at Kilgore and Trade Center and Coloma and Cordova.

ACTION: Motion by Budge second by Cooley and unanimously carried, Council approved the award of contract to Granite Construction Co. in the amount of \$1,366,666.00.

14. **Subject:** Resolution Initiating Proceedings for the Annual Levy and Collection of Assessments for Landscaping and Lighting District No. 2005-1.
Recommendation: Staff recommends City Council adopt Resolution No. 65-2005 calling for the preparation of an Engineer's Report and adopt Resolution No. 66-2005 preliminarily approving the Engineer's Report and initiating the proceedings for the annual levy and collection of assessments for LLD No. 2005-1.
Result of Recommended Action: The recommended actions are required as part of the process to continue the annual levy in LLD 2005-1 in the same amounts as charged in previous years. There will be no new financial impacts to existing or new residents.
Staff Report: Cyrus Abhar and Elizabeth Sparkman, Public Works Department
Advances Goal: 3

ACTION: Motion by Sander second by Budge and unanimously carried, Council adopted Resolution No. 65-2006 calling for the preparation of an Engineer's Report and adopted Resolution No. 66-2006 Initiating Proceedings for the Annual Levy and Collection of Assessments for Landscaping and Lighting District No. 2005-1.

CONSENT PUBLIC HEARING ITEMS

The below items were pulled for individual consideration:

16. **Subject:** Cordova Veterinary Hospital Design Review, Project No. RC-05-213, Located at 2890 La Loma Drive.
Recommendation: Staff recommends City Council determine the project is categorically exempt under Section 15301 (Existing Facilities), of the California Environmental Quality Act (CEQA) Guidelines, and adopt Resolution No. 27-2006, approving Design Review, subject to the Design Review Package (Exhibit A), Conditions of Approval (Exhibit B), and Findings contained in the Resolution.

Result of Recommended Action: Approval will allow Cordova Veterinary Hospital to improve building appearance and upgrade existing facilities. Improvements include new paint, windows, entrance, kennel space, storage area, parking lot resurfacing, and landscaping.

Staff Report: Anne Hersch, Planning Department

Advances Goal: 1

Mayor McGarvey opened the Consent Public Hearing. The following individuals addressed the Council on this item:

Applicants representative from Perkins, Williams, Cotterill Architects, addressed Council concerns.

Mayor McGarvey closed the Consent Public Hearing for item #16.

ACTION: Motion by Budge second by Skoglund and unanimously carried, Council adopted Resolution No. 27-2006.

17. **Subject:** Metro Fire Station #68 Design Review, Project No. RC-05-202, Located on the west side of Anatolia Drive, south of Chrysanthy Boulevard.

Recommendation: Staff recommends City Council determine the project is categorically exempt under Section 15332 (Infill Projects), of the California Environmental Quality Act (CEQA) Guidelines, and adopt Resolution No. 63-2006, approving the Conditional Use Permit and Design Review, subject to the Design Review Package (Exhibit A), Conditions of Approval (Exhibit B), and Findings contained in the Resolution.

Result of Recommended Action: Approval will allow for the construction of a 13,000 square foot fire station, 6,000 square foot vehicle storage, and truck wash building. The new fire station will serve the residential areas south of Douglas Road located within the SunRidge Specific Plan area.

Staff Report: Jeff Beiswenger, Planning Department

Advances Goals: 3, 5

Mayor McGarvey opened the Consent Public Hearing. There were no speakers. Mayor McGarvey closed the Consent Public Hearing for item #17.

ACTION: Motion by Cooley second by Skoglund and unanimously carried, Council adopted Resolution No. 63-2006.

18. **Subject:** Community Development Block Program (CDBG) Five-Year Consolidated Plan, 2006-07 Action Plan, and Citizen Participation Plan for submittal to HUD.

Recommendation: Staff recommends that the Council approve:

- (a) Submission of the Draft Five-Year CDBG Consolidated Plan, the Action Plan and the Citizen Participation Plan to HUD.
- (b) The allocation of \$704,227 CDBG funds for budget year 2006-07 divided among the following programs: Housing (\$393,452), Public Facilities and Infrastructure (\$28,996), Public Services Funds to Non-Profit Programs (\$105,634), Clearance (\$35,300), and General CDBG Grant Administration (\$140,845).

Result of Recommended Action: This action will qualify the City to receive new revenue of \$704,227 for the FY 2006-07 City budget and thus provide federal funds for the City to address long-standing unmet community needs. The funding may be used to upgrade the quality of housing and make neighborhood improvements in Rancho Cordova, as well as to

fund several necessary public services provided by local non-profit and community-based organizations.

Staff Report: Curt Haven, Economic Development Department and Jim Carney, City Manager's Office

Advances Goals: 1, 5, 6 and 7

Mayor McGarvey opened the Consent Public Hearing. There were no speakers. Mayor McGarvey closed the Consent Public Hearing.

ACTION: Motion by Cooley second by Sander and unanimously carried, Council approved the Community Development Block Program (CDBG) Five-Year Consolidated Plan, 2006-07 Action Plan, and Citizen Participation Plan for submittal to HUD with an amendment to re-allocate \$70,000 from the Emergency Repair originally proposed in the amount of \$153,400 and placing \$40,000 toward the Rental Inspection Program and \$30,000 to the Code Enforcement Program.

PUBLIC HEARING ITEMS

19. **Subject:** San Joaquin Valley College, RC-05-208 – Appeal of Planning Commission Denial of Conditional Use Permit. **(Continued from the April 17, 2006 Regular City Council Meeting)**

Recommendation: Staff recommends City Council consider all information relating to this item, including new information and testimony, not presented to the Planning Commission and adopt Resolution No. 57-2006, denying a Conditional Use Permit for an oversized sign located along the Highway 50 Special Sign Corridor that exceeds size guidelines. The project site is located at 11050 Olson Drive, adjacent to Highway 50 frontage.

Result of Recommended Action: The applicant would be prohibited from constructing an oversized sign as proposed; however, a building permit may be obtained to construct a sign six feet in height or under and no more than twenty-four square feet in area, without obtaining a Conditional Use Permit.

Staff Report: Jeff Beiswenger, Planning Department

Advances Goal: 1

Mayor McGarvey opened the public hearing. The following individuals addressed the Council on Item #19:

Bonita Roznos to encourage consideration of approval of Conditional Use Permit.

Mayor McGarvey closed the public hearing.

ACTION: Motion by Sander second by Budge and unanimously carried, Council continued this item to the June 5, 2006 Regular City Council Meeting and requested the following:

- What type of monument sign can be constructed in the sign corridor without obtaining a Conditional Use Permit;
- Review of Landscape plans for the removal of trees; and
- Land Lord Requirements on Signage.

ADJOURN TO CLOSED SESSION

Council adjourned to Closed Session at 10:02 P.M. Council Member Cooley left the meeting at this time.

CLOSED SESSION

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

Present: Council Members Budge, Sander, Skoglund, and Mayor McGarvey
Staff Present: City Manager Ted Gaebler, Assistant City Attorney Lindgren, City Clerk Lillian Hare, City Attorney Steve Myers, Public Information Office Erin Treadwell.

OPEN SESSION – REPORT FROM CLOSED SESSION

21. The City Attorney will report on action taken in Closed Session.

The City Attorney advised there was no reportable action from Closed Session.

REGULAR CALENDAR ITEMS

The Mayor re-ordered the agenda to take Item #23 next.

23. **Subject:** Redevelopment Plan Actions – Consent to Redevelopment Agency and City Council Joint Public Hearing on Proposed Redevelopment Plan; Adoption of Rules Governing Owner Participation and Preferences for Business Re-Entry in the Project Area; Adoption of Relocation Rules; Ratification of Appointment of Relocation Appeals Board; Election to Receive Tax Increment Pass-through Payments and Tax Revenue Increases due to Levies Imposed for the Benefit of the City.

Recommendation: Agency Board, Mayoral, and City Council actions as follows:

- (a) Adopt Agency Resolution No. 71-2006 requesting a joint public hearing with the City Council on the proposed adoption of a Redevelopment Plan for the Redevelopment Project Area.
- (b) Adopt Agency Resolution No. 72-2006 adopting rules governing participation by property owners and preferences for business occupants to re-enter in business within the Rancho Cordova Redevelopment Project Area (Owner Participation & Business Re-Entry Rules and adopting the rules and regulations for the implementation of California Relocation Assistance Law (Relocation Rules) for the Rancho Cordova Redevelopment Project Area.
- (c) Mayoral Appointment of the City Council to serve as the Relocation Appeals Board.
- (d) Adopt Council Resolution No. 73-2006 consenting to a joint public hearing with the Community Redevelopment Agency on the proposed adoption of a Redevelopment Plan for the Rancho Cordova Project Area.
- (e) Adopt Council Resolution No. 74-2006 ratifying the appointment of the City Council as the Relocation Appeals Board.
- (f) Adopt Council Resolution No. 75-2006 electing to receive tax increment pass-through payments and tax revenue increases due to levies imposed for the benefit of the City.

Result of Recommended Action: The recommended actions are important steps in the adoption process of the City's Redevelopment Plan and will enable the Community Redevelopment Agency to leverage and reinvest property tax increment generated in the proposed project area. Redevelopment is a powerful financing and implementation tool to help cities realize their vibrancy.

Staff Report: Curt Haven, Community Redevelopment Agency

Advances Goals: 4, 6 and 8

COUNCIL ACTION:

Motion by Budge second Skoglund and unanimously carried by roll call vote (Cooley absent), Council adopted Agency Resolution No. 71-2006, Agency Resolution No. 72-2006, Council Resolution No. 73-2006, Council Resolution No. 74-2006, and Council Resolution No. 75-2006.

REDEVELOPMENT AGENCY ACTION:

Motion by Budge second Skoglund and unanimously carried by roll call vote (Cooley absent), Council adopted Agency Resolution No. 71-2006, Agency Resolution No. 72-2006, Council Resolution No. 73-2006, Council Resolution No. 74-2006, and Council Resolution No. 75-2006.

22. Subject: Olson Plaza, RC-05-215 – Appeal of Planning Commission Denial of Conditional Use Permit. **(Continued from the April 17, 2006 Regular City Council Meeting)**

Recommendation: As directed by Council, staff has drafted a resolution to deny the original sign request; however, the Council may wish to consider a new design provided by the applicant which significantly reduces the height that is more in keeping with the intent of the sign standards. The following options are presented:

- (a) Adopt Resolution No. 76-2006 denying a Use Permit. Since the City Council received testimony and closed the public hearing at the April 17th meeting, the City Council is not obligated to consider new information or hear additional testimony.
- (b) Consider the new design as provided by the applicant and adopt Resolution No. 77-2006 to approve the Use Permit. Since the public hearing was closed at the April 17th meeting, the City Council will need to re-open the public hearing, if it wishes to receive additional public testimony on the new design.
- (c) Consider the new design provided by the applicant, receive additional testimony, and identify additional changes to the design that were not considered at the April 17th meeting in order to make the sign acceptable to the Council. This could require a continuance in order to re-notice and re-open the public hearing.

Result of Recommended Action: Adoption of either the resolution of denial, Resolution No. 76-2006, or the resolution of approval for the revised design, Resolution No. 77-2006, will allow the applicant to construct a sign for Olson Plaza located at 10910 Olson Drive that meets the design objectives of the City Council to be attractive and appropriately sized within the Highway 50 Special Sign Corridor.

Staff Report: Jeff Beiswenger, Planning Department; Adam Lindgren, City Attorney's Office
Advances Goal: 1

Mayor McGarvey opened the Consent Public Hearing. The following individuals addressed the Council on Item #22:

Dave Wink to encourage consideration of approval of Conditional Use Permit.

Jeff Aaron to encourage consideration of approval of Conditional Use Permit.

Mayor McGarvey closed the Consent Public Hearing.

ACTION: Motion by Budge second by Skoglund and carried by a 4:0 vote (Cooley absent), Council adopted Resolution No. 76-2006 denying a Conditional Use Permit, Project No. RC-05-215 for a sign that exceeds standards within the Highway 50 Special Sign Corridor.

CORRESPONDENCE

None

COUNCIL REPORTS

The Council reported on various meetings and activities since the last meeting.

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

COUNCIL CONSENSUS (Cooley absent)

Mobile (itinerant) vendor problem – Assistant City Attorney to draft ordinance and to work with City Manager to prioritize when comes before Council.

Tobacco and related paraphernalia regulation Assistant City Attorney to draft ordinance and to work with City Manager to prioritize when item comes before Council.

Sexual predators – law changed first of January. Assistant City Attorney to detail all changes with respect to monitoring living proximity to schools, etc. and report back to Council.

CITY MANAGER'S REPORT

City Manager reported on budget week and visiting New Orleans to view the aftermath of Katrina.

ADJOURNMENT

The meeting adjourned at 11:17 p.m.

Brenda Lehr, Deputy City Clerk



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

**City Hall
David B. Roberts Council Chambers
2729 Prospect Park Drive, Rancho Cordova**

Monday, June 5, 2006

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

MINUTES

CLOSED SESSION

Council Met in Closed Session at 4:00 P.M. for the Following Purpose: (For the record, Vice Mayor Sander participated via teleconference from 41 Atlantic Lode Drive, Breckenridge, Colorado, for closed session only.)

1. Conference with Legal Counsel – Anticipated Litigation - Initiation of Litigation Government Code Section 54956.9 (c) (one potential case)

Present were: Council Members Budge, Cooley, Sander (via conference call from Colorado), Skoglund, and Mayor McGarvey
Staff Present: Assistant City Attorney Adam Lindgren, City Manager Ted Gaebler, Libby Silver of Meyers Nave, Public Information Officer Erin Treadwell and Chief Financial Officer Bill Thomas

REGULAR MEETING – CALL TO ORDER

Call to Order

Mayor McGarvey called the Regular Meeting to order at 5:53 p.m. and announced the cablecast playback schedule.

Roll Call:

Present: Council Members Budge, Cooley, Skoglund, and Mayor McGarvey
Absent: Vice Mayor Sander
Staff Present: Gaebler, Olea-Moger, Lindgren, Junker, Abhar, Haven, Thomas, Lehr

Pledge of Allegiance

Rancho Cordova Police Department Officer Waters presented the US Flag flown on patrol in Baghdad on election day and led the Pledge.

Invocation

2. Pastor Jim Boyd from Sun River Church gave the invocation.

Closed Session Report

3. Assistant City Attorney Adam Lindgren announced that as a result of a unanimous 5:0 vote with Vice Mayor Sander joining via telephone, Council authorized the City to commence litigation against Sacramento County, the Sacramento County Local Agency Formation Commission, Sacramento County Auditor, and the Executive Director of LAFCO regarding the amount of property tax received by the City.

Presentations

4. Introduction of New Employees were given as follows: Howard Williams, Supervising Building Inspector; Renee McQuade, Building Permit Technician; Anthony (Tony) Ingalls, Accounting Technician; Lisa Canfield, Administrative Assistant; Robin Borre, Management Analyst II; Robin Skipper, Animal Services Officer; Brian Haworth, Management Analyst II; Brenda Lehr, Deputy City Clerk, and Melissa Androlowicz, Records Coordinator/Deputy City Clerk.
5. PB&J Club of Cordova High \$1,600 Donation to City for Kilgore Cemetery Restoration.
6. Proclamation for Robert "Bob" Burns "Outstanding Lodge Secretary of the Year" California-Hawaii Elks Association was given by Council Member Budge.

ORAL COMMUNICATIONS

7. Public Comment

The following individuals addressed the Council:

- a) Maureen Nelson regarding the need for Allied Waste Service to provide more pick-ups per year to help keep the piles of trash off the streets.
- b) Jerry Mayberry from Allied Waste Service regarding concerns and possible solutions to the program.
- c) Conrade Mayer regarding concerns about Allied Waste Service program.
- d) Roland Tanner, Golden State Water Company, regarding his support of Item #9, on the Consent Calendar.

CONSENT CALENDAR ITEMS – ROLL CALL VOTE

ACTION: Motion by Budge second by Skoglund and unanimously carried by 4:0 roll call vote (Sander absent), the Consent Calendar was approved.

8. **Subject:** Minutes of City Council Meetings:
 - a. Special Meeting of April 23, 2006
 - b. Special Meeting of April 27, 2006

Recommendation: Adopt Minutes.

9. **Subject:** Resolution of Intention to Grant Water Franchises to the Golden State and California American Water Companies.
Recommendation: Adopt Resolution No. 80-2006.
Result of Recommended Action: Passage of this resolution will announce the intention of the City to grant water franchises to the Golden State and California American Water Companies for the purposes of operating and maintaining water pipelines within the City's rights-of-way. The resolution will also set a public hearing date for consideration of the franchises.
Staff Report: Cyrus Abhar, Public Works Department; Joseph Chapman, City Attorney's Office
10. **Subject:** A Resolution Creating Special Tax Area Zone 27 and an Ordinance Establishing a Special Tax for Police Protection Services for the Arista Del Sol Subdivision, Owned by Arista Del Sol, LP; Project No. RC-04-077.
Recommendation: Adopt Resolution No. 87-2006 and waive the first reading and introduce Ordinance No. 30-2006 establishing a Special Tax for Police Protection Services.
(Roll Call Vote)
Result of Recommended Action: Adoption of this resolution and ordinance will assist the City to meet the costs of providing City law enforcement services by creating a special tax area zone and establishing a special tax for police protection services for the Arista Del Sol Subdivision.
Staff Report: Adam Lindgren, City Attorney's Office
11. **Subject:** A Resolution Creating Special Tax Area Zone 28 and an Ordinance Establishing a Special Tax for Police Protection Services for the Douglas 98 Subdivision, Owned by Douglas Road 98, LP; Project No. RC-03-025.
Recommendation: Adopt Resolution No. 89-2006 and waive the first reading and introduce Ordinance No. 32-2006 establishing a Special Tax for Police Protection Services.
(Roll Call Vote)
Result of Recommended Action: Adoption of this resolution and ordinance will assist the City to meet the costs of providing City law enforcement services by creating a special tax area zone and establishing a special tax for police protection services for the Douglas 98 Subdivision.
Staff Report: Adam Lindgren, City Attorney's Office
12. **Subject:** A Resolution Creating Special Tax Area Zone 29 and an Ordinance Establishing a Special Tax for Police Protection Services for the Douglas 103 Subdivision, Owned by Douglas Grantline 103, LLC; Project No. 05-134.
Recommendation: Adopt Resolution No. 90-2006 and waive the first reading and introduce Ordinance No. 33-2006 establishing a Special Tax for Police Protection Services.
(Roll Call Vote)
Result of Recommended Action: Adoption of this resolution and ordinance will assist the City to meet the costs of providing City law enforcement services by creating a special tax area zone and establishing a special tax for police protection services for the Douglas 103 Subdivision.
Staff Report: Adam Lindgren, City Attorney's Office
13. **Subject:** A Resolution Creating Special Tax Area Zone 30 and an Ordinance Establishing a Special Tax for Police Protection Services for the Montelena Subdivision, Owned by CP Sunridge, LLC; Project No. RC-04-132.

Recommendation: Adopt Resolution No. 81-2006 and waive the first reading and introduce Ordinance No. 24-2006 establishing a Special Tax for Police Protection Services.
(Roll Call Vote)

Result of Recommended Action: Adoption of this resolution and ordinance will assist the City to meet the costs of providing City law enforcement services by creating a special tax area zone and establishing a special tax for police protection services for the Montelena Subdivision.

Staff Report: Adam Lindgren, City Attorney's Office

14. **Subject:** A Resolution Creating Special Tax Area Zone 31 and an Ordinance Establishing a Special Tax for Police Protection Services for the Anatolia IV Subdivision, Owned by Sunridge – Anatolia, LLC; Project No. RC-03-023.

Recommendation: Adopt Resolution No. 86-2006 and waive the first reading and introduce Ordinance No. 29-2006 establishing a Special Tax for Police Protection Services.
(Roll Call Vote)

Result of Recommended Action: Adoption of this resolution and ordinance will assist the City to meet the costs of providing City law enforcement services by creating a special tax area zone and establishing a special tax for police protection services for the Anatolia IV Subdivision.

Staff Report: Adam Lindgren, City Attorney's Office

15. **Subject:** A Resolution Creating Special Tax Area Zone 32 and an Ordinance Establishing a Special Tax for Police Protection Services for the Cresleigh Sunridge Subdivision, Owned by Cresleigh Homes, Inc.; Project No. RC-03-027.

Recommendation: Adopt Resolution No. 88-2006 and waive the first reading and introduce Ordinance No. 31-2006 establishing a Special Tax for Police Protection Services.
(Roll Call Vote)

Result of Recommended Action: Adoption of this resolution and ordinance will assist the City to meet the costs of providing City law enforcement services by creating a special tax area zone and establishing a special tax for police protection services for the Cresleigh Sunridge Subdivision.

Staff Report: Adam Lindgren, City Attorney's Office

16. **Subject:** A Resolution Creating Special Tax Area Zone 33 and an Ordinance Establishing a Special Tax for Police Protection Services for the Sunridge Park – Phase II Subdivision, Villages 2B, 5C and 5D, Owned by Sunridge Park, LP; Project No. RC-04-096.

Recommendation: Adopt Resolution No. 84-2006 and waive the first reading and introduce Ordinance No. 27-2006 establishing a Special Tax for Police Protection Services.
(Roll Call Vote)

Result of Recommended Action: Adoption of this resolution and ordinance will assist the City to meet the costs of providing City law enforcement services by creating a special tax area zone and establishing a special tax for police protection services for the Sunridge Park - Phase II Subdivision, Villages 2B, 5C and 5D.

Staff Report: Adam Lindgren, City Attorney's Office

17. **Subject:** A Resolution Creating Special Tax Area Zone 34 and an Ordinance Establishing a Special Tax for Police Protection Services for the Sunridge Park – Phase II Subdivision, Villages 1B, 4C, 4D, 8C and 11B, Owned by Pleasant Valley Investments, LC; Project No. RC-04-096.

Recommendation: Adopt Resolution No. 83-2006 and waive the first reading and introduce Ordinance No. 26-2006 establishing a Special Tax for Police Protection Services.
(Roll Call Vote)

Result of Recommended Action: Adoption of this resolution and ordinance will assist the City to meet the costs of providing City law enforcement services by creating a special tax area zone and establishing a special tax for police protection services for the Sunridge Park – Phase II Subdivision, Villages 1B, 4C, 4D, 8C and 11B.

Staff Report: Adam Lindgren, City Attorney's Office

18. **Subject:** A Resolution Creating Special Tax Area Zone 35 and an Ordinance Establishing a Special Tax for Police Protection Services for the Sunridge Park – Phase II Subdivision, Villages 9B and 10B, Owned by Beazer Homes Holding Corp.; Project No. RC-04-096.

Recommendation: Adopt Resolution No. 85-2006 and waive the first reading and introduce Ordinance No. 28-2006 establishing a Special Tax for Police Protection Services.
(Roll Call Vote)

Result of Recommended Action: Adoption of this resolution and ordinance will assist the City to meet the costs of providing City law enforcement services by creating a special tax area zone and establishing a special tax for police protection services for the Sunridge Park – Phase II Subdivision, Villages 9B and 10B.

Staff Report: Adam Lindgren, City Attorney's Office

19. **Subject:** A Resolution Creating Special Tax Area Zone 36 and an Ordinance Establishing a Special Tax for Police Protection Services for the Sunridge Park – Phase II Subdivision, Lots D, E, F, G and 11, Owned by Sunridge Park, LLC; Project No. RC-04-096.

Recommendation: Adopt Resolution No. 82-2006 and waive the first reading and introduce Ordinance No. 25-2006 establishing a Special Tax for Police Protection Services.
(Roll Call Vote)

Result of Recommended Action: Adoption of this resolution and ordinance will assist the City to meet the costs of providing City law enforcement services by creating a special tax area zone and establishing a special tax for police protection services for the Sunridge Park – Phase II Subdivision, Lots D, E, F, G and 11.

Staff Report: Adam Lindgren, City Attorney's Office

20. **Subject:** Resolution to Transfer Delinquent Refuse Service Charges to Tax Bills

Recommendation: Adopt Resolution No. 79-2006 and set a public hearing for July 17, 2006.

Result of Recommended Action: Delinquent refuse service charges will be collected on the tax roll. As of May 1, 2006, the total number of potential accounts identified to transfer delinquent charges to the property taxes is 802 for a total amount of \$111,737.47.

Staff Report: Cyrus Abhar, Public Works Department

21. **Subject:** Resolution Approving Subdivision No. RC-03-001.02A Final Map of Sunridge Park Village No. 2A and Execute Subdivision Improvement Agreement

Recommendation: Adopt Resolution No. 61-2006 approving the subdivision titled "Final Map Sunridge Park Village No. 2A", consisting of 42 proposed lots, located on the south side of Douglas Road approximately 1,320 feet east of Jaeger Road.

Result of Recommended Action: Approval of this recommended action will result in the city entering into a Subdivision Improvement Agreement guaranteeing the construction of public roads and utilities with Sunridge Park Limited Partnership, a California Limited partnership and the recording of the final subdivision map creating 42 new residentially zoned lots.

Staff Report: Cyrus Abhar and Marilyn Phelps, Public Works Department

22. **Subject:** Resolution Approving Subdivision No. RC-03-001.05A Final Map of Sunridge Park Village No. 5A and Execute Subdivision Improvement Agreement.

Recommendation: Adopt Resolution No. 62-2006 approving the subdivision title "Final Map Sunridge Park Village No. 5A", consisting of 56 proposed lots, located on the south side of Douglas Road approximately 1,320 feet east of Jaeger Road.

Result of Recommended Action: Approval of this recommended action will result in the city entering into a Subdivision Improvement Agreement guaranteeing the construction of public road and utilities with Sunridge Park Limited Partnership, a California Limited partnership and the recording of the final subdivision map creating 56 new residentially zoned lots.

Staff Report: Cyrus Abhar and Marilyn Phelps, Public Works Department

CONSENT PUBLIC HEARING ITEMS

Mayor McGarvey opened the Consent Public Hearing for Items #23-25. There were no speakers. Mayor McGarvey closed the Consent Public Hearing.

ACTION: Motion by Budge second by Cooley and unanimously carried by 4:0 roll call vote (Sander absent), Council approved the Consent Public Hearing items, with exception of Item #25, which was pulled for separate discussion.

23. **Subject:** Grantline 208 RC-04-064 – A Development Agreement for a 724-Unit Residential Development Located within the Sunridge Specific Plan.

Recommendation: Waive the first reading and introduce Ordinance No. 34-2006 approving a Development Agreement between the City of Rancho Cordova and Pulte Homes Corporation for the Grantline 208 development project. **(Roll Call Vote)**

Result of Recommended Action: The Development Agreement will allow the project to final the map. The project will be supporting the City by providing a special tax for police services, funds to improve parks and streets within the community, and advance funding for the construction of the major roads.

Staff Report: William Campbell, Planning Department

24. **Subject:** Sunridge Park - Phase II RC-06-226 Rezone.

Recommendation: Waive the first reading and introduce Ordinance No. 35-2006 approving the rezone for the Sunridge Park - Phase II development project. **(Roll Call Vote)**

Result of Recommended Action: The rezone will enable the completion of the project and allow the developer to dedicate the needed park area to support this portion of the project. The dedicated park area increases in this portion of the Specific Plan, to make up for some of the park short fall in the early stages of the Specific Plan. It will also allow the utility companies to place their systems in the southern portion of the project area that will allow future projects to move forward as well.

Staff Report: William Campbell, Planning Department

The following item was pulled for individual consideration:

25. **Subject:** Capital Village RC-04-123 Special Planning Area Amendment.

Recommendation: Determine the Mitigated Negative Declaration prepared for the project is adequate and consistent with the requirements of the California Environmental Quality Act (CEQA) Guidelines and waive the first reading and introduce Ordinance No. 36-2006 approving amendments to the Capital Village, Special Planning Area. **(Roll Call Vote)**

Result of Recommended Action: The amendments to the Capital Village Special Planning Area relate to the residential portion of the property. The amendments will allow minor intrusions of buildings of less than one foot into side and rear yard setbacks when a lot is irregular in shape. The amendments would also identify the location for trash and

recycle bin storage, require screening of the bin storage area, and identify the location for placement of the bins on trash day.

Staff Report: Jeffrey Beiswenger, Planning Department

ACTION: Motion by Cooley second by Skoglund and unanimously carried by 4:0 roll call vote (Sander absent), Council approved the amendments to the residential portion of the Capital Village Special Planning Area.

PUBLIC HEARING ITEMS

26. **Subject:** San Joaquin Valley College, RC-05-208 – Appeal of Planning Commission Denial of Conditional Use Permit. **(Continued from the May 15, 2006 Regular City Council Meeting)**

Recommendation: Continue this item to the June 19, 2006 Regular City Council meeting to allow the applicant and staff more time to research site planning, opportunities for building mounted signage, and sign code interpretation.

Result of Recommended Action: This item will be continued to the next City Council meeting.

Staff Report: Jeffrey Beiswenger, Planning Department

Mayor McGarvey opened the public hearing for Item #26. There were no speakers. Mayor McGarvey closed the public hearing.

ACTION: Motion by Cooley second by Budge and carried by a 4:0 vote (Sander absent), Council continued the San Joaquin Valley College, RC-05-208 - Appeal of Planning Commission Denial of Conditional Use Permit to the June 19, 2006 City Council Meeting.

27. **Subject:** FY 2006-07 Preliminary Budget.

Recommendation: Direct staff to process changes discussed during the public hearing, if any, and return with a FY 2006-07 Adopted Budget for final deliberation at the June 19, 2006 Regular City Council Meeting.

Result of Recommended Action: The public hearing will provide final input on the budget to be adopted on June 19, 2006 and used for guiding finances and City operations through the next fiscal year.

Staff Report: Bill Thomas, Finance Department

Mayor McGarvey opened the public hearing for Item #27. The following individuals addressed the Council:

- Rebecca Sloan suggests Council take an opportunity to partner with non-profits under Community Council.
- Conrad Mayer supports the staff recommendations within the budget.

Mayor McGarvey closed the public hearing.

ACTION: Public hearing item only. No action taken.

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

REGULAR CALENDAR ITEMS

The Mayor re-ordered the agenda to take Item #29 next.

29. **Subject:** City of Rancho Cordova Community Redevelopment Agency Approval of the Report to Council on the Proposed Redevelopment Plan for the Rancho Cordova Redevelopment Project Area and Transmittal of the Plan, the Report and the Final EIR on the Plan to the City Council.

Recommendation: Adopt Agency Resolution No. 91-2006 approving the Report to City Council on the proposed Redevelopment Plan for the Rancho Cordova Redevelopment Project Area (Redevelopment Plan) and transmitting the Redevelopment Plan, the Report to Council and the Final EIR on the Redevelopment Plan to the City Council. Adopt Resolution No. 92-2006 accepting the Report to Council on the proposed Redevelopment Plan for the Rancho Cordova Redevelopment Project Area and related documents.

Result of Recommended Action: This action is another step that will enable the Redevelopment Agency to complete the Project Area process.

Staff Report: Curt Haven, Community Redevelopment Agency

ACTION: Motion by Budge second by Skoglund and carried by a 4:0 vote (Sander absent), Council adopted Agency Resolution No. 91-2006 and Council Resolution No. 92-2006.

28. **Subject:** Sacramento County Amendments to the County General Plan, the Mather Specific Plan and the Mather Special Planning Area.

Recommendation: Consider a presentation by the staff of Sacramento County regarding the County's plans for South Mather. Provide comments and recommendations to County staff as determined appropriate. City of Rancho Cordova staff will identify general issues associated with the County's plans that might conflict with the City's planning efforts.

Result of Recommended Action: County staff will consider the Council's comments and recommendations and determine whether any revisions to the County's planning efforts are warranted.

Staff Report: Paul Lake, Sacramento County; Paul Junker, Planning Department

The following individuals addressed the Council:

- Mike Dobson, Sac Metro Fire supports the amendments.

ACTION: Discussion item only. No action was taken.

30. **Subject:** Authorization to Execute Contracts for Construction Management and Plan Review Services.

Recommendation: Authorize the City Manager to execute four contracts for construction management services totaling \$2.4 million, and three contracts for plan review services totaling \$1.2 million. The total contract amount would be \$3.6 million for two-year terms. The proposed contracts would be with engineering consultants and County of Sacramento Construction Management Division to replace existing contracts between the City of Rancho Cordova and County of Sacramento.

Result of Recommended Action: Approval would authorize the City Manager to execute seven contracts totaling \$3.6 million over the course of the next several months. Over 90% of the total amount associated with development and costs would be largely recoverable from direct billing. The remaining \$1.2 million would be utilized for construction

management of publicly funded projects and would be paid primarily through federal, state and local funds.

Staff Report: Cyrus Abhar, Public Works Department

ACTION: Motion by Cooley second by Budge and carried by a 4:0 vote (Sander absent), Council approved the authorization of the City Manager to execute seven contracts totaling \$3.6 million over the course of the next several months.

31. **Subject:** Transit Master Plan Approval – The Project Planning Team has Integrated Comments from the April 3, 2006 Council Workshop which Included Participation by Regional Stakeholders and Property Owners, and is Now Presenting the Report Document for Approval.

Recommendation: Staff recommends Council approve the Transit Master Plan as a supplement to the Circulation Element of the Rancho Cordova General Plan. The approval will be contingent upon the integration of the final comments from the Council and other participants.

Result of Recommended Action: Obtain approval of the Transit Master Plan with the intent of moving forward to implementation planning efforts. These efforts will focus on expansion of City and neighborhood services, coordination with Regional Transit in connecting with regional services and the development of new regional and city services.

Staff Report: Cyrus Abhar, Public Works Department

ACTION: Motion by Budge second by Cooley and carried by a 4:0 vote (Sander absent), Council approved the Transit Master Plan.

CORRESPONDENCE

Council Members reported on recent correspondence.

COUNCIL REPORTS

Council Members reported on various meetings and activities since the last meeting.

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Council requested the Allied Waste Service program be placed on the July 5, 2006 Regular City Council Meeting.

Council Member Cooley would like the Council to consider placing large bins or dumpsters in neighborhoods for citizens to fill with garbage for dumping.

CITY MANAGER'S REPORT

City Manager, Ted Gaebler reported on National Innovations Conference.

ADJOURNMENT

The meeting adjourned at 9:52 p.m.

Brenda Lehr, Deputy City Clerk



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

**City Hall
2729 Prospect Park Drive, Rancho Cordova**

Wednesday, July 5, 2006

**3:00 P.M. – Closed Session
4:00 P.M. – Study Session
5:30 P.M. – Adjourned Regular Meeting**

MINUTES

CLOSED SESSION

Council Met in Closed Session at 3:13 PM for the Following Purpose:

1. Conference with Legal Counsel – Anticipated Litigation Significant Exposure to Litigation Government Code Section 54956.9 (b) (two potential cases)

Present: Council Members Budge, Cooley, Sander, McGarvey
Staff Present: Lindgren, Abhar, Campbell, Gaebler, Junker

STUDY SESSION

Call to Order

Mayor McGarvey called the study session to order at 4:29 p.m. in the American River Room.

Present: Council Members Budge, Cooley, Sander, McGarvey
Absent: Council Member Skoglund
Staff Present: Junker, Cappel, Johns, Carney, Haven, Lindgren, Olea-Moger

ORAL COMMUNICATIONS

2. Public Comment

There were no speakers.

Study Session Item

3. **Subject:** Folsom Boulevard Specific Plan Project Update and Review of Draft Design Plan.

Recommendation: Consider staff's update on the Specific Plan and presentation of the Draft Design Plan and provide comments and/or direction on the following issues:

- (a) General comments on the Draft Design Plan, including level of detail and overall design approach.
- (b) Strategy for releasing the Draft Design Plan to the community, including process for review and suggestions for key stakeholders.

Result of Recommended Action: Council input provided through this Study Session will allow staff to complete the initial design phase of the Specific Plan and offer direction for releasing the Draft Design Plan to the community. The Draft Design Plan is a key milestone product that must be validated by the Council before the Specific Plan can be prepared. Assuming Council concurrence, staff will proceed with presentation of the Draft Design Plan to the community and then move forward with refining the Design Plan and preparing the Draft Folsom Boulevard Specific Plan.

Staff Report: Paul Junker and Loreli Cappel, Planning Department

Advances Goals: 1, 4, 7 and 8

OUTCOME: By Consensus, Council directed staff to schedule an in-depth study session for them to establish clear expectations and outcomes and end with a marketing tool to present to the development community and public on the Folsom Blvd. Specific Plan.

ADJOURNMENT OF STUDY SESSION

Mayor McGarvey adjourned the Study Session at 5:36 p.m.

REGULAR MEETING – CALL TO ORDER

Call to Order

Mayor McGarvey called the Regular Meeting to order at 5:55 p.m.

Present: Council Members Budge, Cooley, Sander and Mayor McGarvey

Absent: Council Member Skoglund

Staff Present: Gaebler, Lindgren, Olea-Moger, Lehr, Abhar, Junker, Haven, Snyder, Trimberger, Beiswenger

Pledge of Allegiance

Troy Konarski led the Pledge.

Invocation

4. Reverend Jim Boyd, Sun River Church, gave the invocation.

Closed Session Report

5. The City Attorney reported Council met in Closed Session to discuss Anticipated Litigation Significant Exposure to Litigation on two cases and that there was no reportable action.

Presentations

6. Status Update and Council Direction on Garbage Clean-up was given by Cyrus Abhar
7. Celebrating our Accomplishments was given by Stephanie Snyder
8. Development and Construction Status Report was given by Tom Trimmerger and Paul Junker

ORAL COMMUNICATIONS

9. Public Comment

The following individuals addressed the Council:

- (a) Larry Ladd regarding Aerojet water concerns and the study done by Delta Dental.
(b) Gary Hatfield regarding trash on streets and street vendors.
(c) Charles W. Lucas regarding Consent Calendar Item #14, the Transient Occupancy Tax Ordinance.
(d) Conrad Mayer regarding the 4th of July Festival.

CONSENT CALENDAR ITEMS – ROLL CALL VOTE

ACTION: Motion by Budge second by Sander and carried by a 4:0 roll call vote (Skoglund absent), the Consent Calendar was approved.

10. **Subject:** Minutes of City Council Meetings:
a. Special Meeting of January 3, 2006
b. Special Meeting of January 24, 2006
c. Special Meeting of February 6, 2006

Recommendation: Adopt Minutes.

11. **Subject:** Ordinance Amending the Special Tax for Police Protection Services for Tax Zone 2A, the Sundance Subdivision, Owned by RHNC Sundance – Sacramento GP; RC 04-122.

Recommendation: 2nd Reading and Adoption of Ordinance No. 37-2006 establishing a Special Tax for Police Protection Services. **(Roll Call Vote)**

Result of Recommended Action: Adoption of this ordinance will assist the City to meet the costs of providing City law enforcement services by updating the special tax for police protection services in Tax Zone 2A to the current tax amount.

Staff Report: Adam Lindgren, City Attorney's Office

Advances Goal: 5

12. **Subject:** Ordinance Establishing a Special Tax for Police Protection Services for the Grantline 208 Subdivision, Owned by Pulte Home Corporation; RC-04-064.

Recommendation: 2nd Reading and Adoption of Ordinance No. 38-2006 establishing a Special Tax for Police Protection Services. **(Roll Call Vote)**

Result of Recommended Action: Adoption of this ordinance will assist the City to meet the costs of providing City law enforcement services by establishing a special tax for police protection services for the Grantline 208 Subdivision.

Staff Report: Adam Lindgren, City Attorney's Office

Advances Goal: 5

13. **Subject:** Anthology at Anatolia Development Agreement, RC-05-157.
Recommendation: 2nd Reading and Adoption of Ordinance No. 39-2006 approving a Development Agreement for the Anthology at Anatolia RC-05-157 project. **(Roll Call Vote)**
Result of Recommended Action: The Development Agreement will allow the project to provide needed funding for critical city services and facilities. The agreement provides a special tax for police services and funds to improve parks and streets within the community.
Staff Report: William Campbell, Planning Department
Advances Goals: 2, 3, 5, 6, 7 and 8
14. **Subject:** Ordinance Amending Rancho Cordova Ordinance No. 4-2003 Relating to the Definition of Transient in the Transient Occupancy Tax Ordinance.
Recommendation: 2nd Reading and Adoption of Ordinance No. 42-2006 amending Rancho Cordova Ordinance No. 4-2003 relating to the definition of "Transient" in the Transient Occupancy Tax Ordinance. **(Roll Call Vote)**
Result of Recommended Action: Adoption of this ordinance will amend the definition of "Transient" in the Transient Occupancy Tax Ordinance in order to prohibit business entities from renting rooms for more than 30 days for employee use in order to avoid paying the tax.
Staff Report: Bill Thomas, Finance Department
Advances Goal: 10
15. **Subject:** Redevelopment Plan Adoption for the Rancho Cordova Redevelopment Project Area.
Recommendation: 2nd Reading and Adoption of Ordinance No. 43-2006 Approving and Adopting the proposed Redevelopment Plan for the Rancho Cordova Redevelopment Project Area. **(Roll Call Vote)**
Result of Recommended Action: This action is necessary to adopt the proposed Redevelopment Plan for the Rancho Cordova Redevelopment Project Area.
Staff Report: Curt Haven, Community Redevelopment Agency
Advances Goals: 4, 6, 7, 8, 10
16. **Subject:** Authorization to Execute Contract for the Folsom South Canal Corridor Study.
Recommendation: Authorize the City Manager to execute a consultant contract for the Folsom South Canal Corridor Study. Funding for this project will be provided through a \$150,000.00 Caltrans grant and a contribution by the Folsom South Canal Partnership totaling \$264,000.00. The City of Rancho Cordova has contributed \$30,000.00 and will continue to provide staff time for project oversight.
Result of Recommended Action: This action will allow the City Manager to execute a contract for consultant services with Nolte Associates, Inc. that will develop a multi-modal plan for lands adjacent to the Folsom South Canal. The contract will be managed by the Folsom South Canal Partners with the Highway 50 TMA as a point contact.
Staff Report: Cyrus Abhar and Mark Thomas, Public Works Department
Advances Goals: 1, 2, 3, 7 and 8
17. **Subject:** Resolution of Consideration Amending the Rate and Method of the Special Tax Formula of Rancho Cordova CFD No. 2004-1 (Sunridge Park).
Recommendation: Adopt Resolution No. 96-2006 and set a public hearing and property owner election for August 7, 2006.
Result of Recommended Action: The City will have the ability to tie the special police tax that is part of the development agreement(s) to the issuance of Mello Roos bonds. This will provide a method of guaranteeing that the police special tax will continue as long as the bonds are outstanding.

Staff Report: Bill Thomas, Finance Department

Advances Goal: 10

18. **Subject:** Resolution of Consideration Amending the Rate and Method of the Special Tax Formula of Rancho Cordova CFD No. 2005-1 (North Douglas CFD).

Recommendation: Adopt Resolution No. 97-2006 and set a public hearing and property owner election for August 7, 2006.

Result of Recommended Action: The City will have the ability to tie the special police tax that is part of the development agreement(s) to the issuance of Mello Roos bonds. This will provide a method of guaranteeing that the police special tax will continue as long as the bonds are outstanding.

Staff Report: Bill Thomas, Finance Department

Advances Goal: 10

19. **Subject:** May 31, 2006 Treasurer's Report.

Recommendation: The City Council should receive and file the report.

Result of Recommended Action: No action request; discussion item only.

Staff Report: Bill Thomas, Finance Department

Advances Goal: 10

CONSENT PUBLIC HEARING ITEMS

Mayor McGarvey opened the Consent Public Hearing for Items #20-21. There were no speakers. Mayor McGarvey closed the Consent Public Hearing.

ACTION: Motion by Budge second by Sander and carried by a 4:0 vote (Skoglund absent), Council approved the Consent Public Hearing items, with the exception of Item #21, which was pulled for separate discussion.

20. **Subject:** Stewart Tool Company Design Review, RC-06-236.

Recommendation: Adopt Resolution No. 123-2006.

Result of Recommended Action: The addition will allow Stewart Tool to increase its production, enclose its operation within the new addition and reduce some of the noise generated by the business. The addition is in the rear portion of the property and will not be visible to the public right-of-way.

Staff Report: William Campbell, Planning Department

Advances Goal: 1

21. **Subject:** Trinity Garden Rezone, Tentative Subdivision Map, Residential Design Review and Development Agreement, RC-05-190.

Recommendation: Determine that the Trinity Garden Mitigated Negative Declaration satisfies the requirements of CEQA; waive 1st reading and introduce Ordinance No. 44-2006, rezoning a parcel from Shopping Center to RD-20; Adopt Resolution 124-2006 approving a Tentative Subdivision Map and Design Review with conditions of approval as submitted; waive 1st reading and introduce Ordinance 45-2006 accepting the terms of the Draft Development Agreement as submitted.

Result of Recommended Action: Approval of entitlements will allow the applicant to obtain building permits to construct a 2.1-acre project with 20 single-family attached units as proposed on the northeast corner of Trinity River Drive and Coloma Road, subject to conditions of approval and the provisions of the Development Agreement.

Staff Report: Jeffrey Beiswenger, AICP, Planning Department

Advances Goals: 1, 6 and 7

ACTION: Motion by Budge second by Cooley and carried by a 4:0 vote (Skoglund absent), Council determined that the Trinity Garden Mitigated Negative Declaration satisfied the requirements of CEQA, waived 1st reading and introduced Ordinance No. 44-2006 approving rezoning a parcel from Shopping Center to RD-20, adopted Resolution No. 124-2006 approving a Tentative Subdivision Map and Design Review with conditions of approval, and waived 1st reading and introduced Ordinance No. 45-2006 accepting terms of the Draft Development Agreement.

PUBLIC HEARING ITEMS

22. **Subject:** Capital Village Special Planning Area Amendment, Tentative Parcel Map and Commercial Design Review, RC-05-193

Recommendation: Determine that the Final Supplemental Mitigated Negative Declaration satisfies the requirements of CEQA; waive 1st reading and introduce Ordinance No. 46-2006 amending the Capital Village Special Planning Area (CVSPA); Adopt Resolution No. 125-2006 approving the Tentative Parcel Map and the preliminary site plan subject to conditions of approval, as submitted.

Result of Recommended Action: The action will approve entitlements for a 307,424 s.f. commercial project on 27.4 acres. The amendments to the CVSPA increase allowable height, decrease minimum parking requirements and change the development standards within the Loft District. The Tentative Parcel Map creates a separate parcel for each building. The preliminary site plan and signs package are approved, subject to a subsequent design review process.

Staff Report: Jeffrey Beiswenger, AICP, Planning Department

Advances Goals: 1, 4 and 7

Mayor McGarvey opened the public hearing for Item #22. The following individuals addressed the Council:

- Larry Green in support of the project, but asked Council to continue item until project changes are complete.
- Jim Boyd in opposition the project.
- Lori Soldano in support of the town center.
- Craig Osborne in support of the project, but has concerns about the location within the town center.
- Rex Albright supports the project.
- Matt Cummings made several suggested changes in support of the project.
- Anne Gerghety in support of the project.
- Gary Hyden regarding the site being near the park with the tower.
- Bruce Risen in support of the project.
- Curt Haven in support of the project.

Mayor McGarvey closed the public hearing.

AT THIS POINT Council took a brief recess. The Council reconvened (Skoglund absent).

ACTION: Motion by Budge second by Sander and carried by a 4:0 vote (Skoglund absent), Council determined that the Final Supplemental Mitigated Negative Declaration satisfies the requirements of CEQA; waived 1st reading and introduced Ordinance No. 46-2006 amending the Capital Village Special Planning Area (CVSPA), and

adopted Resolution No. 125-2006 approving the Tentative Parcel Map and the preliminary site plan subject to amended conditions of approval as follows:

- Condition #14 was deleted and a new condition added requiring applicants to establish and participate in a Business Improvement District (BID) for downtown.

23. **Subject:** The Preserve RC-03-052 Policy Discussion on the Funding and Timing of Construction of Major Transportation Improvements.

Recommendation: It is recommended that the City Council:

- (a) Consider staff's presentation on a single remaining key project issue related to the timing of roadway construction and associated obligations and provide direction to staff to finalize this issue.
- (b) Continue the public hearing for this project to the regular City Council Meeting of July 17, 2006 to consider the full project application.

Result of Recommended Action: Council input on this final substantive issue will allow staff to finalize the project conditions of approval and development agreement for consideration by the City Council at its meeting of July 17, 2006. Ultimately, the Council's determination on this issue may have significant implications to the timing and completion of roadway construction within Rancho Cordova.

Staff Report: Cyrus Abhar, Public Works Department

Advances Goals: 1, 2, and 7

Mayor McGarvey opened the public hearing for Item #22. The following individual addressed the Council:

- Tim Taron in support of the project.

Mayor McGarvey closed the public hearing.

ACTION: By consensus, Council combined Options B1 and B3 of the staff report's options for traffic conditions and supplemental transportation on fees and continued the public hearing to July 17, 2006 to consider the full project application.

REGULAR CALENDAR ITEMS

24. **Subject:** Urgency Ordinance Amending Title 6 of the Rancho Cordova Municipal Code, Adding Chapter 6.130 and Sections 6.130.010 to 6.130.069, Relating to the Protection of Children From Sexual Offenders.

Recommendation: Adopt Urgency Ordinance No. 47-2006.

Result of Recommended Action: Adoption of this Urgency Ordinance will protect children from contact and potential sexual assault by registered sex offenders.

Staff Report: Adam Lindgren, City Attorney's Office

Advances Goal: 5

ACTION: No action taken; Council continued this item to July 17, 2006.

CORRESPONDENCE

No correspondence was reported on by Council Members.

COUNCIL REPORTS

No council reports were reported on by Council Members,

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

No council requests were made for future agenda items by Council Members.

CITY MANAGER'S REPORT

No report by City Manager.

ADJOURNMENT

Mayor McGarvey adjourned the meeting at 11:52 p.m.

Brenda Lehr, Deputy City Clerk



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

**City Hall
David B. Roberts Council Chambers
2729 Prospect Park Drive, Rancho Cordova
and
*9 East Wilson Street, Madison, Wisconsin**

Monday, July 17, 2006

5:30 P.M. – Regular Meeting

MINUTES

REGULAR MEETING – CALL TO ORDER

Call to Order

Mayor McGarvey called the regular meeting to order at 5:34 p.m. and announced the cablecast playback schedule.

Present: Council Members Budge, Cooley, Skoglund, Sander (*via teleconference from Madison, Wisconsin) and Mayor McGarvey

Staff Present: Gaebler, Hare, Junker, Abhar, Garcia, Snyder, Miller, Lindgren, Chapman, Haven, and Lehr

Pledge of Allegiance

Council Member Cooley led the Pledge.

Invocation

1. Pastor Jeff Koons, First Covenant Church, gave the invocation.

Presentations

2. Proclamation for Gay Jones Retirement from Sacramento Fire Department.
3. Recognition of the Cordova Girls Softball League All Star Team.

3a. Award of CDBG funds to the following organizations:

- Respite C.L.U.B. (\$7,000)

- Sacramento Self-Help Housing (\$7,000)
- Safe Harbor After-School Enrichment Program (\$12,269)
- Roots and Horizons (\$24,375)
- Senior Nutrition Services/Meals on Wheels (\$54,990)
- Kiwanis Club (\$25,000)

ORAL COMMUNICATIONS

4. Public Comment

The following individuals addressed the Council:

- Bob Sisemore regarding removal of the speed bump sign located in his front yard and the graffiti on the speed bump sign located on Chassella.
- Gerald Shupe regarding unsafe conditions for individuals riding bikes around town and possible improvement at light rail stations for striping and signage program.
- E. Morris regarding trash pile pick-up program being insufficient and Stagger Inn being torn down.
- Walt Myers regarding petitions to add speed bumps and inquiring when the next traffic study will be performed.

CONSENT CALENDAR ITEMS – ROLL CALL VOTE

ACTION: Motion by Budge second by Sander and unanimously carried by a roll call vote, Council approved the Consent Calendar Items, except Item #6, which was pulled for separate discussion.

5. **Subject:** Trinity Garden Rezone, Tentative Subdivision Map, Residential Design Review and Development Agreement, RC-05-190.
Recommendation: Waive second readings and adopt Ordinance No. 44-2006, rezoning the Trinity Garden Estates Project and Ordinance No. 45-2006 approving the Development Agreement. **(Roll Call Vote)**
Result of Recommended Action: Adoption will approve entitlements to allow the applicant to obtain building permits to construct a 2.1-acre project with 20 single-family attached units as proposed on the northeast corner of Trinity River Drive and Coloma Road, subject to conditions of approval and the provisions of the Development Agreement.
Staff Report: Jeffrey Beiswenger, AICP, Planning Department
Advances Goals: 1, 6 and 7
7. **Subject:** Resolution Declaring the Result of Mail Ballot Election Regarding the Special Tax for Police Services for Special Police Tax Area Zone 27 (Arista del Sol Subdivision); RC-04-077.
Recommendation: Adopt Resolution No. 127-2006.
Result of Recommended Action: Adoption of this resolution will declare the result of the police tax election concerning Special Police Tax Zone 27, which will assist the City to meet the costs of providing City law enforcement services by establishing a special tax for police protection services for the Arista del Sol Subdivision.
Staff Report: Adam Lindgren, City Attorney's Office
Advances Goals: 5 and 10

8. **Subject:** Resolution Declaring the Result of Mail Ballot Election Regarding the Special Tax for Police Services for Special Police Tax Area Zone 28 (Douglas 98 Subdivision); RC-03-025.
Recommendation: Adopt Resolution No. 128-2006.
Result of Recommended Action: Adoption of this resolution will declare the result of the police tax election concerning Special Police Tax Zone 28, which will assist the City to meet the costs of providing City law enforcement services by establishing a special tax for police protection services for the Douglas 98 Subdivision.
Staff Report: Adam Lindgren, City Attorney's Office
Advances Goals: 5 and 10
9. **Subject:** Resolution Declaring the Result of Mail Ballot Election Regarding the Special Tax for Police Services for Special Police Tax Area Zone 29 (Douglas 103 Subdivision); RC-05-134.
Recommendation: Adopt Resolution No. 129-2006.
Result of Recommended Action: Adoption of this resolution will declare the result of the police tax election concerning Special Police Tax Zone 29, which will assist the City to meet the costs of providing City law enforcement services by establishing a special tax for police protection services for the Douglas 103 Subdivision.
Staff Report: Adam Lindgren, City Attorney's Office
Advances Goals: 5 and 10
10. **Subject:** Resolution Declaring the Result of Mail Ballot Election Regarding the Special Tax for Police Services for Special Police Tax Area Zone 30 (Montelena Subdivision); RC-04-132.
Recommendation: Adopt Resolution No. 130-2006.
Result of Recommended Action: Adoption of this resolution will declare the result of the police tax election concerning Special Police Tax Zone 30, which will assist the City to meet the costs of providing City law enforcement services by establishing a special tax for police protection services for the Montelena Subdivision.
Staff Report: Adam Lindgren, City Attorney's Office
Advances Goals: 5 and 10
11. **Subject:** Resolution Declaring the Result of Mail Ballot Election Regarding the Special Tax for Police Services for Special Police Tax Area Zone 32 (Cresleigh Sunridge Subdivision); RC-03-027.
Recommendation: Adopt Resolution No. 132-2006.
Result of Recommended Action: Adoption of this resolution will declare the result of the police tax election concerning Special Police Tax Zone 32, which will assist the City to meet the costs of providing City law enforcement services by establishing a special tax for police protection services for the Cresleigh Sunridge Subdivision.
Staff Report: Adam Lindgren, City Attorney's Office
Advances Goals: 5 and 10
12. **Subject:** Resolution Declaring the Result of Mail Ballot Election Regarding the Special Tax for Police Services for Special Police Tax Area Zone 33 (Sunridge Park – Phase II Subdivision, Villages 2B, 5C and 5D); RC-04-096.
Recommendation: Adopt Resolution No. 133-2006.
Result of Recommended Action: Adoption of this resolution will declare the result of the police tax election concerning Special Police Tax Zone 33, which will assist the City to meet the costs of providing City law enforcement services by establishing a special tax for police protection services for the Sunridge Park – Phase II Subdivision, Villages 2B, 5C and 5D.

Staff Report: Adam Lindgren, City Attorney's Office
Advances Goals: 5 and 10

13. **Subject:** Resolution Declaring the Result of Mail Ballot Election Regarding the Special Tax for Police Services for Special Police Tax Area Zone 34 (Sunridge Park – Phase II Subdivision, Villages 1B, 4C, 4D, 8C and 11B); RC-04-096.
Recommendation: Adopt Resolution No. 134-2006.
Result of Recommended Action: Adoption of this resolution will declare the result of the police tax election concerning Special Police Tax Zone 34, which will assist the City to meet the costs of providing City law enforcement services by establishing a special tax for police protection services for the Sunridge Park – Phase II Subdivision, Villages 1B, 4C, 4D, 8C and 11B.
Staff Report: Adam Lindgren, City Attorney's Office
Advances Goals: 5 and 10
14. **Subject:** Resolution Declaring the Result of Mail Ballot Election Regarding the Special Tax for Police Services for Special Police Tax Area Zone 35 (Sunridge Park – Phase II Subdivision, Villages 9B and 10B); RC-04-096.
Recommendation: Adopt Resolution No. 135-2006.
Result of Recommended Action: Adoption of this resolution will declare the result of the police tax election concerning Special Police Tax Zone 35, which will assist the City to meet the costs of providing City law enforcement services by establishing a special tax for police protection services for the Sunridge Park – Phase II Subdivision, Villages 9B and 10B.
Staff Report: Adam Lindgren, City Attorney's Office
Advances Goals: 5 and 10
15. **Subject:** Resolution Declaring the Result of Mail Ballot Election Regarding the Special Tax for Police Services for Special Police Tax Area Zone 36 (Sunridge Park – Phase II Subdivision, Lots D, E, F, G and 11); RC-04-096.
Recommendation: Adopt Resolution No. 136-2006.
Result of Recommended Action: Adoption of this resolution will declare the result of the police tax election concerning Special Police Tax Zone 36, which will assist the City to meet the costs of providing City law enforcement services by establishing a special tax for police protection services for the Sunridge Park – Phase II Subdivision, Lots D, E, F, G and 11.
Staff Report: Adam Lindgren, City Attorney's Office
Advances Goals: 5 and 10
16. **Subject:** Resolution Declaring the Result of Mail Ballot Election Regarding the Special Tax for Police Services for Special Police Tax Area Zone 31 (Anatolia IV Subdivision); RC-03-023.
Recommendation: Adopt Resolution No. 131-2006, declaring the result of the police tax election concerning Special Police Tax Area Zone 31.
Result of Recommended Action: Adoption of this resolution will declare the result of the police tax election concerning Special Police Tax Zone 31. In order to go into effect, the special tax must be approved by two-thirds of the affected property owners voting in a mail-ballot election to be held by the City. The landowner intentionally did not return the circulated police tax ballot and therefore the tax in Zone 31 cannot go into effect.
Staff Report: Adam Lindgren, City Attorney's Office
Advances Goals: 5 and 10

17. **Subject:** Resolution Authorizing City Manager to Extend Contract of Sandy Salerno in Amount of \$135,000 for Consulting Services.
Recommendation: Adopt Resolution No. 139-2006.
Result of Recommended Action: The result of the proposed action will continue to provide management assistance in Finance, the City Manager's office and Redevelopment for a period of eleven (11) months beginning on August 1, 2006.
Staff Report: Bill Thomas, Finance Department
Advances Goal: 10
18. **Subject:** Resolution Authorizing City Manager to Execute Contract with Wood Rodgers in the Amount of \$400,000 for Preliminary Engineering Design.
Recommendation: Adopt Resolution No. 141-2006.
Result of Recommended Action: Action will allow City Manager to execute a contract for consultant services with Wood Rodgers for preliminary engineering work for roadway improvements in the area south of Mather including Zinfandel Drive, Douglas Road, Eagles Nest and Excelsior Road and documentation support for the preparation of an Environmental Document for the roadway improvements. Funding for the preliminary engineering will be provided from the Transportation Impact Fees Fund.
Staff Report: Cyrus Abhar and Elizabeth Sparkman, Public Works Department
Advances Goal: 2
19. **Subject:** Resolution Authorizing the City Manager and Public Works Director to Execute Letters Certifying that Rights-of-Way Have Been Acquired for Federally Funded Projects in Accordance with Federal Regulations.
Recommendation: Adopt Resolution No. 140-2006.
Result of Recommended Action: Approval would authorize the City Manager and Public Works Director to execute right-of-way certification documents on behalf of the City for the Folsom Boulevard Beatification Project, and future federally funded projects which may require new rights-of-way or easements within the City of Rancho Cordova.
Staff Report: Cyrus Abhar, Public Works Department
Advances Goals: 1, 2, 3, 4 and 5

The following item was pulled for separate discussion:

6. **Subject:** Capital Village Special Planning Area Amendment, Tentative Parcel Map and Commercial Design Review, RC-05-193.
Recommendation: Waive second reading and adopt Ordinance No. 46-2006 adopting amendments to the Capital Village Special Planning Area (CVSPA). (**Roll Call Vote**)
Result of Recommended Action: Adoption will approve entitlements for a 307,424 s.f. commercial project on 27.4 acres. The amendments to the CVSPA increase allowable height, decrease minimum parking requirements and change the development standards within the Loft District. The Tentative Parcel Map creates a separate parcel for each building. The preliminary site plan and signs package are approved, subject to a subsequent design review process.
Staff Report: Jeffrey Beiswenger, AICP, Planning Department
Advances Goals: 1, 4 and 7

ACTION: Motion by Skoglund second by Budge and unanimously carried by roll call vote, Council waived second reading and adopted Ordinance No. 46-2006.

CONSENT PUBLIC HEARING ITEM

Mayor McGarvey opened the Consent Public Hearing for Item #20. There were no speakers. Mayor McGarvey closed the Consent Public Hearing.

ACTION: Motion by Sander second by Budge and unanimously carried by roll call vote, Council approved the Consent Public Hearing item.

20. **Subject:** Resolution to Order Delinquent Refuse Service Charges be Collected on the Tax Roll.

Recommendation: It is recommended that the City Council:

(a) Adopt Resolution No. 137-2006 Ordering Delinquent Refuse Service Charges be Collected on the Tax Roll.

(b) Direct staff to file a copy of the Delinquent Service Charges Report with the County Auditor's Office on or before the 25th day of August, 2006.

Result of Recommended Action: Adoption of this resolution will allow the City to record liens on delinquent residential solid waste accounts. The delinquent amounts will be placed on the property tax rolls by the County Assessor's Office, and collected in December and March. The recovered revenues will be split accordingly between Allied Waste and the City.

Staff Report: Cyrus Abhar and Kathy Garcia, Public Works Department

Advances Goal: 9

AT THIS POINT the Mayor reordered the agenda to hear the Regular Calendar Items before the Public Hearing Items.

REGULAR CALENDAR ITEMS

23. **Subject:** Urgency Ordinance Amending Title 6 of the Rancho Cordova Municipal Code, Adding Chapter 6.130 and Sections 6.130.010 to 6.130.069, Relating to the Protection of Children From Sexual Offenders. **(Continued from the July 5, 2006)**

Recommendation: Adopt Urgency Ordinance No. 47-2006. **(Roll Call Vote)**

Result of Recommended Action: Adoption of this Urgency Ordinance will protect children from contact and potential sexual assault by registered sex offenders.

Staff Report: Adam Lindgren, City Attorney's Office

Advances Goal: 5

The following individual addressed the Council:

- Larry Ladd to inquire if the ordinance will funnel the locations of the sex offenders.

City Attorney will report back to Council Member Budge on how long sex offenders remain registered under Megan's Law.

ACTION: Motion by Sander second by Budge and unanimously carried by roll call vote, Council adopted Urgency Ordinance No. 47-2006.

24. **Subject:** Options and Strategies to Improve the Performance of the Residential Bulky Item Cleanup Program.

Recommendation: Receive report regarding options and strategies to improve the performance of the residential Bulky Item Cleanup Program and provide direction to staff on the preferred option(s) for implementation.

Result of Recommended Action: The primary objectives of this report are to:

- (a) Identify potential solutions and strategies to improve the performance of the existing "on-call" bulky item collection program; and
- (b) Identify alternatives to the existing program.

Staff Report: Cyrus Abhar, Public Works Department

Advances Goals: 1, 3, 5, 7 and 9

The following individuals addressed the Council:

- Maureen Nelson is discouraged by clean-up service program. Would like the service to be improved.
- Walt Myers is discouraged by clean-up service program. Would like the service to be improved.
- Larry Ladd is discouraged by clean-up service program. Would like the service to be improved.
- Conrade Mayer is discouraged by cleanup service program. Would like the service to be improved. Conrade also provided suggestions on how to improve the program and simplify problems.
- Clifton Billings would like to know who is responsible for illegal dumping by a non-resident in front of a resident's property. If such resident is on vacation and does not receive adequate notification, what are the repercussions? Mr. Billings also inquired about customer scheduled pickups and if Allied doesn't pick up on the scheduled day, will the company be fined?

ACTION: By consensus, Council provided the following direction:

- City staff to work on three components to improve solid waste program - education, resources, and enforcement.
- A consortium of Allied Waste truck drivers, City senior staff, and City Code Enforcement Officers to check on illegal trash piles against the list of "legally scheduled" pickups.
- An ordinance to establish penalties for non-compliance, which will be presented to the Council in September.
- Notify in the next newsletter of program emphasis and changes.
- Continue to fine owners rather than renters and revise business license program to allow garbage fines to be collected.
- Return to Council by the first meeting of November for review of program improvements.

25. **Subject:** Legislative Update on Assembly Bill 2987 Regarding Telecommunications.

Recommendation: Review information and comment on AB 2987, directing staff on future legislative activities regarding the bill.

Result of Recommended Action: As a result of Council comments on AB 2987, staff will be able to determine an appropriate course of action regarding support or opposition to the bill.

Staff Report: Stephanie Snyder, City Manager's Office

Advances Goals: 3, 5, 7 and 10

ACTION: By consensus, Council agreed to continue opposing Assembly Bill 2987.

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

PUBLIC HEARING ITEMS

21. **Subject:** Resolution of Intent to Grant a Water Franchise to the Golden State Water Company and California American Water Company.
Recommendation: Adopt Resolution No. 138-2006.
Result of Recommended Action: Passage of this resolution will indicate the intention of the City to grant water franchises to the Golden State Water Company and California American Water Company for purposes of operating and maintaining water pipelines within the City's rights-of-way. The resolution will also set an additional public hearing date for consideration of the franchises.
Staff Report: Cyrus Abhar, Public Works Department and Joe Chapman, City Attorney's Office
Advances Goals: 7 and 10

Mayor McGarvey opened the public hearing for Item #21. There were no speakers. Mayor McGarvey closed the public hearing.

ACTION: Motion by Budge second by Cooley and unanimously carried, Council adopted Resolution No. 138-2006.

22. **Subject:** The Preserve Special Planning Area Rezone, Tentative Subdivision Map and Development Agreement; RC-03-052. **(Continued from the July 5, 2006 Meeting)**
Recommendation: That Council:
(a) Adopt Resolution No. 105-2006 certifying the FEIR;
(b) Adopt Resolution No. 106-2006 approving an amendment to mitigation measures BR-2 and BR-4 (with further revisions as specified in mitigation measure MM 4.9.10 of the FEIR) in the Sunrise Douglas Community Plan;
(c) Waive first reading and introduce Ordinance No. 40-2006 approving the Special Planning Area Rezone; **(Roll Call Vote)**
(d) Consider Resolution No. 108-2006 a Tentative Subdivision Map for the "Preserve at Sunridge", subject to the Conditions of Approval, Sections 1 and 2 and formal adoption at August 7, 2006 Regular City Council Meeting;
(e) Waive first reading and introduce Ordinance No. 41-2006 accepting the terms of the draft Development Agreement, as submitted. **(Roll Call Vote)**
Result of Recommended Action: Approval will allow the orderly development of a key parcel within the Sunridge area. This project will allow the extension of two major streets from the Anatolia's to connect Sunrise Blvd. to Grantline Road and Douglas Road to Kiefer Road. One of the major General Plan Land Use components will be implemented by this project that will provide a "Town Center" commercial node to support the new residential development.
Staff Report: William Campbell, Planning Department
Advances Goals: 1, 2, 6 and 7

Mayor McGarvey opened the public hearing for Item #22. The following individuals addressed the Council:

- Joyce Martin in opposition to the project because she does not want the rezone to move forward due to impacts on drainage, which would significantly impact the loss of habitat and biological resources.
- John Martin in opposition to the project because he does not like the idea of the parkway being re-channeled and he is concerned for the loss of vernal pools.

- Keith Wagner in opposition to project for various discrepancies in the General Plan that impact the project and deem it inconsistent.
- Rod Ries in opposition to the project.
- Carol Witham to say Council Members are the City's leaders and they should be protecting the City.

Mayor McGarvey closed the public hearing.

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

ACTION: Motion by Budge second by Sander and unanimously carried by roll call vote, Council:

- (a) Adopted Resolution No. 105-2006,
- (b) Adopted Resolution No. 106-2996,
- (c) Waived first reading and introduced Ordinance No. 40-2006,
- (d) Considered Resolution No. 108-2006, with revisions to conditions 4, 25, 49 and 64 to Sections 1 and 2 of Conditions of Approval, for adoption on consent calendar on August 7, 2006; and
- (e) Waived first reading and introduced Ordinance No. 41-2006, with revision to Section 6.5.5 of the Development Agreement.

URGENCY ITEM

The following item was added as an Urgency Item:

ACTION: Motion by Budge second by Skoglund and unanimously carried, Council added the Quality of Life Initiative to the agenda. The need for immediate action arose because the City needed to provide input to the Sacramento County Board of Supervisors by Tuesday, July 25 and no meeting of the Council was scheduled prior to July 25. Need for Council action did not come to the attention of the City until after 1:00 p.m. on July 17.

26. **Subject:** Quality of Life Initiative.

ACTION: Motion by Budge second by Cooley and unanimously carried, Council requested the Board of Supervisors place the Quality of Life Initiative on the ballot for the November 7th election if a deal with the owners of the Sacramento Kings could be negotiated.

CORRESPONDENCE

None

COUNCIL REPORTS

None

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

None

CITY MANAGER'S REPORT

None

ADJOURNMENT

Mayor McGarvey adjourned the meeting at 12:13 a.m.

Brenda Lehr, Deputy City Clerk



**CITY COUNCIL SPECIAL MEETING
American River North Community Room
2729 Prospect Park Drive, Rancho Cordova**

**Monday, July 31, 2006
5:30 p.m. - Work Session**

MINUTES

WORK SESSION

Call to Order

Mayor McGarvey called the meeting to order at 5:37 p.m.

Roll Call:

Present: Council Members Budge, Cooley, Sander, Skoglund & Mayor McGarvey

Staff Present: Gaebler, Abhar, Thomas, Beiswenger, Haven, Lehr, Campbell, Chapman

Oral Communications

1. Public Comment

None

AT THIS POINT the Mayor re-ordered the agenda to hear Item #3 first

Work Session Items

3. **Subject:** City Improvement Standards for Transportation Improvement Projects Related to Development Efforts Under Way.

Recommendation: Provide direction on integrating the recently prepared improvement standards into the project development process. Transportation service concepts are an integral part of all phases of project development from tentative maps through roadway improvement plans. City staff would like to identify "in process" opportunities to adjust standard requirements.

Result of Recommended Action: A determination on the appropriate timing for implementation of improvement standards that are intended to reflect recently completed planning efforts; the General Plan, ongoing bicycle and pedestrian planning and the Transit Master Plan.

Staff Report: Cyrus Abhar and Mark Thomas, Public Works Department

Advances Goals: 2, 3, and 5

The following individuals addressed the Council:

- Jay Pawlek in opposition to the project.

- Brian Cutting in support of standards, but in opposition to the project.
- Tim Taron in opposition to the project.
- Blake Griffin in opposition to the project.
- Ardie Zahedani asked the City to provide certainty on the standards.
- Scott Clark in supporting the project.
- Jim Miller in supporting the project and in oppositions to the standards applied to existing projects.
- Anne Geraghty regarding another City not requiring changes to the standards to achieve safe environments for walkers and bikers.
- Wahee Jawadi in opposition to the changes to the standards.

ACTION: By consensus, Council directed existing standards be kept and changes made to future projects as appropriate.

2. **Subject:** Westborough at Easton General Plan Amendment, Rezone and Tentative Subdivision Map, RC-05-180.

Recommendation: Review information and provide direction on a number of key project issues, such as: concurrence with land use plan and key project concepts; the need for roadway connections across the Folsom South Canal and into the adjacent industrial area; and concurrence with transit plan elements of the project.

Result of Recommended Action: The applicant and City staff will have clear direction on how to proceed with the Westborough project development.

Staff Report: Jeff Beiswenger, Planning Department

Advances Goals: 1, 2, 6, 7 and 8

The following individuals addressed the Council:

- Don Smith regarding the lack of RT funding sources for the pedestrian bridge and bike trails.
- Brian Cooley regarding the lack of connectivity to the North.
- Pat (no last name provided) regarding concern for traffic connections to Folsom Blvd.
- Anne Geraghty regarding the lack of connectivity across the canal and need to provide more pedestrian crossings.

ACTION: Discussion item only; no action was taken.

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

CITY MANAGER'S REPORT

City Manager Ted Gaebler reported on the Fourth of July incident that halted remaining program activities.

ADJOURNMENT

The meeting was adjourned at 11:34 p.m.

Brenda Lehr, Deputy City Clerk



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

**City Hall
David B. Roberts Council Chambers
2729 Prospect Park Drive, Rancho Cordova**

Monday, August 7, 2006

**5:00 P.M. – Closed Session
5:30 P.M. – Regular Meeting**

MINUTES

CLOSED SESSION

Council Met in Closed Session for the Following Purpose:

- A. Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9
(a) – City of Rancho Cordova vs. County of Sacramento

Present: Council Members Budge, Skoglund, Sander and Mayor McGarvey
Absent: Council Member Cooley

Staff Present: Steve Meyers, City Attorney; Adam Lindgren, Assistant City Attorney; Ted
Gaebler, City Manager; Erin Treadwell, Public Information Officer; Lillian Hare,
City Clerk/Human Resources Director

REGULAR MEETING – CALL TO ORDER

Call to Order

Mayor McGarvey called the regular meeting to order at 5:45 p.m. and announced the cablecast
playback schedule.

Present: Council Members Budge, Skoglund, Sander and Mayor McGarvey
Absent: Council Member Cooley

Staff Present: Gaebler, Lindgren, Hare, Lehr, Thomas, Junker, Abhar, Campbell

Pledge of Allegiance

Bill Thomas led the Pledge.

Invocation

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

Closed Session Report

Assistant City Attorney Adam Lindgren advised there was no reportable action as a result of Closed Session discussion.

Presentation(s)

2. Introduction of new City Employees: Anna Olea-Moger, City Clerk, City Clerk's Department; Michael Manasco, Assistant Civil Engineer and Marilyn Phelps, Assistant Land Surveyor, Public Works Department; Marilyn Natividad, Sr. Accountant and Kristin Larsen, Financial Services Manager, Finance Department; Marc Pelote, Residential Building Inspector, Building Department; and Diana Renteria, Human Resources Technician, Human Resources Department.
3. Presentation Commemorating 50th Anniversary of Sister Cities International was given by Stephanie Synder and Betsy Carlson.
4. Recognition of Mayor McGarvey's Birthday by City Manager Ted Gaebler.

ORAL COMMUNICATIONS

5. Public Comment

The following individuals addressed the Council:

- Trisha Stanionis reported on Family Day/Family Meal Campaign.
- Conrad Mayer reported on 4th of July event.

CONSENT CALENDAR ITEMS – ROLL CALL VOTE

ACTION: Motion by Budge second by Sander and carried by a 4:0 roll call vote (Cooley absent), the Consent Calendar was approved except Items #13 and #17, which were pulled for separate discussion.

6. **Subject:** Minutes of City Council Meetings:
 - a. Regular Meeting of February 21, 2006
 - b. Regular Meeting of March 6, 2006
 - c. Regular and Special Meeting of March 20, 2006
 - d. Special Meeting of April 25, 2006
 - e. Special Meeting of July 10, 2006

Recommendation: Adopt Minutes.

7. **Subject:** The Preserve - Special Planning Area Rezone, Tentative Subdivision Map and Development Agreement; RC-03-052.
Recommendation: That Council:
(a) Waive second readings and introduce Ordinance No. 40-2006 approving the Special Planning Area Rezone and Ordinance No. 41-2006 accepting the terms of the draft Development Agreement (**Roll Call Vote**)
(b) Adopt Resolution No. 108-2006 approving the Tentative Subdivision Map.
Result of Recommended Action: Approval will allow the orderly development of a key parcel within the Sunridge area. This project will allow the extension of two major streets from the Anatolia's to connect Sunrise Blvd. to Grantline Road and Douglas Road to Kiefer Road. One of the major General Plan Land Use components will be implemented by this project that will provide a "Town Center" commercial node to support the new residential development.
Staff Report: William Campbell, Planning Department
Advances Goals: 1, 2, 6 and 7
8. **Subject:** Mather Field Road – Highway 50 Interchange Landscaping Project Award of Contract.
Recommendation: Adopt Resolution No. 149-2006 and Resolution No. 152-2006.
Result of Recommended Action: Award the Mather Field Road–Highway 50 Interchange Landscaping Project to the lowest responsive bidder, Watkin & Bortolussi, Inc., in the amount of \$1,860,479.40. Watkin & Bortolussi, Inc. will furnish all labor, materials, and equipment for the landscaping and irrigation, removing/replacing curb, gutter, gore pavement, installing contrasting pavement, and asphalt repair in the Mather Field Road – Highway 50 Interchange. Construction will begin in September 2006 upon City Council approval and will be completed in the Spring of 2007.
Staff Report: Cyrus Abhar and Kathy Garcia, Public Works Department
Advances Goal: 1
9. **Subject:** Resolution Declaring the Result of Mail Ballot Election Regarding the Special Tax for Police Services for Special Police Tax Area Zone 2A (Sundance Subdivision); RC-04-122.
Recommendation: Adopt Resolution No. 155-2006.
Result of Recommended Action: Adoption of this resolution will declare the result of the police tax election concerning Special Police Tax Zone 2A, which will assist the City to meet the costs of providing City law enforcement services by establishing a special tax for police protection services for the Sundance Subdivision.
Staff Report: Adam Lindgren, City Attorney's Office
Advances Goals: 5 and 10
10. **Subject:** Resolution Declaring the Result of Mail Ballot Election Regarding the Special Tax for Police Services for Special Police Tax Area Zone 37 (Grantline 208 Subdivision); RC-04-064.
Recommendation: Adopt Resolution No. 156-2006.
Result of Recommended Action: Adoption of this resolution will declare the result of the police tax election concerning Special Police Tax Zone 37, which will assist the City to meet the costs of providing City law enforcement services by establishing a special tax for police protection services for the Grantline 208 Subdivision.
Staff Report: Adam Lindgren, City Attorney's Office
Advances Goals: 5 and 10

11. **Subject:** Resolution Approving Subdivision No. RC-05-157 Final Map of Anthology at Anatolia and Execute Subdivision Improvement Agreement.
Recommendation: Adopt Resolution No. 126-2006.
Result of Recommended Action: Approval will result in the city entering into a Subdivision Improvement Agreement guaranteeing the construction of public roads and utilities with CH (Anatolia I), L.P., a California Limited Partnership and the recording of the final subdivision map creating 118 new residentially zoned lots, located on the south side of Douglas Road approximately 894 feet east of Sunrise Boulevard.
Staff Report: Cyrus Abhar and Marilyn Phelps, Public Works Department.
Advances Goals: 3 and 6
12. **Subject:** A Resolution Accepting Two Easements for Right of Way and One Easement for Light and Air, from Buzz Oates Development, L.P., which were previously granted to the County of Sacramento.
Recommendation: Adopt Resolution No. 147-2006.
Result of Recommended Action: Adoption of this resolution will result in the City's acceptance of three easements that were granted to the County of Sacramento pursuant to County conditions attached to an application for a parcel to be certified as lawful. Since the time these conditions were imposed, the City of Rancho Cordova has incorporated resulting in the proper grantee for the three easements to be the City and not the County.
Staff Report: Cyrus Abhar, Public Works Department and Adam Lindgren, City Attorney's Office
Advances Goals: 2 and 7
14. **Subject:** Resolution Approving and Executing the Granting of an Easement for Water Pipeline to Sacramento County Water Agency Through a Drainage Channel Owned in Fee by the City of Rancho Cordova.
Recommendation: Adopt Resolution No. 142-2006.
Result of Recommended Action: Approval of this recommended action will result in the City granting an easement for a water pipeline to the Sacramento County Water Agency through property owned in fee by the City to provide water service to the proposed Anatolia Fire Station.
Staff Report: Cyrus Abhar and Marilyn Phelps, Public Works Department
Advances Goals: 3 and 6
15. **Subject:** Resolution Approving Subdivision No. RC-04-123.2 Final Map of Capital Village Phase II, Consisting of 187 Proposed Lots, Located Between International Drive and Disc Drive at Prospect Park Drive and Execute Subdivision Improvement Agreement.
Recommendation: Adopt Resolution No. 143-2006.
Result of Recommended Action: Approval of this recommended action will result in the City entering into a Subdivision Improvement Agreement guaranteeing the construction of public roads and utilities with Beazer Homes Holdings Corp., a Delaware Corporation and the recording of the final subdivision map creating 187 new residentially zoned lots.
Staff Report: Cyrus Abhar and Marilyn Phelps, Public Works Department
Advances Goals: 3 and 6
16. **Subject:** Resolution Approving Subdivision No. RC-03-003.02 Final map of Anatolia III, Village 23, Consisting of 116 Proposed Lots, Located at the Northwest Corner of Jaeger Road and Kiefer Road and Execute Subdivision Improvement Agreement.
Recommendation: Adopt Resolution No. 144-2006.
Result of Recommended Action: Approval of this recommended action will result in the City entering into a Subdivision Improvement Agreement guaranteeing the construction of

public roads and utilities with Lennar Renaissance, Inc., a California Corporation and the recording of the final subdivision map creating 116 new residentially zoned lots.

Staff Report: Cyrus Abhar and Marilyn Phelps, Public Works Department

Advances Goals: 3 and 6

18. **Subject:** Approve Amendment to California Public Employees' Retirement System Contract.

Recommendation: That Council:

(a) Adopt Resolution No. 151-2006.

(b) Waive first reading introduce Ordinance No. 49-2006. **(Roll Call Vote)**

Result of Recommended Action: The City will have the ability to provide 2 years of additional retirement service credit to employees whose positions are eliminated due to a reduction and re-structuring of positions within their department(s).

Staff Report: Lillian Hare, City Clerk's Department

Advances Goal: 11

19. **Subject:** Resolution Authorizing Application to the State Department of Industrial Relations for Certificate of Consent to Self-Insure Workers' Compensation Liabilities.

Recommendation: Adopt Resolution No. 153-2006.

Result of Recommended Action: Action will allow the City Manager authorization to make application to the State of California Industrial Relations Department for a certificate of consent to self-insure workers' compensation liabilities.

Staff Report: Bill Thomas, Finance Department

Advances Goals: 3 and 10

The following items were pulled for discussion:

13. **Subject:** Designation of Voting Delegate and Alternate for 2006 League Annual Conference – September 6-9, San Diego.

Recommendation: Adopt Resolution No. 114-2006, designating a Voting Delegate and an Alternate for the 2006 League Annual Conference.

Result of Recommended Action: The Voting Delegate and/or Alternate will be able to represent the City by Voting at the Annual Business Meeting of the League of California Cities.

Staff Report: Lillian Hare, City Clerk's Department

Advances Goal: 12

ACTION: Motion by Sander second by Budge and carried by 4:0 vote (Cooley absent), Council adopted Resolution No. 114-2006 (Council Member Sander asked that the "s" be removed from his name on the resolution) approving the designation of Voting Delegate and Alternate for 2006 League Annual Conference – September 6-9, San Diego.

17. **Subject:** Resolution in Support of Proposition 86 – The Tobacco Tax of 2006.

Recommendation: Adopt Resolution No. 148-2006.

Result of Recommended Action: Adoption of the resolution supports the Coalition for a Healthy California's initiative intended to reduce smoking, especially among children, and fund critical health care priorities such as disease prevention, medical research, children's health insurance, and emergency room care.

Staff Report: Anna Olea-Moger, City Clerk's Department

Advances Goals: 3, 8, and 12

ACTION: Motion by Budge second by Skoglund and carried by 4:0 vote (Cooley absent), Council continued this item to a future meeting.

CONSENT PUBLIC HEARING ITEMS – ROLL CALL VOTE

Mayor McGarvey opened the Consent Public Hearing for items #20-22. There were no speakers. Mayor McGarvey closed the Consent Public Hearing.

ACTION: Motion by Budge second by Skoglund and carried by a 4:0 roll call vote (Cooley absent), Council approved the Consent Public Hearing items.

20. **Subject:** Ellenwood Condominiums RC-05-148 Development Agreement.

Recommendation: Waive first reading and introduce Ordinance No. 48-2006 approving the Development Agreement for the Ellenwood Condominiums. **(Roll Call Vote)**

Result of Recommended Action: The Development Agreement will allow the project to record the final map and obtain the Department of Real Estate clearance for condominiums. The project will be supporting the City by providing a special tax for police services and providing funds to Cordova Recreation and Parks District to improve existing parks within the community.

Staff Report: William Campbell, Planning Department

Advances Goals: 6 and 10

21. **Subject:** Bramano Hotel RC-06-237 Design Review.

Recommendation: That Council determine the project is Categorically Exempt under Section 15301, Existing Facilities of the California Environmental Quality Act (CEQA) Guidelines, and adopt Resolution No. 145-2006.

Result of Recommended Action: Approval will allow the applicant to make exterior improvements to the Bramano Hotel. This includes new paint, upgraded spa facilities, a stamped concrete driveway, canopy entryway, and new landscaping.

Staff Report: Anne Hersch, Planning Department

Advances Goal: 1

22. **Subject:** Elections on the Proposition of Amending the Rate and Method of Apportionment and Authorized Facility and Resources for CFD's 2004-1 and 2005-1.

Recommendation: Continue the public hearing and elections to September 5, 2006 at the request of the developer.

Result of Recommended Action: No action to be taken on August 7.

Staff Report: Bill Thomas, Finance Department

Advances Goals: 5, 7 and 10

REGULAR CALENDAR ITEMS

23. **Subject:** 2006 Rancho Cordova Pavement Rehabilitation Project Award of Contract.

Recommendation: Adopt Resolution No. 150-2006.

Result of Recommended Action: Award 2006 Rancho Cordova Pavement Rehabilitation Project to the lowest responsive bidder, Granite Construction, Inc., in the amount of \$2,998,998.00. Granite Construction, Inc. will furnish all labor, materials, and equipment for the placement of rubberized asphalt concrete pavement overlay, for the removal and replacement of curb, gutter and sidewalk improvements, for the installation of sidewalk ramps, storm drainage inlets, storm drain pipes and thermoplastic pavement striping and marking and for asphalt pavement removal and reconstruction within the limits of work. Construction will begin in the Spring of 2007.

Staff Report: Cyrus Abhar and Kathy Garcia, Public Works Department
Advances Goals: 1 & 2

Council Member Sander recused himself because of possible conflict of interest due to roads being close to his home.

ACTION: Motion by Budge second by Skoglund and carried by 3:0 vote (Cooley absent, Sander abstaining), Council adopted Resolution No. 150-2006.

24. **Subject:** Creation of the Sacramento Central Groundwater Authority and Appointment of City Representatives.

Recommendation: Adopt Resolution No. 146-2006.

Result of Recommended Action: Adoption would authorize creation of the Sacramento Central Groundwater Authority (SCGA) through execution of a joint powers agreement (JPA). In addition, adoption will authorize appointment of City and Golden State Water Company representatives to the SCGA governing board. Signatories to the JPA would consist of the Cities of Rancho Cordova, Elk Grove, Folsom, Sacramento and the County of Sacramento. Fiscal impact to the City of Rancho Cordova would be \$10,000 per year to pay the City's share of ongoing data collection, analysis and reporting. The total cost would be paid collectively by all members of the board and is estimated to be \$278,000 per year.

Staff Report: Cyrus Abhar and Albert Stricker, Public Works Department

Advances Goals: 1, 3, 5, 7, 9 and 12

ACTION: Motion by Sander second by Budge and carried by 4:0 vote (Cooley absent), Council adopted Resolution No. 146-2006 approving the creation of the Sacramento Central Groundwater Authority and appointment of Cyrus Abhar as Member and Albert Sticker as Alternate.

The following item was added as an Urgency Item:

ACTION: Motion by Sander second by Budge and carried by 4:0 vote (Cooley absent), Council added Item 25 (listed below to the agenda). For the record, the need for immediate action came to the attention of the City after the posting of the agenda. The need to take immediate action is the possible critical delay and expense of the Rio del Oro project, resulting in the developer requesting separation of components of the environmental documents.

25. **Subject:** Authorize the City Manager to Sign a Memorandum of Agreement between the City and the Department of the Army, to Expedite the Evaluation of Permits under the Army's Jurisdiction.

ACTION: Motion by Sander second by Budge and carried by 4:0 (Cooley absent), Council approved Resolution No. 154-2006 authorizing the City Manager to sign a memorandum of agreement between the City and the Department of the Army to expedite the evaluation of permits under the Army's jurisdiction.

The following item was added as an Urgency Item:

ACTION: Motion by Budge second by Sander and carried by 4:0 vote (Cooley absent), Council added Item 26 (listed below to the agenda). For the record, the need for immediate action came to the attention of the City after the posting of the agenda. The need to take immediate action is the possible action by the Board of Supervisors at their

Board meeting tomorrow on banning alcohol on the American River Parkway, which may impact Hagan Park.

26. **Subject:** Authorize a Letter from the City to the Board of Supervisors regarding the City's Desire to Support the Alcohol Ban on the American River Parkway with the Exception that Property "Owned, Operated or Managed" by the Cordova Recreation and Parks District be Excluded.

ACTION: Motion by Budge second by Sander and carried by 4:0 vote (Cooley absent), Council authorized a letter be drafted and sent by the City Attorney to the Board of Supervisors regarding the City's desire to support the alcohol ban on the American River Parkway with the provision that property "owned, operated or managed" by the Cordova Recreation and Parks District be excluded from the ban.

CORRESPONDENCE

Council Member Sander reported on that Regional Transit was able to wave the horn rule at Lightrail crossings.

Council Member Budge requested the City Attorney's Office look at County Sexual Offender Tax Force draft comments on behalf of the City.

COUNCIL REPORTS

The Council reported on various meetings and activities since the last meeting.

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Council Member Skoglund would like staff to investigate the possible illegal advertising on Laurelhurst Drive near the 10th of an acre that abuts the freeway.

CITY MANAGER'S REPORT

City Manager reported on scheduled ride-around in the Anatolia area, interviews with candidates for Police Chief, Asst. City Manager, and Administration Services Director.

ADJOURNMENT

Mayor McGarvey adjourned the meeting at 7:21 p.m.

Brenda Lehr, Deputy City Clerk

ORDINANCE NO. 52-2006

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
GRANTING TO THE GOLDEN STATE WATER COMPANY A DETERMINATE FRANCHISE
TO CONSTRUCT, MAINTAIN AND USE PIPES AND APPURTENANCES, NECESSARY OR
PROPER FOR TRANSMITTING WATER UNDER, ALONG, ACROSS OR UPON THE PUBLIC
STREETS WITHIN THE CITY OF RANCHO CORDOVA**

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

(1)

Section 1. Definitions. Whenever in this ordinance the words or phrases defined in this section are used, they shall have the respective meanings assigned to them in the following definitions:

(a) "City" means the City of Rancho Cordova, a California municipal corporation, in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated form.

(b) "Construct, maintain and use" means to lay, construct, erect, install, operate, maintain, use, repair, modify or replace.

(2)

(c) "Day" means a calendar day.

(d) "Grantee" means the Golden State Water Company, a California Corporation, and its lawful successors or assigns.

(e) "Franchise" means the rights and privileges described in this ordinance.

(g) "Pipes and appurtenances" means pipe, pipelines, main, service, trap, vent, vault, manhole, meter, gauge, regulator, valve, conduit, ditch, flume, appliance, attachment, appurtenance and any other property located or to be located in, upon, along, across, under or over the streets of the City, and used or useful in transmitting and distributing water; provided, however, that nothing in this franchise grants the right to use any of the foregoing facilities for any purpose other than the transmission or distribution of water. The term "facilities" may hereafter be used for convenience to refer to "pipes and appurtenances."

(h) "Public streets" means the public streets, ways, alleys and places as they may now or hereafter exist within the city limits of City, including State highways, now or hereafter established within City. "Public streets" includes a public right-of-way, whether or not formally included within City's public road system. "Public streets" does not include a public utility easement crossing private property, nor does "public streets" include any park, playground, school property or other municipal or public property not constituting a public right-of-way. "Public streets" does not include, and this franchise does not allow the use of, a public utility easement described in Government Code Section 50335 or successor legislation, the use of which is governed by such terms and conditions as agreed upon by the parties thereto.

(i) "Term" shall mean the initial term as defined in Section 5(a) and any renewal term, unless otherwise required by the context.

AGENDA ITEM # 10

Section 2. Grant of Franchise. City hereby grants Grantee a non-exclusive and determinate franchise to construct, maintain and use pipes and appurtenances necessary or proper for the transmission and distribution of water under, along, across or upon the public streets within those areas of the City located within the Grantee's dedicated areas of service as approved by the California Public Utilities Commission (CPUC). Grantee shall file with the City's Public Works Department such maps and other records, including, but not limited to metes and bounds descriptions, as the City's Public Works Director may determine from time to time are necessary to identify said service areas within the City. Grantee shall provide City with notice of any filing with the CPUC for a change in service area located within the boundaries of the City. Within 30 days of a change in service area approved by the CPUC, Grantee shall file with the Public Works Department updated versions of the maps and other records previously required and submitted to the City unless waived in writing by the Public Works Director.

Section 3. Compliance with Local Laws.

(a) Grantee shall construct, maintain and use all pipes and appurtenances in a good and workmanlike manner and in compliance with all lawful federal, State and City laws, ordinances, resolutions, regulations, policies, rules, orders, plans and specifications in force at the time this franchise becomes effective or as may be amended or added from time to time during the term of this franchise.

(b) All zoning, uniform code, business license, fee, or other generally applicable ordinances now existing, or enacted by the City Council in the future, are fully applicable to Grantee, and the Grantee agrees to fully comply with these existing and future ordinances. The Grantee agrees that the City requiring the Grantee to comply with future ordinances, will not result, in any circumstances, in a substantial impairment of the Grantee's rights under this franchise. If there is a conflict between this franchise and any applicable ordinance, the ordinance will prevail. If the City requires the Grantee to comply with a future ordinance that the Grantee determines will materially increase the Grantee's operations costs, the Grantee may request that the City approve a longer franchise term.

(c) Upon constructing, maintaining or using any pipes and appurtenances, or any part thereof, Grantee shall expeditiously at its own cost and expense restore to applicable and lawful City standards all public property disturbed or altered as a result of Grantee's actions. As used in this section, "public property" means public streets, rights-of-way and improvements and includes, but is not limited to, all public improvements associated with the public streets that may be affected by Grantee's activities, such as landscaping, irrigation systems, street lights, street furniture, sidewalks and bus shelters. Grantee shall comply with City's terms and conditions concerning the location within the public streets of proposed facilities, except to the extent State or federal law or regulation preempts any such terms and conditions.

(d) Grantee's activities and each restoration of public property under this franchise shall be performed in a good and workmanlike manner, and in accordance with the lawful standard plans, specifications, orders, rules and regulations of City and each of its applicable departments, and subject to all lawful fees and exactions.

Section 4. Relocation. Grantee shall remove or relocate, without expense to City and within the time City reasonably specifies, any facilities installed, used and maintained under this franchise, if and when made necessary by any lawful change of grade, alignment or width of any public street, way, alley, or place, including the construction of any subway or viaduct, by

City. As examples only and not by way of limitation, a change by City to such public works as sewers, water lines and storm drains, and public facilities below grade, in trenches, conduits or otherwise, shall give rise to Grantee's obligation to remove or relocate its facilities.

Section 5. Term.

(a) The initial term of the franchise shall commence with the effective date of this franchise as certified under Section 21 and continue for a period of fifteen (15) years ("Initial Term"), subject to renewal and termination as provided under this section. The aggregate term of the franchise, including the Initial Term and the renewal term, shall not exceed thirty (30) years.

(b) At the conclusion of the Initial Term and upon application by Grantee, the term of the franchise may be renewed for an additional ten (15) year period ("Renewal Term"). An application for renewal shall be filed with the City Clerk at least six (6) months before the expiration date of the current term. Such application shall be subject to the approval of the City Council after a public hearing. Notice of the hearing shall be published at least fifteen (15) days prior to the hearing in a newspaper of general circulation within City or posted in the places designated for posting of official notices. The City Council shall approve the application unless it finds, on the basis of substantial evidence, that Grantee is then in material violation of this franchise. In approving the application, the City Council may modify the franchise by ordinance based upon the experience of City in administering the franchise during the preceding term and to take into account changes in relevant technology and utility industry regulatory developments and business practices. Any modification of the franchise shall be based upon substantial evidence concerning the need for such modification in the record considered by the City Council. However, the City Council shall not modify the aggregate term permitted or the franchise fee payable hereunder without Grantee's consent. Grantee shall reimburse City for all reasonable costs, staff time, legal and consulting fees incurred by City, in connection with processing the application. Such payment shall be made within thirty (30) days after City shall have completed proceedings on the application and furnished Grantee with a written statement of such expenses. In order for a renewal to be effective, Grantee shall accept such renewal pursuant to Public Utilities Code Section 6235.

(c) During the term of the franchise, the franchise shall remain in full force and effect unless: (1) Grantee voluntarily surrenders or abandons the franchise, with the consent of the applicable State or federal regulatory agency; (2) the State or some municipal or public corporation purchases by voluntary agreement or condemns and takes under the power of eminent domain, all property actually used and useful in the exercise of the franchise and situate within the territorial limits of the State, municipal or public corporation purchasing or condemning such property, or (3) the franchise is forfeited for noncompliance with its terms by Grantee.

Section 6. Franchise Payment. Grantee shall pay the franchise payments set forth in this section.

(a) During the term of this franchise, Grantee shall pay City two percent (2%) of Grantee's gross annual receipts arising from the use, operation or possession of the franchise, except that this payment shall be not less than one percent (1%) of Grantee's gross annual receipts derived from the sale within City limits of the utility service for which the franchise is awarded.

(b) Gross annual receipts shall include Grantee's receipts from the transmission and distribution of water, and from the sale of any service or use of facilities, which involves Grantee's use, operation or possession of the franchise. As used in this section, "sale" includes a license, lease, allowance of use or any other instrument or transaction by which value is transferred from one party to another.

(c) If at any time during the term of this franchise, Grantee pays or is authorized to pay a franchise payment based on a more favorable formula to any general law city or county whether as the result of litigation, negotiation, legislation or otherwise, then at City's option that more favorable formula shall be used to calculate franchise payments due City hereunder commencing with the next calendar year following use of the more favorable formula for payment to another city or county.

(d) If at any time during the term of this franchise, City changes its status from a general law city to a charter city, then beginning with the effective date of the charter the formula for payment of the franchise fee shall be equal to the most favorable formula then in use for payment of such water franchise fee to any city or county (but not city and county).

(e) The franchise payment under this section constitutes payment for the privilege of using public streets, and is not in derogation of any other lawful fee or exaction. Nothing in this ordinance shall limit or otherwise affect any ability City may have, acting in its proprietary capacity or under the police power, to require franchisees making use of public streets to pay any fees or other charges imposed by City to address impacts of such franchisees' activities on City or its assets.

Section 7. Payment; Audit.

(a) Within three (3) months after the expiration of each calendar year, or fractional calendar year, following the effective date of this franchise as certified under Section 21, Grantee shall file with City's Finance Director or other official designated by City a verified statement under penalty of perjury showing in detail the total gross receipts of Grantee during the preceding calendar year, or fractional calendar year. Grantee's statement shall include such other data or information as City may need to calculate or determine the amounts which Grantee is obligated to pay City pursuant to the provisions of Section 6. Grantee's statement shall be in such form and detail as from time to time may be reasonably prescribed by City.

(b) Within fifteen (15) days after filing the statement required by Section 7(a), Grantee shall pay to City, in lawful money of the United States, the amount required by Section 6 for such calendar year or fractional calendar year.

(c) Annually, at Grantee's expense, Grantee shall provide City with an audited report conducted pursuant to Generally Accepted Auditing Standards consistently applied, which expresses an opinion that the statement has been prepared in accordance with the terms of this franchise and that nothing has come to the auditor's attention that would cause the auditors to believe that Grantee has not complied with this franchise insofar as it relates to accounting matters.

(d) The City Auditor of City, or any certified public accountant or qualified person designated by City, after reasonable notice and at any reasonable times during business hours, may make examination or audit at Grantee's office or offices, of its books, accounts and records germane to and for the purpose of verifying the data set forth in the statement required

by Section 7(a). All books, accounts and all records deemed necessary by City relating to the revenues derived by Grantee within City and the statement required by Section 7(a) shall be kept within City or the City of Rancho Cordova, or in such other place as the reasonable convenience of Grantee may require. Upon City's request, Grantee shall provide City with such records, directly related to revenues derived within City, in electronic format. In the event that it becomes necessary for the City Auditor or designated representative to make the examination at any place other than within the Sacramento metropolitan area, then all reasonable increased costs and expenses to City necessary or incident to such examination taking place in another location shall be paid to City by Grantee on demand.

(e) Any neglect, omission or refusal by Grantee to file the verified statement, or to remit its payment as specified in this section and in the amount set forth in Section 6, or to submit the annual audited report required by subsection (c), shall be grounds for declaration of a forfeiture of this franchise and of all rights of Grantee hereunder, consistent with Public Utilities Code Section 6291.

Section 8. Authority. This franchise is granted under the Franchise Act of 1937.

Section 9. Indemnity; Liability.

(a) Grantee shall indemnify, defend and hold harmless City, its officers and employees from all liability for damages proximately resulting from any operations under the franchise. In addition, Grantee shall be liable to City for all damages proximately resulting from the failure of Grantee well and faithfully to observe and perform any provision of the franchise and any provision of any applicable law under which this franchise is granted.

(b) In addition to the provisions of Section 9(a), Grantee shall specifically indemnify, defend and hold harmless City, its officers and employees from any claim, suit or action arising from the presence of any hazardous materials in a public street and proximately resulting from Grantee's operations under the franchise. As used in this section, 'hazardous materials' means any hazardous substances, materials or wastes (1) defined or listed as "hazardous substances," "toxic substances" or similarly identified under any provision of California law; (2) designated as "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. Sections 9601, *et seq.*), the Federal Hazardous Materials Transportation Law (49 U.S.C. Sections 5101, *et seq.*), the Resource Conservation and Recovery Act (42 U.S.C. Sections 6901, *et seq.*), or the Toxic Substance Control Act of 1976 (15 U.S.C. Sections 2601, *et seq.*); (3) defined as "toxic pollutants" under the Clean Water Act (33 U.S.C. Sections 1251, *et seq.*); (4) designated as "hazardous air pollutants" under the Clean Air Act (42 U.S.C. Sections 7401, *et seq.*); or (5) defined, designated or listed under any State or federal legislation or regulations adopted or amended during the term hereof.

Section 10. Payment of Cost of Repairs. Grantee shall pay to City on demand the cost incurred by City for all repairs to public property made necessary by any of Grantee's operations under this franchise.

Section 11. Performance Bond or Letter of Credit.

(a) Grantee shall file with the City Clerk a corporate surety bond running to City and approved by the City Council, in a penal sum of \$15,000 (fifteen thousand dollars), which sum was set forth in the resolution of intention to grant this franchise. The bond shall be

conditioned that Grantee shall well and truly observe, fulfill and perform each term and condition of the franchise, and that in case of any breach of condition of the bond the amount of the penal sum therein shall be recoverable. Grantee shall file such bond within five (5) days after the adoption of this ordinance. If the bond is not so filed, or is not approved by the City Council, the franchise may be refused or forfeited and any money paid to City in connection therewith shall be retained by City.

(b) Grantee shall maintain the bond in full force and effect throughout the Term of this franchise, at Grantee's sole expense. The bond shall be issued by an admitted surety insurer and comply with the requirements of the Bond and Undertaking Law, codified in Code of Civil Procedure Sections 995.010 *et seq.* This franchise shall be considered a "license or permit" within the meaning of the Bond and Undertaking Law, solely for purposes of application of such law to the bonding requirements of this section.

(c) Grantee may at its sole election provide an irrevocable standby letter of credit, in a form acceptable to the City Attorney, securing all or a portion of the amount otherwise required to be secured by the performance bond. The letter of credit shall be issued by an issuing bank with offices in California, or shall authorize an advising bank with offices in California to pay the beneficiary thereunder. The letter of credit shall authorize City to draw upon its proceeds in the event that Grantee fails to well and truly observe, fulfill and perform each term and condition of the franchise, and that in case of any breach of the franchise City may draw against the letter of credit up to the total amount set forth therein. If Grantee determines to file a letter of credit, Grantee shall file such letter of credit within five (5) days after the adoption of this ordinance.

Section 12. Publication Expenses. Grantee shall pay City a sum of money sufficient to reimburse City for all publication expenses incurred by it in connection with the granting of this franchise. Such payment shall be made within thirty (30) days after City shall have furnished Grantee with a written statement of such expenses. City shall furnish such written statement within thirty (30) days after this ordinance becomes effective.

Section 13. Other City Expenses. Grantee shall pay City a sum of money sufficient to reimburse City for all City staff time, legal and consulting fees, and any election costs reasonably incurred by City, in connection with the review and granting of this franchise. Such payment shall be made within thirty (30) days after City shall have furnished Grantee with a written statement of such expenses. City shall furnish such written statement within thirty (30) days after this ordinance becomes effective.

Section 14. Insurance. During the term of this franchise, Grantee shall obtain and maintain at its sole cost and expense the insurance coverage required by this section.

(a) Grantee shall obtain and maintain commercial general liability insurance coverage for an aggregate annual amount of two million five hundred thousand dollars (\$2,500,000), combined single limit, including bodily injury, personal injury and property damage. Such insurance coverage shall include, without limitation: (1) contractual liability coverage adequate to meet Grantee's indemnification obligations under Section 9; and (2) a cross-liability clause. Additionally, the insurance coverage shall contain the following endorsements as a part of each policy: (1) City is added as an additional insured for Grantee's operations under the franchise; and (2) the insurance shall cover the negligent acts of Grantee and the negligent acts of its employees, agents and subcontractors in the performance of work under the franchise.

(b) The insurance coverage required by this section may be satisfied by any combination of specific liability and excess liability policies, or by a self-insurance program reasonably satisfactory to City.

(c) The insurance coverage shall be primary and no insurance held by City shall be called to contribute to a loss under this coverage.

(d) Grantee shall submit proof of insurance to the City Clerk upon submission of acceptance of the franchise, and shall thereafter file additional such proof annually on the anniversary of the effective date of the franchise as set forth in Section 21.

Section 15. Police Power. Nothing in this franchise shall limit or otherwise affect the police power of City, as such authority may affect Grantee.

Section 16. Acquisition of Grantee's Property. The franchise granted hereunder in no way impairs or affects the right of City to acquire the property of Grantee by purchase or condemnation, and nothing in this ordinance shall be constructed to contract away, modify or abridge either for a term or in perpetuity City's right of eminent domain in respect to any public utility.

Section 17. Valuation of Franchise. This franchise shall never be given any value before any court or other public authority in any proceeding of any character in excess of the cost to Grantee of the necessary publication under Section 12 and any other sum paid by Grantee to City under Section 13 at the time of acquisition.

Section 18. Transfer of Franchise.

(a) Grantee may not sell, transfer, assign, or lease this franchise, or any part hereof, or any of the rights or privileges granted hereby, without the prior written consent of City (which City may not unreasonably withhold), expressed by ordinance or resolution. Any attempt to sell, transfer, assign, lease or otherwise dispose of the franchise without the consent of the City Council shall be null and void. Notwithstanding the foregoing, City approval is not required for the granting of a security interest in any of Grantee's assets, or any mortgage or other hypothecation, or by assignment as collateral of any rights, title or interest of Grantee in the franchise in order to secure an indebtedness. City approval is required as to any consolidation or merger of Grantee with or into any other person, entity or corporation, or any other business reorganization. City approval is also required for any transaction or series of related transactions by Grantee where in excess of twenty-five percent (25%) of the ownership of Grantee is transferred, unless such ownership is transferred to any person or entity that was, immediately prior to the transaction or transactions, the direct or indirect owner of, or under common ownership with, Grantee. Grantee shall provide City with notice of any filing with an applicable State or federal agency seeking regulatory approval of a transfer.

(b) To obtain City's consent, Grantee shall provide City with a written request setting forth the specific interests to be transferred and a copy of the proposed contract between Grantee and the transferee evidencing relevant details of the transfer, along with such other information as City may reasonably request. The City Council shall conduct a public hearing on the proposed transfer. Notice of the hearing shall be published at least fifteen (15) days prior to the hearing in a newspaper of general circulation within City or posted in the places designated for posting of official notices.

(c) The City Council's approval or disapproval of the proposed transfer shall be based on the proposed transferee's legal, financial and technical qualifications, the transferee's acceptance of the terms and conditions of this franchise and agreement to be bound thereby, and on whether Grantee is in compliance with the terms of this franchise.

Section 19. Resolution, Notice of Hearing and Protests. On July 17, 2006, the City Council adopted Resolution No. 138-2006 stating its intent to grant this franchise. Notice of hearing was given in the manner required by law. The City Council has held a duly noticed public hearing on its intention to grant this franchise. The City Council has heard any and all protests, and hereby determines such protests to be insufficient, overruled or denied.

Section 20. Construction. Headings in this ordinance are for convenience only, and shall have no bearing on interpreting the provisions hereof. If any provision of this ordinance is held by a court to be void or unenforceable, the same shall in no way affect any other provision of this ordinance, the application of any such provision in another circumstance, or the validity or enforceability of this ordinance as a whole. In the event any provision of this ordinance is held by a court to be void or unenforceable, City shall have the opportunity to amend this ordinance in a manner consistent with the judgment and in consultation with Grantee. Notwithstanding any provision of this section to the contrary, if any provision of this ordinance is held by a court to be void or unenforceable in an action brought by Grantee or in an action in which Grantee appears and contests the facial validity of such provision, then the entire ordinance shall be of no further force or effect.

Section 21. Franchise Effective Date. The franchise granted hereby shall not become effective until each of the following conditions is satisfied: (1) Grantee files written acceptance thereof with the City Clerk, which shall occur no later than one hundred and twenty (120) days after the effective date of this ordinance or this ordinance shall be of no further force or effect. (2) Grantee pays all sums owed to City under Sections 12 and 13. (3) Grantee files with the City Clerk either a bond as provided for in Section 11(a) or a letter of credit as provided in Section 11(c), and proof of insurance as required by Section 14. Upon receipt of the required documentation, the City Clerk shall certify the effective date of the franchise and notify Grantee thereof. Upon becoming effective, the water franchise granted hereunder shall supersede any previous water franchise issued to Grantee for service areas within the City of Rancho Cordova.

Section 22. Enforcement.

(a) If Grantee fails, neglects or refuses to comply with any of the provisions or conditions prescribed in this ordinance, and does not within ten (10) days after receipt of a written demand for compliance begin the work of compliance, or after such beginning does not prosecute the work with due diligence to completion, City through its City Council may declare the franchise forfeited, or assess damages as provided in this section for unexcused violations of the franchise.

(b) To implement enforcement under this section, City shall proceed as follows.

(1) Notice of demand for compliance shall be in writing signed by the City Manager or designee and delivered by personal delivery or certified mail to that person identified in Section 26. The notice shall demand correction within a reasonable time. Such time shall not be less than ten (10) days after receipt of the notice. If Grantee is shown to have

violated the franchise, or to have failed to correct the violation within the time prescribed, or if Grantee fails to commence corrective action within the time prescribed and diligently remedy such violation thereafter, or if the violation is not correctable, then City shall give Grantee written notice of not less than ten (10) days of a public hearing to be held before the City Council. City shall also give public notice of the hearing. The notice shall specify the alleged violations.

(2) At the public hearing, the Council shall hear and consider all relevant evidence, and thereafter render written findings and its written decision. The hearing shall provide Grantee with the full opportunity to participate and present evidence.

(3) If the Council finds that no material violation exists, or that Grantee has corrected the violation, or has diligently commenced correction of such violation after notice thereof from City and is diligently proceeding to fully remedy such violation, the proceedings shall terminate and no penalty or other sanction shall be imposed. In determining whether a violation is material, City shall take into consideration the reliability of the evidence of the violation, the nature of the violation and the damage (if any) caused to City thereby, whether the violation was chronic, and any aggravating or mitigating circumstances and such other matters as City may deem appropriate. In the event a proceeding is terminated, and City subsequently finds that the violation has not been corrected, City may, without prejudice, reinstate the proceeding.

(4) If the Council finds that a material violation exists and that Grantee has not corrected the same in a satisfactory manner or has not diligently commenced correction of such violation, the Council may declare the franchise forfeited; or require payment of a dollar amount of compensatory damages resulting from Grantee's material violation; or declare the franchise forfeited and require payment of such compensatory damages. In either event, as an alternative to compensatory damages, the Council may impose liquidated damages of up to One Thousand Dollars (\$1,000) per day or per violation, for unexcused violations of this franchise, commencing with the expiration of the ten (10) day notice period described in Section 22(a). If Grantee fails to pay any sum due under this section within ten (10) days after invoice, City may require payment under the performance bond or letter of credit provided for in Section 11.

(5) If the Council finds that a material violation exists, Grantee shall have the right to seek review of the Council's decision in the Superior Court of the State of California. The Council's decision shall not be stayed pending such review, absent a contrary order of the Court.

(6) The remedies set forth in this section are cumulative, and are in addition to all other rights and remedies, including injunctive relief, available to City.

Section 23. Jurisdiction and Venue. Any dispute that arises under or relates to this franchise shall be resolved in the Superior Court of the State of California, and venue shall be proper in the county in which City is located. In any such litigation, Grantee and City shall each be responsible for its respective attorneys' fees and costs.

Section 24. Notices. All notices, demands or statements required by this franchise to Grantee shall be in writing and delivered by hand or certified mail addressed to the person Grantee has designated pursuant to Corporations Code Section 17060(a)(2) or successor legislation. All notices required by this franchise to City shall be in writing and delivered by hand

or certified mail addressed to the City Clerk. All notices shall be deemed given on the date of delivery by hand, or three days after deposit in the mail, postage prepaid.

Section 25. 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 Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this 18th day of September 2006, by the following vote:

AYES: Budge, Cooley, Skoglund, Sander, and McGarvey

NOES: None

ABSENT: None

ABSTAIN: None

Robert J. McGarvey, Mayor

ATTEST:

Anna Olea-Moger, CMC, City Clerk

ORDINANCE NO. 53-2006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA GRANTING TO THE CALIFORNIA AMERICAN WATER COMPANY A DETERMINATE FRANCHISE TO CONSTRUCT, MAINTAIN AND USE PIPES AND APPURTENANCES, NECESSARY OR PROPER FOR TRANSMITTING WATER UNDER, ALONG, ACROSS OR UPON THE PUBLIC STREETS WITHIN THE CITY OF RANCHO CORDOVA

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

(1)

Section 1. Definitions. Whenever in this ordinance the words or phrases defined in this section are used, they shall have the respective meanings assigned to them in the following definitions:

(a) "City" means the City of Rancho Cordova, a California municipal corporation, in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated form.

(b) "Construct, maintain and use" means to lay, construct, erect, install, operate, maintain, use, repair, modify or replace.

(2)

(c) "Day" means a calendar day.

(d) "Grantee" means the California American Water Company, a California Corporation, and its lawful successors or assigns.

(e) "Franchise" means the rights and privileges described in this ordinance.

(g) "Pipes and appurtenances" means pipe, pipelines, main, service, trap, vent, vault, manhole, meter, gauge, regulator, valve, conduit, ditch, flume, appliance, attachment, appurtenance and any other property located or to be located in, upon, along, across, under or over the streets of the City, and used or useful in transmitting and distributing water; provided, however, that nothing in this franchise grants the right to use any of the foregoing facilities for any purpose other than the transmission or distribution of water. The term "facilities" may hereafter be used for convenience to refer to "pipes and appurtenances."

(h) "Public streets" means the public streets, ways, alleys and places as they may now or hereafter exist within the city limits of City, including State highways, now or hereafter established within City. "Public streets" includes a public right-of-way, whether or not formally included within City's public road system. "Public streets" does not include a public utility easement crossing private property, nor does "public streets" include any park, playground, school property or other municipal or public property not constituting a public right-of-way. "Public streets" does not include, and this franchise does not allow the use of, a public utility easement described in Government Code Section 50335 or successor legislation, the use of which is governed by such terms and conditions as agreed upon by the parties thereto.

(i) "Term" shall mean the initial term as defined in Section 5(a) and any renewal term, unless otherwise required by the context.

Section 2. Grant of Franchise. City hereby grants Grantee a non-exclusive and determinate franchise to construct, maintain and use pipes and appurtenances necessary or proper for the transmission and distribution of water under, along, across or upon the public streets within those areas of the City located within the Grantee's dedicated areas of service as approved by the California Public Utilities Commission (CPUC). Grantee shall file with the City's Public Works Department such maps and other records, including, but not limited to metes and bounds descriptions, as the City's Public Works Director may determine from time to time are necessary to identify said service areas within the City. Grantee shall provide City with notice of any filing with the CPUC for a change in service area located within the boundaries of the City. Within 30 days of a change in service area approved by the CPUC, Grantee shall file with the Public Works Department updated versions of the maps and other records previously required and submitted to the City unless waived in writing by the Public Works Director.

Section 3. Compliance with Local Laws.

(a) Grantee shall construct, maintain and use all pipes and appurtenances in a good and workmanlike manner and in compliance with all lawful federal, State and City laws, ordinances, resolutions, regulations, policies, rules, orders, plans and specifications in force at the time this franchise becomes effective or as may be amended or added from time to time during the term of this franchise.

(b) All zoning, uniform code, business license, fee, or other generally applicable ordinances now existing, or enacted by the City Council in the future, are fully applicable to Grantee, and the Grantee agrees to fully comply with these existing and future ordinances. The Grantee agrees that the City requiring the Grantee to comply with future ordinances, will not result, in any circumstances, in a substantial impairment of the Grantee's rights under this franchise. If there is a conflict between this franchise and any applicable ordinance, the ordinance will prevail. If the City requires the Grantee to comply with a future ordinance that the Grantee determines will materially increase the Grantee's operations costs, the Grantee may request that the City approve a longer franchise term.

(c) Upon constructing, maintaining or using any pipes and appurtenances, or any part thereof, Grantee shall expeditiously at its own cost and expense restore to applicable and lawful City standards all public property disturbed or altered as a result of Grantee's actions. As used in this section, "public property" means public streets, rights-of-way and improvements and includes, but is not limited to, all public improvements associated with the public streets that may be affected by Grantee's activities, such as landscaping, irrigation systems, street lights, street furniture, sidewalks and bus shelters. Grantee shall comply with City's terms and conditions concerning the location within the public streets of proposed facilities, except to the extent State or federal law or regulation preempts any such terms and conditions.

(d) Grantee's activities and each restoration of public property under this franchise shall be performed in a good and workmanlike manner, and in accordance with the lawful standard plans, specifications, orders, rules and regulations of City and each of its applicable departments, and subject to all lawful fees and exactions.

Section 4. Relocation. Grantee shall remove or relocate, without expense to City and within the time City reasonably specifies, any facilities installed, used and maintained under this franchise, if and when made necessary by any lawful change of grade, alignment or width of any public street, way, alley, or place, including the construction of any subway or viaduct, by

City. As examples only and not by way of limitation, a change by City to such public works as sewers, water lines and storm drains, and public facilities below grade, in trenches, conduits or otherwise, shall give rise to Grantee's obligation to remove or relocate its facilities.

Section 5. Term.

(a) The initial term of the franchise shall commence with the effective date of this franchise as certified under Section 21 and continue for a period of fifteen (15) years ("Initial Term"), subject to renewal and termination as provided under this section. The aggregate term of the franchise, including the Initial Term and the renewal term, shall not exceed thirty (30) years.

(b) At the conclusion of the Initial Term and upon application by Grantee, the term of the franchise may be renewed for an additional ten (15) year period ("Renewal Term"). An application for renewal shall be filed with the City Clerk at least six (6) months before the expiration date of the current term. Such application shall be subject to the approval of the City Council after a public hearing. Notice of the hearing shall be published at least fifteen (15) days prior to the hearing in a newspaper of general circulation within City or posted in the places designated for posting of official notices. The City Council shall approve the application unless it finds, on the basis of substantial evidence, that Grantee is then in material violation of this franchise. In approving the application, the City Council may modify the franchise by ordinance based upon the experience of City in administering the franchise during the preceding term and to take into account changes in relevant technology and utility industry regulatory developments and business practices. Any modification of the franchise shall be based upon substantial evidence concerning the need for such modification in the record considered by the City Council. However, the City Council shall not modify the aggregate term permitted or the franchise fee payable hereunder without Grantee's consent. Grantee shall reimburse City for all reasonable costs, staff time, legal and consulting fees incurred by City, in connection with processing the application. Such payment shall be made within thirty (30) days after City shall have completed proceedings on the application and furnished Grantee with a written statement of such expenses. In order for a renewal to be effective, Grantee shall accept such renewal pursuant to Public Utilities Code Section 6235.

(c) During the term of the franchise, the franchise shall remain in full force and effect unless: (1) Grantee voluntarily surrenders or abandons the franchise, with the consent of the applicable State or federal regulatory agency; (2) the State or some municipal or public corporation purchases by voluntary agreement or condemns and takes under the power of eminent domain, all property actually used and useful in the exercise of the franchise and situate within the territorial limits of the State, municipal or public corporation purchasing or condemning such property, or (3) the franchise is forfeited for noncompliance with its terms by Grantee.

Section 6. Franchise Payment. Grantee shall pay the franchise payments set forth in this section.

(a) During the term of this franchise, Grantee shall pay City two percent (2%) of Grantee's gross annual receipts arising from the use, operation or possession of the franchise, except that this payment shall be not less than one percent (1%) of Grantee's gross annual receipts derived from the sale within City limits of the utility service for which the franchise is awarded.

(b) Gross annual receipts shall include Grantee's receipts from the transmission and distribution of water, and from the sale of any service or use of facilities, which involves Grantee's use, operation or possession of the franchise. As used in this section, "sale" includes a license, lease, allowance of use or any other instrument or transaction by which value is transferred from one party to another.

(c) If at any time during the term of this franchise, Grantee pays or is authorized to pay a franchise payment based on a more favorable formula to any general law city or county whether as the result of litigation, negotiation, legislation or otherwise, then at City's option that more favorable formula shall be used to calculate franchise payments due City hereunder commencing with the next calendar year following use of the more favorable formula for payment to another city or county.

(d) If at any time during the term of this franchise, City changes its status from a general law city to a charter city, then beginning with the effective date of the charter the formula for payment of the franchise fee shall be equal to the most favorable formula then in use for payment of such water franchise fee to any city or county (but not city and county).

(e) The franchise payment under this section constitutes payment for the privilege of using public streets, and is not in derogation of any other lawful fee or exaction. Nothing in this ordinance shall limit or otherwise affect any ability City may have, acting in its proprietary capacity or under the police power, to require franchisees making use of public streets to pay any fees or other charges imposed by City to address impacts of such franchisees' activities on City or its assets.

Section 7. Payment; Audit.

(a) Within three (3) months after the expiration of each calendar year, or fractional calendar year, following the effective date of this franchise as certified under Section 21, Grantee shall file with City's Finance Director or other official designated by City a verified statement under penalty of perjury showing in detail the total gross receipts of Grantee during the preceding calendar year, or fractional calendar year. Grantee's statement shall include such other data or information as City may need to calculate or determine the amounts which Grantee is obligated to pay City pursuant to the provisions of Section 6. Grantee's statement shall be in such form and detail as from time to time may be reasonably prescribed by City.

(b) Within fifteen (15) days after filing the statement required by Section 7(a), Grantee shall pay to City, in lawful money of the United States, the amount required by Section 6 for such calendar year or fractional calendar year.

(c) Annually, at Grantee's expense, Grantee shall provide City with an audited report conducted pursuant to Generally Accepted Auditing Standards consistently applied, which expresses an opinion that the statement has been prepared in accordance with the terms of this franchise and that nothing has come to the auditor's attention that would cause the auditors to believe that Grantee has not complied with this franchise insofar as it relates to accounting matters.

(d) The City Auditor of City, or any certified public accountant or qualified person designated by City, after reasonable notice and at any reasonable times during business hours, may make examination or audit at Grantee's office or offices, of its books, accounts and records germane to and for the purpose of verifying the data set forth in the statement required

by Section 7(a). All books, accounts and all records deemed necessary by City relating to the revenues derived by Grantee within City and the statement required by Section 7(a) shall be kept within City or the City of Rancho Cordova, or in such other place as the reasonable convenience of Grantee may require. Upon City's request, Grantee shall provide City with such records, directly related to revenues derived within City, in electronic format. In the event that it becomes necessary for the City Auditor or designated representative to make the examination at any place other than within the Sacramento metropolitan area, then all reasonable increased costs and expenses to City necessary or incident to such examination taking place in another location shall be paid to City by Grantee on demand.

(e) Any neglect, omission or refusal by Grantee to file the verified statement, or to remit its payment as specified in this section and in the amount set forth in Section 6, or to submit the annual audited report required by subsection (c), shall be grounds for declaration of a forfeiture of this franchise and of all rights of Grantee hereunder, consistent with Public Utilities Code Section 6291.

Section 8. Authority. This franchise is granted under the Franchise Act of 1937.

Section 9. Indemnity; Liability.

(a) Grantee shall indemnify, defend and hold harmless City, its officers and employees from all liability for damages proximately resulting from any operations under the franchise. In addition, Grantee shall be liable to City for all damages proximately resulting from the failure of Grantee well and faithfully to observe and perform any provision of the franchise and any provision of any applicable law under which this franchise is granted.

(b) In addition to the provisions of Section 9(a), Grantee shall specifically indemnify, defend and hold harmless City, its officers and employees from any claim, suit or action arising from the presence of any hazardous materials in a public street and proximately resulting from Grantee's operations under the franchise. As used in this section, 'hazardous materials' means any hazardous substances, materials or wastes (1) defined or listed as "hazardous substances," "toxic substances" or similarly identified under any provision of California law; (2) designated as "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. Sections 9601, *et seq.*), the Federal Hazardous Materials Transportation Law (49 U.S.C. Sections 5101, *et seq.*), the Resource Conservation and Recovery Act (42 U.S.C. Sections 6901, *et seq.*), or the Toxic Substance Control Act of 1976 (15 U.S.C. Sections 2601, *et seq.*); (3) defined as "toxic pollutants" under the Clean Water Act (33 U.S.C. Sections 1251, *et seq.*); (4) designated as "hazardous air pollutants" under the Clean Air Act (42 U.S.C. Sections 7401, *et seq.*); or (5) defined, designated or listed under any State or federal legislation or regulations adopted or amended during the term hereof.

Section 10. Payment of Cost of Repairs. Grantee shall pay to City on demand the cost incurred by City for all repairs to public property made necessary by any of Grantee's operations under this franchise.

Section 11. Performance Bond or Letter of Credit.

(a) Grantee shall file with the City Clerk a corporate surety bond running to City and approved by the City Council, in a penal sum of \$15,000 (fifteen thousand dollars), which sum was set forth in the resolution of intention to grant this franchise. The bond shall be

conditioned that Grantee shall well and truly observe, fulfill and perform each term and condition of the franchise, and that in case of any breach of condition of the bond the amount of the penal sum therein shall be recoverable. Grantee shall file such bond within five (5) days after the adoption of this ordinance. If the bond is not so filed, or is not approved by the City Council, the franchise may be refused or forfeited and any money paid to City in connection therewith shall be retained by City.

(b) Grantee shall maintain the bond in full force and effect throughout the Term of this franchise, at Grantee's sole expense. The bond shall be issued by an admitted surety insurer and comply with the requirements of the Bond and Undertaking Law, codified in Code of Civil Procedure Sections 995.010 *et seq.* This franchise shall be considered a "license or permit" within the meaning of the Bond and Undertaking Law, solely for purposes of application of such law to the bonding requirements of this section.

(c) Grantee may at its sole election provide an irrevocable standby letter of credit, in a form acceptable to the City Attorney, securing all or a portion of the amount otherwise required to be secured by the performance bond. The letter of credit shall be issued by an issuing bank with offices in California, or shall authorize an advising bank with offices in California to pay the beneficiary thereunder. The letter of credit shall authorize City to draw upon its proceeds in the event that Grantee fails to well and truly observe, fulfill and perform each term and condition of the franchise, and that in case of any breach of the franchise City may draw against the letter of credit up to the total amount set forth therein. If Grantee determines to file a letter of credit, Grantee shall file such letter of credit within five (5) days after the adoption of this ordinance.

Section 12. Publication Expenses. Grantee shall pay City a sum of money sufficient to reimburse City for all publication expenses incurred by it in connection with the granting of this franchise. Such payment shall be made within thirty (30) days after City shall have furnished Grantee with a written statement of such expenses. City shall furnish such written statement within thirty (30) days after this ordinance becomes effective.

Section 13. Other City Expenses. Grantee shall pay City a sum of money sufficient to reimburse City for all City staff time, legal and consulting fees, and any election costs reasonably incurred by City, in connection with the review and granting of this franchise. Such payment shall be made within thirty (30) days after City shall have furnished Grantee with a written statement of such expenses. City shall furnish such written statement within thirty (30) days after this ordinance becomes effective.

Section 14. Insurance. During the term of this franchise, Grantee shall obtain and maintain at its sole cost and expense the insurance coverage required by this section.

(a) Grantee shall obtain and maintain commercial general liability insurance coverage for an aggregate annual amount of two million five hundred thousand dollars (\$2,500,000), combined single limit, including bodily injury, personal injury and property damage. Such insurance coverage shall include, without limitation: (1) contractual liability coverage adequate to meet Grantee's indemnification obligations under Section 9; and (2) a cross-liability clause. Additionally, the insurance coverage shall contain the following endorsements as a part of each policy: (1) City is added as an additional insured for Grantee's operations under the franchise; and (2) the insurance shall cover the negligent acts of Grantee and the negligent acts of its employees, agents and subcontractors in the performance of work under the franchise.

(b) The insurance coverage required by this section may be satisfied by any combination of specific liability and excess liability policies, or by a self-insurance program reasonably satisfactory to City.

(c) The insurance coverage shall be primary and no insurance held by City shall be called to contribute to a loss under this coverage.

(d) Grantee shall submit proof of insurance to the City Clerk upon submission of acceptance of the franchise, and shall thereafter file additional such proof annually on the anniversary of the effective date of the franchise as set forth in Section 21.

Section 15. Police Power. Nothing in this franchise shall limit or otherwise affect the police power of City, as such authority may affect Grantee.

Section 16. Acquisition of Grantee's Property. The franchise granted hereunder in no way impairs or affects the right of City to acquire the property of Grantee by purchase or condemnation, and nothing in this ordinance shall be constructed to contract away, modify or abridge either for a term or in perpetuity City's right of eminent domain in respect to any public utility.

Section 17. Valuation of Franchise. This franchise shall never be given any value before any court or other public authority in any proceeding of any character in excess of the cost to Grantee of the necessary publication under Section 12 and any other sum paid by Grantee to City under Section 13 at the time of acquisition.

Section 18. Transfer of Franchise.

(a) Grantee may not sell, transfer, assign, or lease this franchise, or any part hereof, or any of the rights or privileges granted hereby, without the prior written consent of City (which City may not unreasonably withhold), expressed by ordinance or resolution. Any attempt to sell, transfer, assign, lease or otherwise dispose of the franchise without the consent of the City Council shall be null and void. Notwithstanding the foregoing, City approval is not required for the granting of a security interest in any of Grantee's assets, or any mortgage or other hypothecation, or by assignment as collateral of any rights, title or interest of Grantee in the franchise in order to secure an indebtedness. City approval is required as to any consolidation or merger of Grantee with or into any other person, entity or corporation, or any other business reorganization. City approval is also required for any transaction or series of related transactions by Grantee where in excess of twenty-five percent (25%) of the ownership of Grantee is transferred, unless such ownership is transferred to any person or entity that was, immediately prior to the transaction or transactions, the direct or indirect owner of, or under common ownership with, Grantee. Grantee shall provide City with notice of any filing with an applicable State or federal agency seeking regulatory approval of a transfer.

(b) To obtain City's consent, Grantee shall provide City with a written request setting forth the specific interests to be transferred and a copy of the proposed contract between Grantee and the transferee evidencing relevant details of the transfer, along with such other information as City may reasonably request. The City Council shall conduct a public hearing on the proposed transfer. Notice of the hearing shall be published at least fifteen (15) days prior to the hearing in a newspaper of general circulation within City or posted in the places designated for posting of official notices.

(c) The City Council's approval or disapproval of the proposed transfer shall be based on the proposed transferee's legal, financial and technical qualifications, the transferee's acceptance of the terms and conditions of this franchise and agreement to be bound thereby, and on whether Grantee is in compliance with the terms of this franchise.

Section 19. Resolution, Notice of Hearing and Protests. On July 17, 2006, the City Council adopted Resolution No. 138-2006 stating its intent to grant this franchise. Notice of hearing was given in the manner required by law. The City Council has held a duly noticed public hearing on its intention to grant this franchise. The City Council has heard any and all protests, and hereby determines such protests to be insufficient, overruled or denied.

Section 20. Construction. Headings in this ordinance are for convenience only, and shall have no bearing on interpreting the provisions hereof. If any provision of this ordinance is held by a court to be void or unenforceable, the same shall in no way affect any other provision of this ordinance, the application of any such provision in another circumstance, or the validity or enforceability of this ordinance as a whole. In the event any provision of this ordinance is held by a court to be void or unenforceable, City shall have the opportunity to amend this ordinance in a manner consistent with the judgment and in consultation with Grantee. Notwithstanding any provision of this section to the contrary, if any provision of this ordinance is held by a court to be void or unenforceable in an action brought by Grantee or in an action in which Grantee appears and contests the facial validity of such provision, then the entire ordinance shall be of no further force or effect.

Section 21. Franchise Effective Date. The franchise granted hereby shall not become effective until each of the following conditions is satisfied: (1) Grantee files written acceptance thereof with the City Clerk, which shall occur no later than one hundred and twenty (120) days after the effective date of this ordinance or this ordinance shall be of no further force or effect. (2) Grantee pays all sums owed to City under Sections 12 and 13. (3) Grantee files with the City Clerk either a bond as provided for in Section 11(a) or a letter of credit as provided in Section 11(c), and proof of insurance as required by Section 14. Upon receipt of the required documentation, the City Clerk shall certify the effective date of the franchise and notify Grantee thereof. Upon becoming effective, the water franchise granted hereunder shall supersede any previous water franchise issued to Grantee for service areas within the City of Rancho Cordova.

Section 22. Enforcement.

(a) If Grantee fails, neglects or refuses to comply with any of the provisions or conditions prescribed in this ordinance, and does not within ten (10) days after receipt of a written demand for compliance begin the work of compliance, or after such beginning does not prosecute the work with due diligence to completion, City through its City Council may declare the franchise forfeited, or assess damages as provided in this section for unexcused violations of the franchise.

(b) To implement enforcement under this section, City shall proceed as follows.

(1) Notice of demand for compliance shall be in writing signed by the City Manager or designee and delivered by personal delivery or certified mail to that person identified in Section 26. The notice shall demand correction within a reasonable time. Such time shall not be less than ten (10) days after receipt of the notice. If Grantee is shown to have

violated the franchise, or to have failed to correct the violation within the time prescribed, or if Grantee fails to commence corrective action within the time prescribed and diligently remedy such violation thereafter, or if the violation is not correctable, then City shall give Grantee written notice of not less than ten (10) days of a public hearing to be held before the City Council. City shall also give public notice of the hearing. The notice shall specify the alleged violations.

(2) At the public hearing, the Council shall hear and consider all relevant evidence, and thereafter render written findings and its written decision. The hearing shall provide Grantee with the full opportunity to participate and present evidence.

(3) If the Council finds that no material violation exists, or that Grantee has corrected the violation, or has diligently commenced correction of such violation after notice thereof from City and is diligently proceeding to fully remedy such violation, the proceedings shall terminate and no penalty or other sanction shall be imposed. In determining whether a violation is material, City shall take into consideration the reliability of the evidence of the violation, the nature of the violation and the damage (if any) caused to City thereby, whether the violation was chronic, and any aggravating or mitigating circumstances and such other matters as City may deem appropriate. In the event a proceeding is terminated, and City subsequently finds that the violation has not been corrected, City may, without prejudice, reinstate the proceeding.

(4) If the Council finds that a material violation exists and that Grantee has not corrected the same in a satisfactory manner or has not diligently commenced correction of such violation, the Council may declare the franchise forfeited; or require payment of a dollar amount of compensatory damages resulting from Grantee's material violation; or declare the franchise forfeited and require payment of such compensatory damages. In either event, as an alternative to compensatory damages, the Council may impose liquidated damages of up to One Thousand Dollars (\$1,000) per day or per violation, for unexcused violations of this franchise, commencing with the expiration of the ten (10) day notice period described in Section 22(a). If Grantee fails to pay any sum due under this section within ten (10) days after invoice, City may require payment under the performance bond or letter of credit provided for in Section 11.

(5) If the Council finds that a material violation exists, Grantee shall have the right to seek review of the Council's decision in the Superior Court of the State of California. The Council's decision shall not be stayed pending such review, absent a contrary order of the Court.

(6) The remedies set forth in this section are cumulative, and are in addition to all other rights and remedies, including injunctive relief, available to City.

Section 23. Jurisdiction and Venue. Any dispute that arises under or relates to this franchise shall be resolved in the Superior Court of the State of California, and venue shall be proper in the county in which City is located. In any such litigation, Grantee and City shall each be responsible for its respective attorneys' fees and costs.

Section 24. Notices. All notices, demands or statements required by this franchise to Grantee shall be in writing and delivered by hand or certified mail addressed to the person Grantee has designated pursuant to Corporations Code Section 17060(a)(2) or successor legislation. All notices required by this franchise to City shall be in writing and delivered by hand

or certified mail addressed to the City Clerk. All notices shall be deemed given on the date of delivery by hand, or three days after deposit in the mail, postage prepaid.

Section 25. 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 Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this 18th day of September 2006, by the following vote:

AYES: Budge, Cooley, Skoglund, Sander and McGarvey

NOES: None

ABSENT: None

ABSTAIN: None

Robert J. McGarvey, Mayor

ATTEST:

Anna Olea-Moger, CMC, City Clerk

CITY OF RANCHO CORDOVA

ORDINANCE NO. 50-2006

**AN ORDINANCE OF THE CITY OF RANCHO CORDOVA
REZONING THE OLD PLACERVILLE ROAD PROJECT ON ASSESSOR PARCEL
NUMBERS 068-0030-044**

The City Council of the City of Rancho Cordova does ordain as follows:

Section 1: Purpose and Authority

The purpose of this Ordinance is to rezone a portion of assessor parcel 068-0030-044 to be consistent with the General Plan designation of Moderate Density Residential (MDR).

Section 2: Findings

1. Finding: The Old Placerville Road Mitigated Negative Declaration (MND) was prepared for the project in accordance with the California Environmental Quality Act (CEQA) Guidelines.

Evidence: The MND addresses impacts of the Rezone on the property. On the basis of the Mitigated Negative Declaration, comments received, and the whole record, there is no substantial evidence the project will have a significant adverse impact on the environment.

2. Finding: The proposed Rezone (from Office Park (MP) to Residential Development, 10 units per acre (RD-10)) has been reviewed for consistency with the goals and policies of the General Plan.

Evidence: The Rezone has been determined to be consistent with the General Plan designation of Moderate Density Residential (MDR) for the parcel. The Rezone facilitates the General Plan goal of facilitating infill development. The project will provide a development density that will facilitate pedestrian activity and provide a needed housing type for the community.

Section 3: Action

The City Council hereby amends the Zoning of the City of Rancho Cordova for Assessor's Parcel Number 068-0030-044 as shown on the attached Exhibit A.

Section 4: No Mandatory Duty of Care

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

AGENDA ITEM # 11

Section 6: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this 18th day of September, 2006, by the following vote:

AYES: Budge, Cooley, Skoglund, Sander and McGarvey

NOES: None

ABSENT: None

ABSTAIN: None

Robert J. McGarvey, Mayor

ATTEST:

Anna Olea-Moger, CMC, City Clerk



Old Plainesville Road Job# 5095-01-04

PARCEL 2
BOOK 125 OF PARCEL MAPS, PAGE 19

COUNTY OF SACRAMENTO CITY OF RANCHO CORDOVA
SURVEYED DECEMBER, 2004

SHEET 1 of 1

ENGINEERING INC

Fig. 67. a) young 1

0-00-0030-044
 17
 VACANT
 16 & 12-18 WITH SPECIAL DEVELOPMENT PERMIT (SDP)

FOR SALE US
OWNER
DAN BERENDETT JR.
C/O TOWNE DEVELOPMENT
4378 AUBURN BLVD. SUITE 319
SACRAMENTO CA 95841
OWNER AND ESSENTIAL

CARTON ENGINEERING INC.
ATTENTION: GREG KLASSELL
3543 FORDGATE ROAD
SHORELINE, WA 98148
PHONE: 206/754-1100

TONES DEVELOPMENT
C/O THE KOSKOG
4378 ALBERT BLVD, SUITE 300
SACRAMENTO, CA 95841

TOLTECA -
 WATER
 SPOKE
 ELECTRIC
 61-5
 CALIFORNIA AMERICAN WATER COMPANY
 SACRAMENTO REGIONAL SANITATION DISTRICT
 95675
 95675

UNIVERSITY OF CALIFORNIA
TELEPHONE
CABLE
TELETYPE
FACSIMILE
RADIO
TELEVISION
INTERNET
WWW

NOTES:

THE BOUNDARY SURVEY HEREON IS BASED UPON RECORDED DATA.
BOUNDARY SURVEY HAS NOT BEEN DONE.

Site

DEAD

WATER HOLE

ROAD

MILITARY AIRPORT

RTS

10

7

CARLTON

[illegible]

CARLTON
CONSTRUCTION INC.

Exhibit A

100

CITY OF RANCHO CORDOVA

ORDINANCE NO. 51-2006

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
APPROVING THE DEVELOPMENT AGREEMENT FOR RC-05-183
FOR OLD PLACERVILLE ROAD PROJECT**

The City Council of the City of Rancho Cordova does ordain as follows:

Section 1: Recitals

- A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864, et seq., of the Government Code (the "Development Agreement Statute"), which authorizes the City and any person having a legal or equitable interest in the real property to enter into a development agreement, establishing certain development rights in the Property which is the subject of the development project application.
- B. The proposed Old Placerville Road Project (RC-05-183) is located on the north side of Old Placerville Road approximately 800 feet east of Bradshaw Road, and is designated as Moderate Density Residential by the General Plan.
- C. Tower Development ("Applicant") has filed an application requesting approval of a Development Agreement for the Project.
- D. A Development Agreement between the City of Rancho Cordova and the Applicant ("Development Agreement") has been presented to the City Council, a copy of which is attached hereto as Exhibit A.
- E. On July 27, 2006, the Planning Commission, as the planning agency for purposes of development agreement review, held a properly noticed public hearing pursuant to Government Code Section 65867 and recommended that the City Council approve the Development Agreement.
- F. On September 5, 2006, the City Council, as the legislative body for purposes of development agreement approval, held a properly noticed public hearing pursuant to Government Code Section 65867 and considered all comments received in writing and all testimony received at the public hearing.
- G. The City prepared a Mitigated Negative Declaration (May 2006) to satisfy the requirements of the California Environmental Quality Act (CEQA) for the Old Placerville Road project.

Section 2: Findings and Determinations

Therefore, on the basis of (a) the foregoing Recitals, which are incorporated herein, (b) the City of Rancho Cordova's General Plan, the City's Environmental Impact Report and on the basis of the specific conclusions set forth below, the City Council finds and determines that:

- A. The Development Agreement is consistent with the objectives, policies, general land uses and programs specified and contained in the City's General Plan, in that (a) the land use

designation for the Project site is Moderate Density Residential, the proposed project would create twenty (20) attached single family lots and one common lot, (b) the project is consistent with the fiscal policies and the provisions for infrastructure and public services of the General Plan, and (c) the Development Agreement includes provisions relating to financing, construction and maintenance of public facilities, park development fees and similar provisions set forth in the General Plan.

B. The Development Agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use area in which the real property is located in that the project approvals include the Rezoning of the Property as adopted by the City on September 18, 2006 by City Ordinance 50-2006.

C. The Development Agreement is in conformity with public convenience, general welfare and good land use policies in that the Project will implement land use guidelines set forth in the General Plan, which have planned for residential uses at this location.

D. The Development Agreement will not be detrimental to the health, safety and general welfare of persons residing in the immediate area nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the City as a whole. The project will proceed in accordance with all the programs and policies of the General Plan. The impacts of the development on existing land uses, public services and the environment have been evaluated and mitigated through the CEQA compliance process.

E. The Development Agreement will not adversely affect the orderly development of property or the preservation of property values in that the project will be consistent with the General Plan.

F. The Development Agreement is consistent with the provisions of Government Code Sections 65864 through 65869.5 in that it includes all the substantive elements and has been processed consistently with all the procedural requirements of Government Code Sections 65864 through 65869.5.

Section 3: Approval

The City Council hereby approves the Development Agreement (Exhibit A) and authorizes the City Manager to sign it after the effective date of the amendment in Section 4, below.

Section 4: Amendment of the Zoning Code

Title I, Chapter 1, Article 4, of the Rancho Cordova Zoning Code, "Comprehensive Zoning Plans," is hereby amended by adding the following section:

"101-823. Development Agreement for Old Placerville Road"

Pursuant to Government Code section 57376, the City Council hereby declares its intention that Title I, Chapter 1, Article 4, of the Rancho Cordova Zoning Code, as amended, shall supersede Title I, Chapter 1, Article 4 of the Sacramento County Zoning Code

Section 5: Recordation

Within ten (10) days after the effective date of the Development Agreement, the City Clerk shall submit the executed Agreement to the County Recorder for recordation.

Section 6: Effective Date and Publication of Ordinance Summary

This Ordinance shall take effect 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 a summary of the Ordinance to be posted in accordance with Section 36933 of the Government Code of the State of California.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this 18th day of September 2006, by the following vote:

AYES: Budge, Cooley, Skoglund, Sander and McGarvey

NOES: None

ABSENT: None

ABSTAIN: None

Robert J. McGarvey, Mayor

ATTEST:

Anna Olea-Moger, CMC, City Clerk

OFFICIAL BUSINESS
Document entitled to free recording
Government Code Section 6103

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City of Rancho Cordova
2729 Prospect Park Drive
Rancho Cordova, CA 95670
Attn: City Clerk

(SPACE ABOVE THIS LINE RESERVED FOR
RECORDER'S USE)

DEVELOPMENT AGREEMENT

BY AND BETWEEN

CITY OF RANCHO CORDOVA

AND

DANEIL BENVENUTI, JR., AS LANDOWNER

RELATIVE TO OLD PLACERVILLE ROAD DEVELOPMENT

TABLE OF CONTENTS

RECITALS	3
1. Authorization.....	3
2. Property.....	3
3. Project.....	3
4. Public Hearing.....	3
5. Environmental Review.....	3
6. Project Approvals.....	3
7. Need for Services and Facilities.....	4
8. Contribution to Costs of Facilities and Services.....	4
9. Development Agreement Ordinance.....	4
10. Consistency with General and Specific Plan.....	4
AGREEMENT	4
1. Incorporation of Recitals.....	4
2. Description of Property.....	4
3. Interest of Landowner.....	5
4. Relationship of City and Landowner.....	5
5. Effective Date and Term.....	5
5.1. Effective Date.....	5
5.2. Term.....	5
5.3. Automatic Termination Upon Completion and Sale of Residential Lot.....	5
6. Use of Property.....	5
6.1. Right to Develop.....	5
6.2. Permitted Uses.....	5
6.3. Moratorium, Quotas, Restrictions or Other Growth Limitations.....	6
6.4. Additional Conditions.....	6
7. Applicable Rules, Regulations, Fees and Official Policies.....	7
7.1. Rules Regarding Permitted Uses.....	7
7.2. Rules Regarding Design and Construction.....	8
7.3. Changes in State or Federal Law.....	8
7.4. Uniform Codes Applicable.....	8
8. Subsequently Enacted Fees, Dedications, Assessments and Taxes.....	8
8.1. Processing Fees and Charges.....	8
8.2. Development Impact Fees, Exactions and Dedications.....	8
9. Community Facilities District.....	9
9.1. Community Facilities District Formation - Financing.....	9
9.2. Issuance of Bonds.....	9
9.3. Payment Prior to Issuance of Bonds.....	9
9.4. Private Financing.....	9
9.5. Acquisition and Payment.....	9
10. Amendment or Cancellation.....	9
10.1. Modification Because of Conflict with State or Federal Laws.....	9
10.2. Amendment by Mutual Consent.....	9
10.3. Insubstantial Amendments.....	9
10.4. Amendment of Project Approvals.....	10
10.5. Cancellation by Mutual Consent.....	10
11. Term of Project Approvals.....	10
12. Annual Review.....	10
12.1. Review Date.....	10
12.2. Initiation of Review.....	10
12.3. Staff Reports.....	10
12.4. Costs.....	10
12.5. Non-compliance with Agreement; Hearing.....	10
12.6. Appeal of Determination.....	11

13.	Default.....	11
13.1.	Procedure Regarding Defaults.....	11
14.	Estoppel Certificate.....	12
15.	Mortgagee Protection; Certain Rights of Cure.....	12
15.1.	Mortgagee Protection.....	12
15.2.	Mortgagee Not Obligated.....	12
15.3.	Notice of Default to Mortgagee and Extension of Right to Cure.....	13
16.	Severability.....	13
17.	Applicable Law.....	13
18.	Attorneys' Fees and Costs in Legal Actions By Parties to the Agreement.....	13
19.	Attorneys' Fees and Costs in Legal Actions By Third Parties to the Agreement.....	13
20.	Transfers and Assignments.....	13
21.	Agreement Runs with the Land.....	14
22.	Bankruptcy.....	14
23.	Indemnification.....	14
24.	Insurance.....	14
24.1.	Public Liability and Property Damage Insurance.....	14
24.2.	Workers' Compensation Insurance.....	14
24.3.	Evidence of Insurance.....	14
25.	Excuse for Nonperformance.....	15
26.	Third Party Beneficiaries.....	15
27.	Notices.....	15
28.	Form of Agreement; Recordation; Exhibits.....	15
29.	Further Assurances.....	16
30.	City Cooperation.....	16

**DEVELOPMENT AGREEMENT
RELATIVE TO OLD PLACERVILLE ROAD DEVELOPMENT**

This Development Agreement is entered into as of this _____, 2006, by and between City OF RANCHO CORDOVA, a municipal corporation ("City"), DANIEL BENVENUTI, JR. ("Landowner"). City and Landowner are hereinafter collectively referred to as the "Parties" and singularly as "Party."

RECITALS

1. **Authorization.** To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Government Code Section 65864, et seq. (the "Development Agreement Statute"), which authorizes City and any person having a legal or equitable interest in the real property to enter into a development agreement, establishing certain development rights in the Property which is the subject of the development project application.

2. **Property.** Landowner holds a legal or equitable interest in certain real property located in City of Rancho Cordova, County of Sacramento, more particularly described in Exhibit A-1, Exhibit A-2, and Exhibit B attached hereto (the "Property"). Landowner represents that all persons holding legal or equitable interests in the Property shall be bound by this Agreement.

3. **Project.** Landowner has obtained various approvals from City (described in more detail in Recital 6 below), including approval for a tentative subdivision map for a project known as Old Placerville Road Development (the "Project") to be located on the Property.

4. **Public Hearing.** On July 27, 2006, the Planning Commission of City of Rancho Cordova, serving as City's planning agency for purposes of development agreement review pursuant to Government Code Section 65867, considered this Agreement and recommended approval of this Agreement to City Council.

5. **Environmental Review.** On _____, 2006, City Council certified as adequate and complete, the Mitigated Negative Declaration ("MND") for the Project. Mitigation measures were required in the MND and are incorporated into the Project and into the terms and conditions of this Agreement, as reflected by the findings adopted by City Council concurrently with this Agreement.

6. **Project Approvals.** The following land use approvals (together the "Project Approvals") have been granted for the Property, which entitlements are the subject of this Agreement.

6.1. The MND. The Mitigation Measures in the MND are incorporated into the Project and into the terms and conditions of this Agreement.

6.2. The Rezoning of the Property, approved by City on _____, by City Ordinance No. ____-2006;

6.3. The Tentative Subdivision Map for the Project (attached hereto as Exhibit C approved by City on _____, 2006, by City Resolution No. ____-2006;

6.4. This Development Agreement, as adopted by City Ordinance No. ____-2006 (the "Adopting Ordinance"), on _____, 2006.

7. **Need for Services and Facilities.** Development of the Property will result in a need for municipal services and facilities, some of which services and facilities will be provided by City to such development subject to the performance of Landowner's obligations hereunder. With respect to water, pursuant to Government Code Section 65867.5, any tentative map approved for the Property will comply with the provisions of Government Code 66473.7.

8. **Contribution to Costs of Facilities and Services.** Landowner agrees to contribute to the costs of such public facilities and services as required herein to mitigate impacts on the community of the development of the Property, and City agrees to provide such public facilities and services as required herein to assure that Landowner may proceed with and complete development of the Property in accordance with the terms of this Agreement. City and Landowner recognize and agree that, but for Landowner's contributions to mitigate the impacts arising as a result of development entitlements granted pursuant to this Agreement, City would not and could not approve the development of the Property as provided by this Agreement and that, but for City's covenant to provide certain facilities and services for development of the Property, Landowner would not and could not commit to provide the mitigation as provided by this Agreement. City's vesting of the right to develop the Property as provided herein is in reliance upon and in consideration of Landowner's agreement to make contributions toward the cost of public improvements as herein provided to mitigate the impacts of development of the Property as development occurs.

9. **Development Agreement Ordinance.** City and Landowner have taken all actions mandated by, and fulfilled all requirements set forth in, the Development Agreement Ordinance of City of Rancho Cordova, as set forth in City Municipal Code.

10. **Consistency with General and Specific Plan.** Having duly examined and considered this Agreement and having held properly noticed public hearings hereon, in City Ordinance No. ____-2006, City found that this Agreement satisfies the Government Code §65867.5 requirement of general plan and specific plan consistency.

NOW, THEREFORE, in consideration of the mutual promises, conditions and covenants hereinafter set forth, the Parties agree as follows:

AGREEMENT

1. **Incorporation of Recitals.** The Preamble, the Recitals and all defined terms set forth in both are hereby incorporated into this Agreement as if set forth herein in full.

2. **Description of Property.** The property, which is the subject of this Development Agreement, is described in Exhibit A-1 and depicted in Exhibit A-2 and Exhibit B attached hereto ("Property").

3. **Interest of Landowner.** The Landowner has a legal or equitable interest in the Property. Landowner represents that all persons holding legal or equitable interests in the Property shall be bound by the Agreement.

4. **Relationship of City and Landowner.** It is understood that this Agreement is a contract that has been negotiated and voluntarily entered into by City and Landowner and that Landowner is not an agent of City. City and Landowner hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making City and Landowner joint venturers or partners.

5. **Effective Date and Term.**

5.1. **Effective Date.** The effective date of this Agreement ("Effective Date") is _____, 2006, which is the effective date of City Ordinance No. ____-2006, adopting this Agreement.

5.2. **Term.** Upon execution, the term of this Agreement shall commence on the Effective Date and extend for a period of seven (7) years, unless said term is terminated, modified or extended by circumstances set forth in this Agreement. Following the expiration of the term, this Agreement shall be deemed terminated and of no further force and effect. Said termination of the Agreement shall not affect any right or duty created by City approvals for the Property adopted prior to, concurrently with, or subsequent to the approval of this Agreement.

5.3. **Automatic Termination Upon Completion and Sale of Residential Lot.** This Agreement shall automatically be terminated, without any further action by either party or need to record any additional document, with respect to any single-family residential lot within a parcel designated by the Project Approvals for residential use, upon completion of construction and issuance by City of a final occupancy permit for a dwelling unit upon such residential lot and conveyance of such improved residential lot by Landowner to a bona-fide good-faith purchaser thereof. In connection with its issuance of a final inspection for such improved lot, City shall confirm that all improvements, which are required to serve the lot, as determined by City, have been accepted by City. Termination of this Agreement for any such residential lot as provided for in this Section shall not in any way be construed to terminate or modify any assessment district or Mello-Roos Community Facilities District lien affecting such lot at the time of termination.

6. **Use of Property.**

6.1. **Right to Develop.** Landowner shall have the vested right to develop the Project in accordance with the terms and conditions of this Agreement, the Project Approvals, and any amendments to any of them as shall, from time to time, be approved pursuant to this Agreement. Landowner's vested right to develop the Property shall be subject to subsequent approvals; provided however, except as provided in Section 6.3, that any conditions, terms, restrictions and requirements for such subsequent approvals shall not prevent development of the Property for the uses, or reduce the density and intensity of development, or limit the rate or timing of development set forth in this Agreement, as long as Landowner is not in default under this Agreement.

6.2. **Permitted Uses.** The permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings, provisions for reservation

or dedication of land for public purposes, location and maintenance of on-site and off-site improvements, location of public utilities and other terms and conditions of development applicable to the Property, shall be those set forth in this Agreement, the Project Approvals and any amendments to this Agreement or the Project Approvals. City acknowledges that the Project Approvals provide for the land uses and approximate acreages for the Property as set forth in Exhibit D and Exhibit E.

6.3. Moratorium, Quotas, Restrictions or Other Growth Limitations.

Subject to applicable law relating to the vesting provisions of development agreements, Landowner and City intend that, except as otherwise provided in this Agreement, this Agreement shall vest the Project Approvals against subsequent City resolutions, ordinances and initiatives that directly or indirectly limit the rate, timing, sequencing of development, or prevent or conflict with the permitted uses, density and intensity of uses as set forth in the Project Approvals; provided however, Landowner shall, to the extent allowed by the laws pertaining to development agreements, be subject to any growth limitation ordinance, resolution, rule, regulation or policy which is adopted on a uniformly applied, City-wide or area-wide basis, and directly concerns a public health or safety issue, in which case City shall treat Landowner in a uniform, equitable and proportionate manner with all properties, public and private, which are impacted by that public health or safety issue.

6.4. Additional Conditions.

6.4.1. New Park Development Obligation. The Project shall be subject to Resolution No. 28-2005, which establishes revised standards for park and open space in the City. Landowner shall pay development impact fees to mitigate the costs of designing, constructing and installing park improvements based on the seven (7) acre per one thousand (1,000) population standard as set forth in Resolution No. 28-2005. These development impact fees shall be in the amount of eleven thousand and twenty-seven dollars (\$11,027) per single-family residential parcel or residential parcel equivalent which shall be adjusted on an annual basis beginning on March 1st 2007, by the higher of either: (a) the method described in City Ordinance No. 24-2004, relating to the establishment of development impact fees within the Sunrise Douglas Community Plan which provides for an annual program fee adjustment, (b) the method provided in any subsequent revisions of City Ordinance No. 24-2004, or (c) four (4%) percent. The development impact fee of eleven thousand and twenty-seven dollars (\$11,027) shall not include the costs of park street frontage improvements. To fulfill park land dedication obligation, Landowner shall be obligated to provide fees in-lieu of park land to the Cordova Recreation and Park District to satisfy a total park land obligation of 0.81 net acres (calculated as 7 acres of park land per 1,000 residents). Landowner will satisfy this obligation as follows:

The calculation of fees in-lieu of park land dedication shall be based on the appraised value of land within the Project valued after approval of the tentative map per City requirements or by agreement among Landowner, City and Cordova Recreation and Park District, which agreement shall be reduced to writing and attached to this Agreement as an addendum.

6.4.2. Timing of Dedications and Improvements of Parks. Prior to the recordation of any final map for the Project or for any individual residential or non-residential parcel of the Property, Landowner shall pay to City all fees in-lieu of park land dedication and fulfill the obligations described in Section 6.4.1. Landowner will be deemed to have satisfied in full its new park development obligation, after fulfilling the requirements described in Section 6.4.1 and 6.4.2.

6.4.3. In-fill Park and Open Space Renovation and Acquisition Fee. Landowner agrees that it shall pay City the total sum of one thousand and five hundred dollars (\$1500.00) for each residential parcel shown on the final maps for the Property. Beginning on January 1, 2007, the fee shall be adjusted annually on each January 1 based upon the percentage change in the United States Department of Labor Consumer Price Index for all Urban Consumers for the San Francisco-Oakland-San Jose area between April and April of each year. This fee shall be paid to City no later than prior to issuance of the building permit for each residential parcel for the Property. It shall be used by City, at its sole discretion to acquire, renovate, repair, improve or maintain parks or open space in that portion of City outlined in Exhibit F. This payment is made voluntarily by Landowner. It is in addition to all other existing park fees, and construction and dedication obligations, including without limitation any fees paid pursuant to California Government Code Section 66477 (the "Quimby Act"). Landowner agrees that it shall not claim any credit or right to reimbursement of any other existing park fees, and construction and dedication obligations, including Quimby Act fees, as a result of paying the existing park renovation fees required under this Section.

6.4.4. Police Tax. Landowner agrees to vote in favor of and to cooperate in the creation of a special tax zone area within the Rancho Cordova Special Police Tax Area. A vote by Landowner to repeal or amend the special tax shall constitute an event of default under this Agreement and in addition to all other remedies, Landowner shall be obligated to pay under this Agreement, the difference between the amount of the tax before the vote to repeal or amend the tax, and the amount of the proposed special tax. The boundaries of the special tax zone area shall be contiguous with the boundaries of the Property. Landowner shall vote in favor of and cooperate in the levy of a special tax for police services on each residential parcel or residential parcel equivalent on the Property. City is in the process of preparing a General Plan Fiscal Analysis which will include a review of the current shortfall of revenue for police services, and a new proposed amount of the special police tax. The special tax shall be in the amount of the lesser of (1) \$450 annually, per single-family residential parcel or residential parcel equivalent, and \$0.25 for each square foot of gross parcel area of non-residential use (excluding recreational and agricultural uses), or (2) the amount calculated in the General Plan Fiscal Analysis which City is in the process of preparing. Multi-family residential units on a single parcel shall be assessed on a proportionately equivalent basis (e.g., a two-unit attached housing structure, such as a duplex, would be deemed to consist of two residential parcels for purposes of the police tax). The amount of the special tax shall be adjusted annually based upon the percentage change in the United States Department of Labor Consumer Price Index for all Urban Consumers for the San Francisco-Oakland-San Jose area between April and April of each year. If the Consumer Price Index is discontinued, or revised, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Consumer Price Index had not been discontinued or revised. The special tax shall be payable annually following issuance of a building permit for each subject parcel. Landowner shall pay all the costs of conducting the election and all costs related to the implementation of this Section for the Project.

7. Applicable Rules, Regulations, Fees and Official Policies.

7.1. Rules Regarding Permitted Uses. Except as provided in this Agreement, City's ordinances, resolutions, rules, regulations and official policies governing the permitted uses of the Property, the density and intensity of use, the rate timing and sequencing of development, the maximum height and size of proposed buildings, and provisions for reservation and dedication of land shall be those in force on the Effective Date of this

Agreement. Except as provided in Section 8.2, this Agreement does not vest Landowner's rights to pay development impact fees, exactions and dedications, processing fees, inspection fees, plan checking fees or charges.

7.2. Rules Regarding Design and Construction. Unless otherwise expressly provided in this Agreement, all other ordinances, resolutions, rules, regulations and official policies governing design, improvement and construction standards and specifications applicable to the Project and to public improvements to be constructed by Landowner shall be those in force and effect at the time the applicable permit approval is granted.

7.3. Changes in State or Federal Law. This Agreement shall not preclude the application to development of the Property of changes in City laws, regulations, plans or policies, the terms of which are specifically mandated and required by changes in State or Federal laws or regulations.

7.4. Uniform Codes Applicable. Unless otherwise expressly provided in this Agreement, the Project shall be constructed in accordance with the provisions of the Uniform Building, Mechanical, Plumbing, Electrical and Fire Codes, City standard construction specifications, and Title 24 of the California Code of Regulations, relating to Building Standards, in effect at the time of approval of the appropriate building, grading, encroachment or other construction permits for the Project. If no permits are required for infrastructure improvements, such improvements will be constructed in accordance with the provisions of the Uniform Building, Mechanical, Plumbing, Electrical and Fire Codes, City standard construction specifications, and Title 24 of the California Code of Regulations, relating to Building Standards, in effect at the start of construction of such infrastructure.

8. Subsequently Enacted Fees, Dedications, Assessments and Taxes.

8.1. Processing Fees and Charges. Landowner shall pay those processing, inspection, and plan check fees and charges required by City under then current regulations for processing applications and requests for permits, approvals and other actions, and monitoring compliance with any permits issued or approvals granted or the performance of any conditions with respect thereto or any performance required of Landowner hereunder.

8.2. Development Impact Fees, Exactions and Dedications. Landowner shall pay all development impact fees, dedications of land, connection or mitigation fees, and exactions required by City to support in the construction of any public facilities and improvements or the provision of public services in relation to development of the Property (together "Exactions") authorized by City after the Effective Date as long as said Exactions otherwise comply with applicable law, and are either (i) required on a City-wide basis, or (ii) apply uniformly to all properties within City that are zoned consistent with the Project Approvals, or (iii) apply uniformly to all properties that are similarly situated, whether by geographic location or other distinguishing circumstances. Except as otherwise provided in this Agreement, Exactions required by City to be paid by Landowner that do not meet one of the preceding criteria, shall be the Exactions authorized as of the Effective Date. Wherever this Agreement obligates Landowner to design, construct or install any improvements, the cost thereof may be provided by Landowner or by a Community Facilities District (CFD) or other such financing mechanism acceptable to City, subject to and in accordance with the provisions thereof.

9. Community Facilities District.

9.1. Community Facilities District Formation - Financing. City acknowledges that Landowner may cause to be formed a Community Facilities District ("CFD") pursuant to the provisions of Section 53311 et seq. of the Government Code for the purpose of financing the acquisition or construction of a portion of the Improvements described in Section 8.2.

9.2. Issuance of Bonds. City and Landowner agree that, with the consent of Landowner, and to the extent permitted by law, City and Landowner shall use their best efforts to cause bonds to be issued in amounts sufficient to achieve the purposes of this Section.

9.3. Payment Prior to Issuance of Bonds. Nothing in this Agreement shall be construed to preclude the payment by an owner of any of the parcels to be included within the CFD of a cash amount equivalent to its proportionate share of costs for the Improvements, or any portion thereof, prior to the issuance of bonds.

9.4. Private Financing. Nothing in this Agreement shall be construed to limit Landowners option to install the Improvements through the use of private financing.

9.5. Acquisition and Payment. City agrees that it shall use its best efforts to allow and facilitate monthly acquisition of completed Improvements or completed portions thereof, and monthly payment of appropriate amounts for such Improvements to the person or entity constructing Improvements or portions thereof, provided City shall only be obligated to use CFD bond or tax proceeds for such acquisitions.

10. Amendment or Cancellation.

10.1. Modification Because of Conflict with State or Federal Laws. In the event that State or Federal laws or regulations enacted after the Effective Date of this Agreement prevent or preclude compliance with one or more provisions of this Agreement or require changes in plans, maps or permits approved by City, the parties shall meet and confer in good faith in a reasonable attempt to modify this Agreement to comply with such federal or state law or regulation. Any such amendment or suspension of the Agreement shall be approved by City Council in accordance with the Municipal Code and this Agreement.

10.2. Amendment by Mutual Consent. This Agreement may be amended in writing from time to time by mutual consent of the parties hereto and in accordance with the procedures of State law and the Municipal Code.

10.3. Insubstantial Amendments. Notwithstanding the provisions of the preceding Section 10.2, any amendments to this Agreement which do not relate to (a) the term of the Agreement as provided in Section 5.2; (b) the permitted uses of the Property as provided in Sections 6.2 and 7.1; (c) provisions for "significant" reservation or dedication of land; (d) the location and maintenance of on-site and off-site improvements; (e) the density or intensity of use of the Project; (f) the maximum height or size of proposed buildings or (g) monetary contributions by Landowner as provided in this Agreement shall not, except to the extent otherwise required by law, require notice or public hearing before either the Planning Commission or City Council before the parties may execute an amendment hereto. City's City Manager shall determine whether a reservation or dedication is "significant".

10.4. Amendment of Project Approvals. Any amendment of Project Approvals relating to: (a) the permitted use of the Property; (b) provision for reservation or dedication of land; (c) the density or intensity of use of the Project; (d) the maximum height or size of proposed buildings; (e) monetary contributions by Landowner; (f) the location and maintenance of on-site and off-site improvements; or (g) any other issue or subject not identified as an "insubstantial amendment" in Section 10.3 of this Agreement, shall require an amendment of this Agreement. Such amendment shall be limited to those provisions of this Agreement, which are implicated by the amendment of the Project Approval. Any other amendment of the Project Approval(s) shall not require amendment of this Agreement unless the amendment of the Project Approval(s) relates specifically to some provision of this Agreement.

10.5. Cancellation by Mutual Consent. Except as otherwise permitted herein, this Agreement may be canceled in whole or in part only by the mutual consent of the parties or their successors in interest, in accordance with the provisions of the Municipal Code. Any fees paid pursuant to this Agreement prior to the date of cancellation shall be retained by City.

11. Term of Project Approvals. Pursuant to California Government Code Section 66452.6(a), the term of any parcel map or tentative subdivision map shall automatically be extended for the term of this Agreement.

12. Annual Review.

12.1. Review Date. The annual review date for this Agreement shall be approximately 12 months from the date the Agreement is entered into.

12.2. Initiation of Review. City's Planning Director shall initiate the annual review by giving to Landowner written notice that City intends to undertake such review. Within thirty (30) days of City's notice, Landowner shall provide evidence to the Planning Director to demonstrate good faith compliance with the Development Agreement. The burden of proof, by substantial evidence of compliance, is upon Landowner. City's failure to timely initiate the annual review is not deemed to be a waiver of the right to do so at a later date; accordingly, Landowner is not deemed to be in compliance with the Agreement by virtue of such failure to timely initiate review.

12.3. Staff Reports. City shall deposit in the mail to Landowner a copy of all staff reports, and related Exhibits, concerning contract performance at least three (3) days prior to any annual review.

12.4. Costs. Costs reasonably incurred by City in connection with the annual review shall be paid by Landowner in accordance with City's schedule of fees and billing rates in effect at the time of review.

12.5. Non-compliance with Agreement; Hearing. If the Planning Director determines, on the basis of substantial evidence, that Landowner has not complied in good faith with the terms and conditions of the Agreement during the period under review, City Council, upon receipt of any report or recommendation from the Planning Commission, may initiate proceedings to modify or terminate the Agreement, at which time an administrative hearing shall be conducted, in accordance with the procedures of State law and Municipal Code Section 110-05. As part of that final determination, City Council may impose conditions that it considers necessary and appropriate to protect the interest of City.

12.6. Appeal of Determination. The decision of City Council as to Landowner's compliance shall be final, and any Court action or proceeding to attack, review, set aside, void or annul any decision of the determination by the Council shall be commenced within thirty (30) days, as set forth in the Municipal Code (Section 115-39).

13. Default. Subject to any applicable extension of time, failure by any party to perform any term or provision of this Agreement required to be performed by such party shall constitute an event of default ("Event of Default"). For purposes of this Agreement, a party claiming another party is in default shall be referred to as the "Complaining Party," and the party alleged to be in default shall be referred to as the "Party in Default." A Complaining Party shall not exercise any of its remedies as the result of such Event of Default unless such Complaining Party first gives notice to the Party in Default as provided in Section 13.1.1, and the Party in Default fails to cure such Event of Default within the applicable cure period.

13.1. Procedure Regarding Defaults.

13.1.1. Notice. The Complaining Party shall give written notice of default to the Party in Default, specifying the default complained of by the Complaining Party. Delay in giving such notice shall not constitute a waiver of any default nor shall it change the time of default.

13.1.2. Cure. The Party in Default shall diligently endeavor to cure, correct or remedy the matter complained of, provided such cure, correction or remedy shall be completed within the applicable time period set forth herein after receipt of written notice (or such additional time as may be deemed by the Complaining Party to be reasonably necessary to correct the matter).

13.1.3. Failure to Assert. Any failures or delays by a Complaining Party in asserting any of its rights and remedies as to any default shall not operate as a waiver of any default or of any such rights or remedies. Delays by a Complaining Party in asserting any of its rights and remedies shall not deprive the Complaining Party of its right to institute and maintain any actions or proceedings, which it may deem necessary to protect, assert, or enforce any such rights or remedies.

13.1.4. Notice of Default. If an Event of Default occurs prior to exercising any remedies, the Complaining Party shall give the Party in Default written notice of such default. If the default is reasonably capable of being cured within thirty (30) days, the Party in Default shall have such period to effect a cure prior to exercise of remedies by the Complaining Party. If the nature of the alleged default is such that it cannot, practicably be cured within such thirty (30) day period, the cure shall be deemed to have occurred within such thirty (30) day period if: (a) the cure shall be commenced at the earliest practicable date following receipt of the notice; (b) the cure is diligently prosecuted to completion at all times thereafter; (c) at the earliest practicable date (in no event later than thirty (30) days after the curing party's receipt of the notice), the curing party provides written notice to the other party that the cure cannot practicably be completed within such thirty (30) day period; and (d) the cure is completed at the earliest practicable date. In no event shall Complaining Party be precluded from exercising remedies if a default is not cured within ninety (90) days after the first notice of default is given.

13.1.5. Legal Proceedings. Subject to the foregoing, if the Party in Default fails to cure a default in accordance with the foregoing, the Complaining Party, at its option, may institute legal proceedings pursuant to this Agreement or, in the event of a material default, terminate this Agreement. Upon the occurrence of an Event of Default, the parties may pursue all other remedies at law or in equity, which are not otherwise provided for or prohibited by this Agreement, or in City's regulations governing development agreements, expressly including the remedy of specific performance of this Agreement.

13.1.6. Effect of Termination. If this Agreement is terminated following any Event of Default of Landowner or for any other reason, such termination shall not affect the validity of any building or improvement within the Property which is completed as of the date of termination, provided that such building or improvement has been constructed pursuant to a building permit issued by City. Furthermore, no termination of this Agreement shall prevent Landowner from completing and occupying any building or other improvement authorized pursuant to a valid building permit previously issued by City that is under construction at the time of termination, provided that any such building or improvement is completed in accordance with said building permit in effect at the time of such termination.

14. Estoppel Certificate. Either Party may, at any time, and from time to time, request written notice from the other Party requesting such Party to certify in writing that, (a) this Agreement is in full force and effect and a binding obligation of the Parties; (b) this Agreement has not been amended or modified either orally or in writing, or if so amended, identifying the amendments; and (c) to the knowledge of the certifying Party the requesting Party is not in default in the performance of its obligations under this Agreement, or if in default, to describe therein the nature and amount of any such defaults. A Party receiving a request hereunder shall execute and return such certificate within thirty (30) days following the receipt thereof, or such longer period as may reasonably be agreed to by the Parties. City Manager of City shall be authorized to execute any certificate requested by Landowner. Should the party receiving the request not execute and return such certificate within the applicable period, this shall not be deemed to be a default.

15. Mortgagee Protection; Certain Rights of Cure.

15.1. Mortgagee Protection. This Agreement shall be superior and senior to any lien placed upon the Property, or any portion thereof after the date of recording this Agreement, including the lien for any deed of trust or mortgage ("Mortgage"). Notwithstanding the foregoing, no breach hereof shall defeat, render invalid, diminish or impair the lien of any Mortgage made in good faith and for value, but all the terms and conditions contained in this Agreement shall be binding upon and effective against any person or entity, including any deed of trust beneficiary or mortgagee ("Mortgagee") who acquires title to the Property, or any portion thereof, by foreclosure, trustee's sale, deed in lieu of foreclosure, or otherwise.

15.2. Mortgagee Not Obligated. Notwithstanding the provisions of Section 15.1 above, no Mortgagee shall have any obligation or duty under this Agreement, before or after foreclosure or a deed in lieu of foreclosure, to construct or complete the construction of improvements, or to guarantee such construction of improvements, or to guarantee such construction or completion, or to pay, perform or provide any fee, dedication, improvements or other exaction or imposition; provided, however, that a Mortgagee shall not be entitled to devote the Property to any uses or to construct any improvements thereon other than those uses or improvements provided for or authorized by the Project Approvals or by this Agreement.

15.3. Notice of Default to Mortgagee and Extension of Right to Cure. If City receives notice from a Mortgagee requesting a copy of any notice of default given Landowner hereunder and specifying the address for service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to Landowner, any notice given to Landowner with respect to any claim by City that Landowner has committed an Event of Default. Each Mortgagee shall have the right during the same period available to Landowner to cure or remedy, or to commence to cure or remedy, the Event of Default claimed set forth in City's notice. City, through its City Manager, may extend the cure period provided in Section 13.1.2 for not more than an additional sixty (60) days upon request of Landowner or a Mortgagee.

16. Severability. Except as set forth herein, if any term, covenant or condition of this Agreement or the application thereof to any person, entity or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term, covenant or condition to persons, entities or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term, covenant or condition of this Agreement shall be valid and be enforced to the fullest extent permitted by law; provided, however, if any provision of this Agreement is determined to be invalid or unenforceable and the effect thereof is to deprive a Party hereto of an essential benefit of its bargain hereunder, then such Party so deprived shall have the option to terminate this entire Agreement from and after such determination.

17. Applicable Law. This Agreement shall be construed and enforced in accordance with the laws of the State of California.

18. Attorneys' Fees and Costs in Legal Actions By Parties to the Agreement. Should any legal action be brought by either party for breach of this Agreement or to enforce any provisions herein, the prevailing party to such action shall be entitled to reasonable attorneys' fees, court costs, and such other costs as may be fixed by the Court.

19. Attorneys' Fees and Costs in Legal Actions By Third Parties to the Agreement. If any person or entity not a party to this Agreement initiates an action at law or in equity to challenge the validity of any provision of this Agreement or the Project Approvals, the parties shall cooperate and appear in defending such action. Landowner shall bear its own costs of defense as a real party in interest in any such action, and Landowner shall reimburse City on an equal basis for all reasonable court costs and attorneys' fees expended by City in defense of any such action or other proceeding.

20. Transfers and Assignments. From and after recordation of this Agreement against the Property, Landowner shall have the full right to assign this Agreement as to the Property, or any portion thereof, in connection with any sale, transfer or conveyance thereof, and upon the express written assignment by Landowner and assumption by the assignee of such assignment in the form attached hereto as Exhibit G and the conveyance of Landowner's interest in the Property related thereto, Landowner shall be released from any further liability or obligation hereunder related to the portion of the Property so conveyed and the assignee shall be deemed to be the "Landowner," with all rights and obligations related thereto, with respect to such conveyed property. Prior to recordation of this Agreement, any proposed assignment of this Agreement by Landowner shall be subject to the prior written consent of City Manager on behalf of City and the form of such assignment shall be subject to the approval of City Attorney, neither of which shall be unreasonably withheld.

21. **Agreement Runs with the Land.** Except as otherwise provided for in Section 15 of this Agreement, all of the provisions, rights, terms, covenants, and obligations contained in this Agreement shall be binding upon the parties and their respective heirs, successors and assignees, representatives, lessees, and all other persons acquiring the Property, or any portion thereof, or any interest therein, whether by operation of law or in any manner whatsoever. All of the provisions of this Agreement shall be enforceable as equitable servitude and shall constitute covenants running with the land pursuant to applicable laws, including, but not limited to, Section 1468 of the Civil Code of the State of California. Each covenant to do, or refrain from doing, some act on the Property hereunder, or with respect to any owned property; (a) is for the benefit of such properties and is a burden upon such properties; (b) runs with such properties; and (c) is binding upon each party and each successive owner during its ownership of such properties or any portion thereof, and shall be a benefit to and a burden upon each party and its property hereunder and each other person succeeding to an interest in such properties.

22. **Bankruptcy.** The obligations of this Agreement shall not be dischargeable in bankruptcy.

23. **Indemnification.** Landowner agrees to indemnify, defend and hold harmless City, and its elected and appointed councils, boards, commissions, officers, agents, employees, and representatives from any and all claims, costs (including legal fees and costs) and liability for any personal injury or property damage which may arise directly or indirectly as a result of any actions or inactions by Landowner, or any actions or inactions of Landowner's contractors, subcontractors, agents, or employees in connection with the construction, improvement, operation, or maintenance of the Property and the Project, provided that Landowner shall have no indemnification obligation with respect to the gross negligence or willful misconduct of City, its contractors, subcontractors, agents or employees or with respect to the maintenance, use or condition of any improvement after the time it has been dedicated to and accepted by City or another public entity (except as provided in an improvement agreement or maintenance bond).

24. **Insurance.**

24.1. **Public Liability and Property Damage Insurance.** At all times that Landowner is constructing any improvements that will become public improvements, Landowner shall maintain in effect a policy of comprehensive general liability insurance with a per-occurrence combined single limit of not less than one million (\$1,000,000) dollars and a deductible of not more than ten thousand (\$10,000.00) dollars per claim. The policy so maintained by Landowner shall name City as an additional insured and shall include either a severability of interest clause or cross-liability endorsement.

24.2. **Workers' Compensation Insurance.** At all times that Landowner is constructing any improvements that will become public improvements, Landowner shall maintain Workers' Compensation insurance for all persons employed by Landowner for work at the Project site. Landowner shall require each contractor and subcontractor similarly to provide Workers' Compensation insurance for its respective employees. Landowner agrees to indemnify City for any damage resulting from Landowner's failure to maintain any such insurance.

24.3. **Evidence of Insurance.** Prior to commencement of construction of any improvements which will become public improvements, Landowner shall furnish City satisfactory evidence of the insurance required in Sections 24.1 and 24.2 and evidence that the carrier is required to give City at least fifteen (15) days prior written notice of the cancellation or reduction

in coverage of a policy. The insurance shall extend to City, its elective and appointive boards, commissions, officers, agents, employees and representatives and to Landowner performing work on the Project.

25. **Excuse for Nonperformance.** Landowner and City shall be excused from performing any obligation or undertaking provided in this Agreement, except any obligation to pay any sum of money under the applicable provisions hereof, in the event and as long as the performance of any such obligation is prevented or delayed, retarded or hindered by act of God, fire, earthquake, flood, explosion, action of the elements, war, invasion, insurrection, riot, mob violence, sabotage, inability to procure or general shortage of labor, equipment, facilities, materials or supplies in the open market, failure of transportation, strikes, lockouts, action of labor unions, condemnation, requisition, laws, orders of governmental, civil, military or naval authority, or any other cause, whether similar or dissimilar to the foregoing, not within the control of the Party claiming the extension of time to perform. The Party claiming such extension shall send written notice of the claimed extension to the other Party within thirty (30) days from the commencement of the cause entitling the Party to the extension.

26. **Third Party Beneficiaries.** This Agreement is made and entered into for the sole protection and benefit of Landowner and, City and their successors and assigns. No other person shall have any right of action based upon any provision in this Agreement.

27. **Notices.** All notices required by this Agreement, the enabling legislation, or the procedure adopted pursuant to Government Code Section 65865, shall be in writing and delivered in person or sent by certified mail, postage prepaid.

Notice required to be given to City shall be addressed as follows:

CITY OF RANCHO CORDOVA
Planning Director
2729 Prospect Park Drive
Rancho Cordova, CA 95670

Notice required to be given to Landowner shall be addressed as follows:

DANIEL BENVENUTI, JR.
4378 Auburn Blvd. Suite 300
Sacramento, CA 95841

Either party may change the address stated herein by giving notice in writing to the other party, and thereafter notices shall be addressed and transmitted to the new address.

28. **Form of Agreement; Recordation; Exhibits.** Except when this Agreement is automatically terminated due to the expiration of the Term of the Agreement or the provisions of Section 5.3 (Automatic Termination Upon Completion and Sale of Residential Lot), City shall cause this Agreement, any amendment hereto and any other termination of any parts or provisions hereof, to be recorded, at Landowner's expense, with the county Recorder within ten (10) days of the effective date thereof. Any amendment or termination of this Agreement to be recorded that affects less than all of the Property shall describe the portion thereof that is the subject of such amendment or termination. This Agreement is executed in three duplicate

originals, each of which is deemed to be an original. This Agreement consists of 16 pages and 8 Exhibits, which constitute the entire understanding and agreement of the parties.

29. **Further Assurances.** The Parties agree to execute such additional instruments and to undertake such actions as may be necessary to effectuate the intent of this Agreement.

30. **City Cooperation.** City agrees to cooperate with Landowner in securing all permits which may be required by City. In the event state or federal laws or regulations enacted after the Effective Date, or action of any governmental jurisdiction, prevent delay or preclude compliance with one or more provisions of this Agreement, or require changes in plans, maps or permits approved by City, the parties agree that the provisions of this Agreement shall be modified, extended, or suspended as may be necessary to comply with such State and Federal laws or regulations or the regulations of other governmental jurisdictions. Each party agrees to extend to the other its prompt and reasonable cooperation in so modifying this Agreement or approved plans.

IN WITNESS WHEREOF, City of Rancho Cordova, a municipal corporation, has authorized the execution of this Agreement in duplicate by its City Manager and attested to by its City Clerk under the authority of Ordinance No. ____-2006, adopted by the Council of City on _____, 2006, and Landowner has caused this Agreement to be executed.

"CITY"

"LANDOWNER"

CITY OF RANCHO CORDOVA,
a municipal corporation

DANIEL BENVENUTI, JR.

By: _____

By: _____

Name: _____

Name: Daniel Benvenuti, Jr.

Its: _____

Its: _____

Date: _____

Date: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

Adam U. Lindgren
Assistant City Attorney

Date: _____

EXHIBIT LIST

Exhibit A-1:	Legal Description of the Property
Exhibit A-2:	Diagram of the Property
Exhibit B:	Vicinity Map of the Property
Exhibit C:	Tentative Subdivision Map
Exhibit D:	Existing and Proposed Zoning for the Property
Exhibit E:	Land Use Map for the Property
Exhibit F:	Infill Park and Open Space map
Exhibit G:	Form of Assignment

EXHIBIT A-1

LEGAL DESCRIPTION OF THE PROPERTY

The land referred to herein is situated in the State of California, County of Sacramento, City of Rancho Cordova, and is described as follows:

Tower Development - Old Placerville Road
5095-01-04

Development Agreement

EXHIBIT "A-1"
Description of Development Agreement
for Old Placerville Road Project

All that real property situated in the City of Rancho Cordova, County of Sacramento, State of California described as follows:

Parcel 2, as shown on the Parcel Map entitled: "PORTION OF LINTZ NO. 1, 150.50 AC. OF RANCHO RIO DE LOS AMERICANOS (1 B.M. 2)", filed in the office of the recorder of Sacramento County, California, on July 26, 1991 in Book 125, of Parcel Maps, Map No. 18.

Excepting therefrom an undivided one-half interest in all oil, gas and other hydrocarbons and minerals now or at any time hereafter situated herein and thereunder below a depth of five hundred feet (500') from the surface of said land; as reserved in the deed from Bank of America National Trust and Savings Association, a national banking association, to William A. Elliott and Irene L. Elliott, his wife, as joint tenants, dated January 14, 1942, Recorded February 4, 1942, in Book 934, Official Records, Page 302, as modified by the following tow (2) deeds (A) Quitclaim deed from Capital Company, a California corporation to Logan D. Teal and Lorraine L. Teal, his wife, as joint tenants dated February 11, 1957, recorded April 1, 1957, in Book 3273, Official Records, Page 534, and (B) Quitclaim deed from Transamerica Development Company, A corporation formerly Capital Company a corporation to Salving Swanson and Margaret D. Swanson, his wife, as joint tenants, et al, dated June 19, 1974, recorded July 5, 1974, in book 740705, official records, Page 357.

See Exhibit "A-2", plat to accompany description, attached hereto and made a part hereof.

End of Description

EXHIBIT A-2

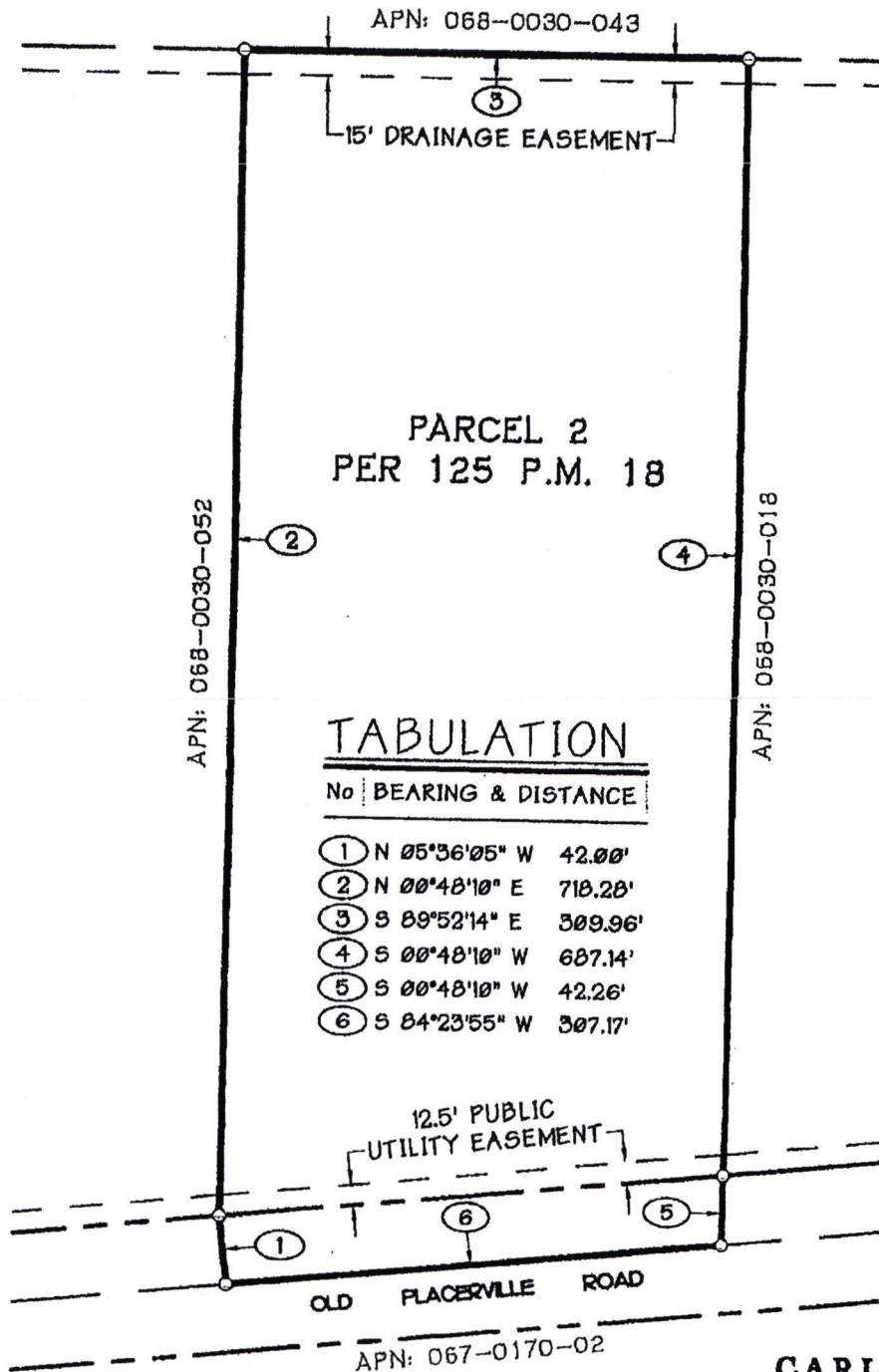
DIAGRAM OF THE PROPERTY

Exhibit A-2

DEVELOPMENT AGREEMENT

PARCEL 2, PER 125 P.M. 18

[PLAT TO ACCOMPANY DESCRIPTION]



TABULATION

No BEARING & DISTANCE

- ① N 05°36'05" W 42.00'
- ② N 00°48'10" E 710.28'
- ③ S 89°52'14" E 309.96'
- ④ S 00°48'10" W 687.14'
- ⑤ S 00°48'10" W 42.26'
- ⑥ S 84°23'55" W 307.17'



5095-01-04

CARLTON
Engineering Inc.

3823 Pendleton Road, Shingle Springs, CA 95662
Voice 930.877.8018 Fax 930.877.8043



EXHIBIT B

VICINITY MAP OF THE PROPERTY

Exhibit B

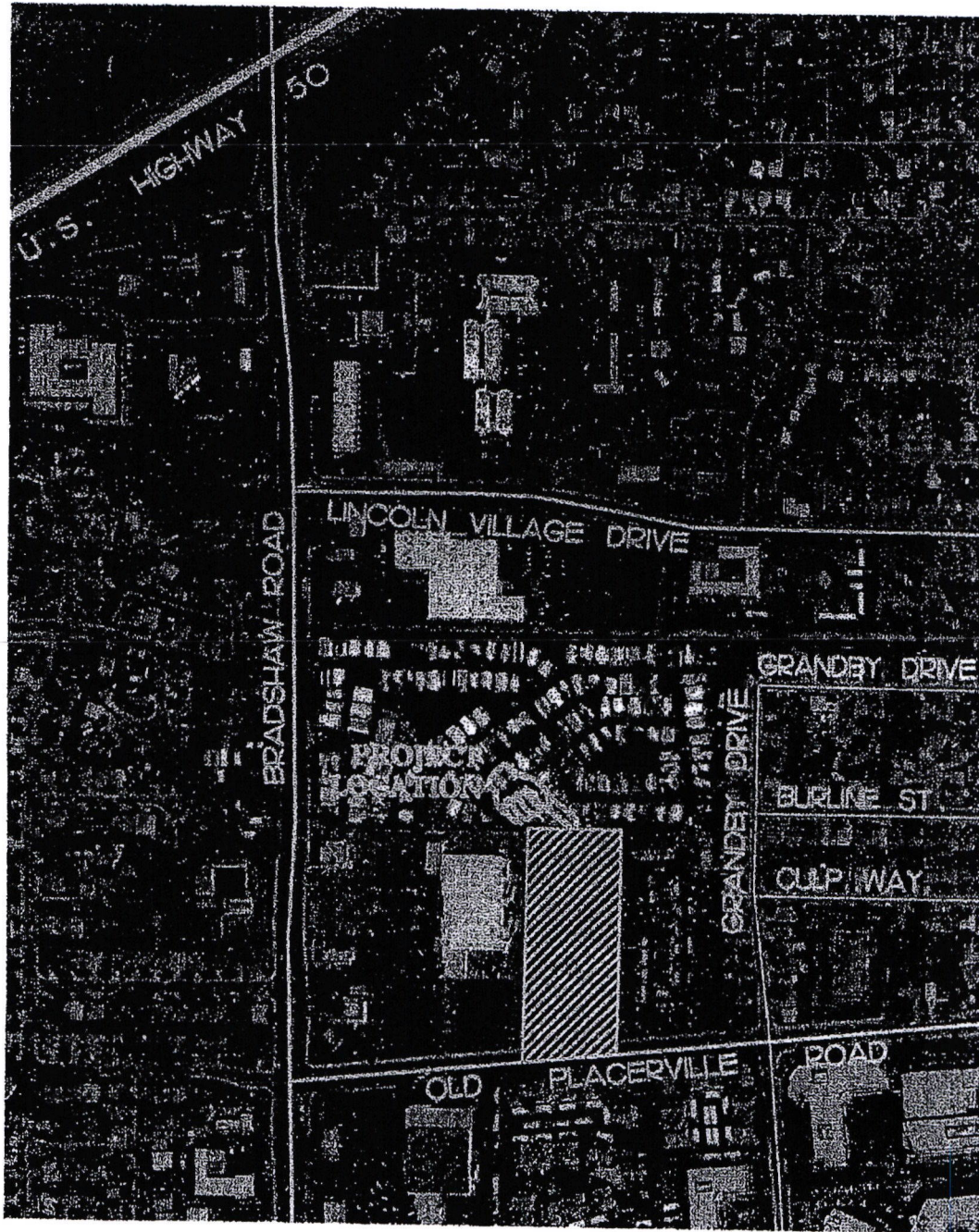
VICINITY MAP

Old Placerville Road Project

CITY OF RANCHO CORDOVA, CALIFORNIA



1"=500'



5095-01-04

CARLTON
Engineering Inc.

3083 Ponderosa Road, Shingia Springs, CA 95062
Voice 530.877.5515 Fax 530.877.8845



EXHIBIT C

TENTATIVE SUBDIVISION MAP

Exhibit 'C'

Tentative Subdivision Map

Old Placentia Road Job# 5095-01-04

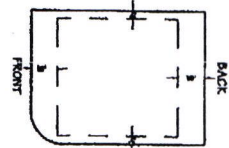
PARCEL 2

BOOK 125 OF PARCEL MAPS, PAGE 18
COUNTY OF SACRAMENTO CITY OF KACHIN CORONA STATE OF CALIFORNIA
SURRENDERED DECEMBER, 2004
SHEET 1 OF 1
N.T.S.

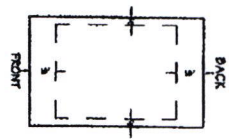
TYPICAL RESIDENTIAL SET BACK DETAILS

SCALE: 1" = 30'

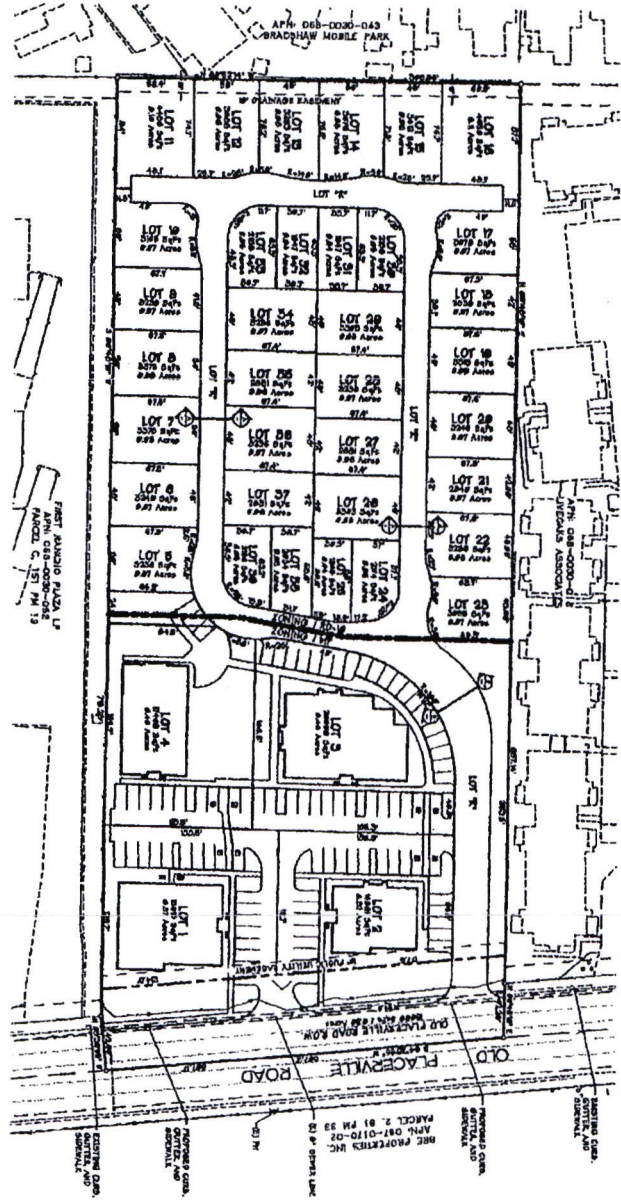
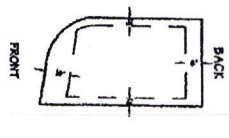
CORNER LOT



INTERIOR LOT



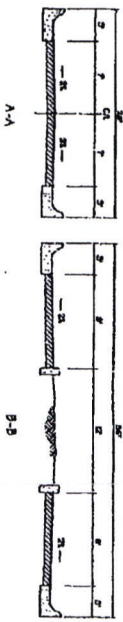
HAIF PLEX LOT



NOTES:

1. THE SUBDIVISION MAP IS BASED ON THE RECORD MAP.

ROAD SECTIONS



LOT	AREA	PERCENTAGE	PERCENTAGE
LOT 1	1.00	100.00	100.00
LOT 2	1.00	100.00	100.00
LOT 3	1.00	100.00	100.00
LOT 4	1.00	100.00	100.00
LOT 5	1.00	100.00	100.00
LOT 6	1.00	100.00	100.00
LOT 7	1.00	100.00	100.00
LOT 8	1.00	100.00	100.00
LOT 9	1.00	100.00	100.00
LOT 10	1.00	100.00	100.00
LOT 11	1.00	100.00	100.00
LOT 12	1.00	100.00	100.00
LOT 13	1.00	100.00	100.00
LOT 14	1.00	100.00	100.00
LOT 15	1.00	100.00	100.00
LOT 16	1.00	100.00	100.00
LOT 17	1.00	100.00	100.00
LOT 18	1.00	100.00	100.00
LOT 19	1.00	100.00	100.00
LOT 20	1.00	100.00	100.00
LOT 21	1.00	100.00	100.00
LOT 22	1.00	100.00	100.00
LOT 23	1.00	100.00	100.00
LOT 24	1.00	100.00	100.00
LOT 25	1.00	100.00	100.00
LOT 26	1.00	100.00	100.00
LOT 27	1.00	100.00	100.00
LOT 28	1.00	100.00	100.00
LOT 29	1.00	100.00	100.00
LOT 30	1.00	100.00	100.00
LOT 31	1.00	100.00	100.00
LOT 32	1.00	100.00	100.00
LOT 33	1.00	100.00	100.00
LOT 34	1.00	100.00	100.00
LOT 35	1.00	100.00	100.00
LOT 36	1.00	100.00	100.00
LOT 37	1.00	100.00	100.00
LOT 38	1.00	100.00	100.00
LOT 39	1.00	100.00	100.00
LOT 40	1.00	100.00	100.00
LOT 41	1.00	100.00	100.00
LOT 42	1.00	100.00	100.00
LOT 43	1.00	100.00	100.00
LOT 44	1.00	100.00	100.00
LOT 45	1.00	100.00	100.00
LOT 46	1.00	100.00	100.00
LOT 47	1.00	100.00	100.00
LOT 48	1.00	100.00	100.00
LOT 49	1.00	100.00	100.00
LOT 50	1.00	100.00	100.00
LOT 51	1.00	100.00	100.00
LOT 52	1.00	100.00	100.00
LOT 53	1.00	100.00	100.00
LOT 54	1.00	100.00	100.00
LOT 55	1.00	100.00	100.00
LOT 56	1.00	100.00	100.00
LOT 57	1.00	100.00	100.00
LOT 58	1.00	100.00	100.00
LOT 59	1.00	100.00	100.00
LOT 60	1.00	100.00	100.00
LOT 61	1.00	100.00	100.00
LOT 62	1.00	100.00	100.00
LOT 63	1.00	100.00	100.00
LOT 64	1.00	100.00	100.00
LOT 65	1.00	100.00	100.00
LOT 66	1.00	100.00	100.00
LOT 67	1.00	100.00	100.00
LOT 68	1.00	100.00	100.00
LOT 69	1.00	100.00	100.00
LOT 70	1.00	100.00	100.00
LOT 71	1.00	100.00	100.00
LOT 72	1.00	100.00	100.00
LOT 73	1.00	100.00	100.00
LOT 74	1.00	100.00	100.00
LOT 75	1.00	100.00	100.00
LOT 76	1.00	100.00	100.00
LOT 77	1.00	100.00	100.00
LOT 78	1.00	100.00	100.00
LOT 79	1.00	100.00	100.00
LOT 80	1.00	100.00	100.00
LOT 81	1.00	100.00	100.00
LOT 82	1.00	100.00	100.00
LOT 83	1.00	100.00	100.00
LOT 84	1.00	100.00	100.00
LOT 85	1.00	100.00	100.00
LOT 86	1.00	100.00	100.00
LOT 87	1.00	100.00	100.00
LOT 88	1.00	100.00	100.00
LOT 89	1.00	100.00	100.00
LOT 90	1.00	100.00	100.00
LOT 91	1.00	100.00	100.00
LOT 92	1.00	100.00	100.00
LOT 93	1.00	100.00	100.00
LOT 94	1.00	100.00	100.00
LOT 95	1.00	100.00	100.00
LOT 96	1.00	100.00	100.00
LOT 97	1.00	100.00	100.00
LOT 98	1.00	100.00	100.00
LOT 99	1.00	100.00	100.00
LOT 100	1.00	100.00	100.00

VICINITY MAP

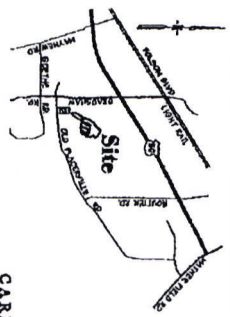


EXHIBIT D

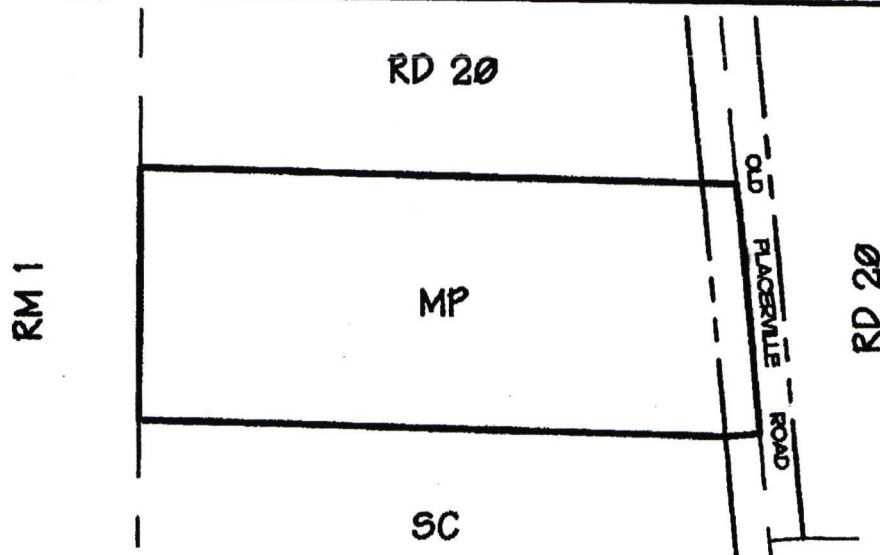
EXISTING AND PROPOSED ZONING FOR THE PROJECT

Exhibit D

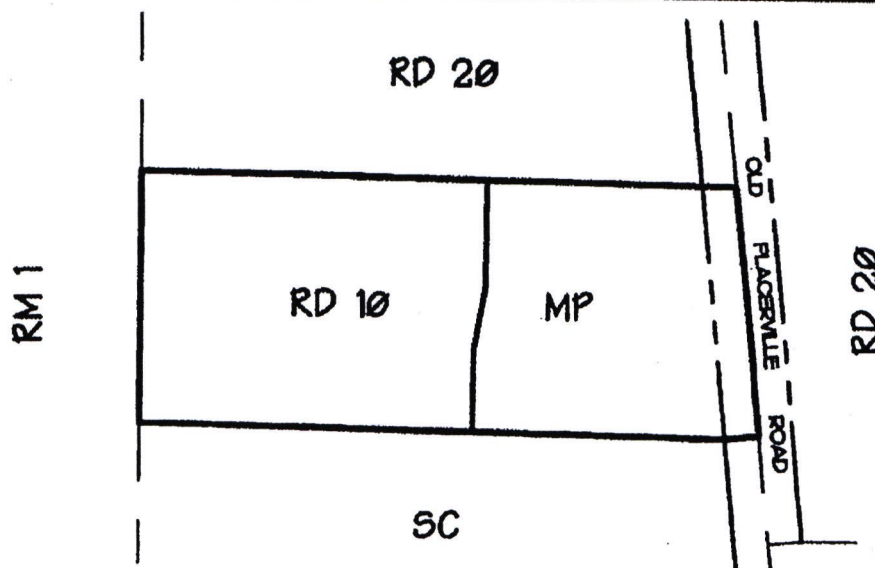
EXISTING / PROPOSED ZONING
OLD PLACERVILLE ROAD PROJECT
City of Rancho Cordova, California



EXISTING ZONING



PROPOSED ZONING



5095-01-04

CARLTON
Engineering Inc.

3883 Pendleton Road, Deluge Springs, CA 95622
Voice 930.877.5515 Fax 930.877.6945



EXHIBIT E

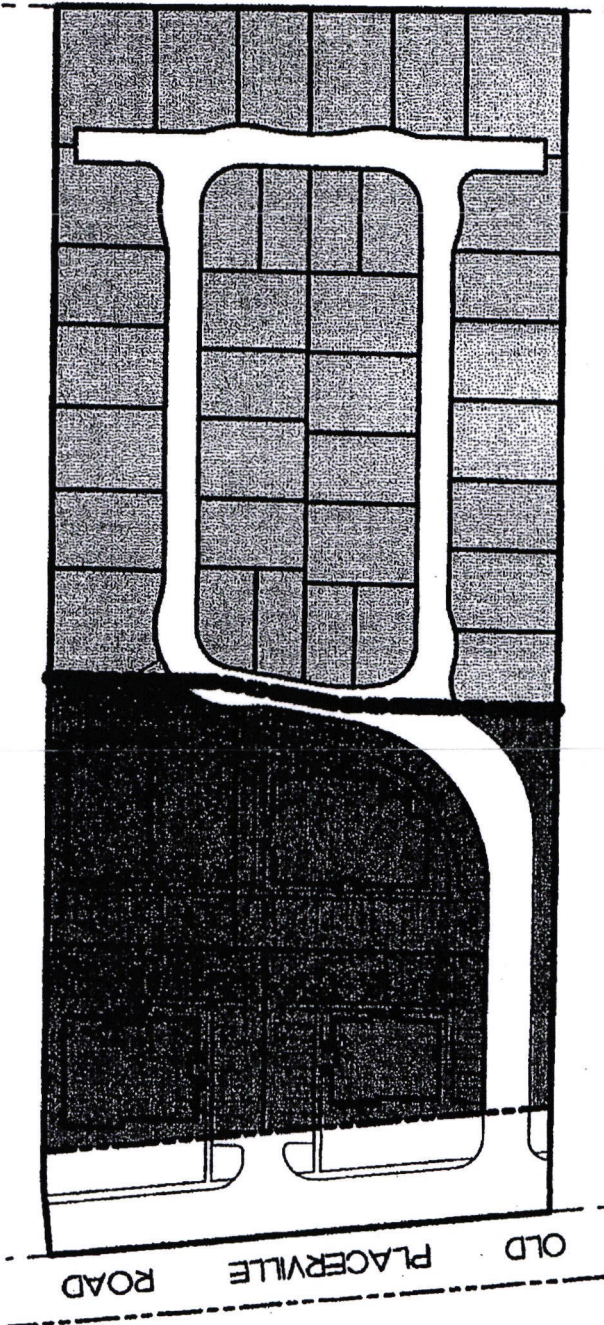
LAND USE MAP OF THE PROPERTY

Exhibit 'E'

LAND USE MAP

OLD PLACERVILLE ROAD PROJECT

City of Rancho Cordova, California



DESIGNATION	GENERAL PLAN / ZONING DESIGNATIONS	UNITS	AREA	DENSITY
PROPOSED ROAD	PROPOSED ROAD	N/A	0.721 ACRES	N/A
RESIDENTIAL	LDR / RD-10	35	2.467 ACRES	14 DU/AC
COMMERCIAL	C / MP	4	1.662 ACRES	N/A
OLD PLACERVILLE ROAD R.O.W.	OLD PLACERVILLE ROAD R.O.W.	N/A	0.449 ACRES	N/A



5095-01-04

CARLTON
Engineering Inc.

2803 Providence Road, Suite 200, Sacramento, CA 95833
Voice 524.677.2615 Fax 524.677.2645



EXHIBIT F

INFILL PARK AND OPEN SPACE MAP

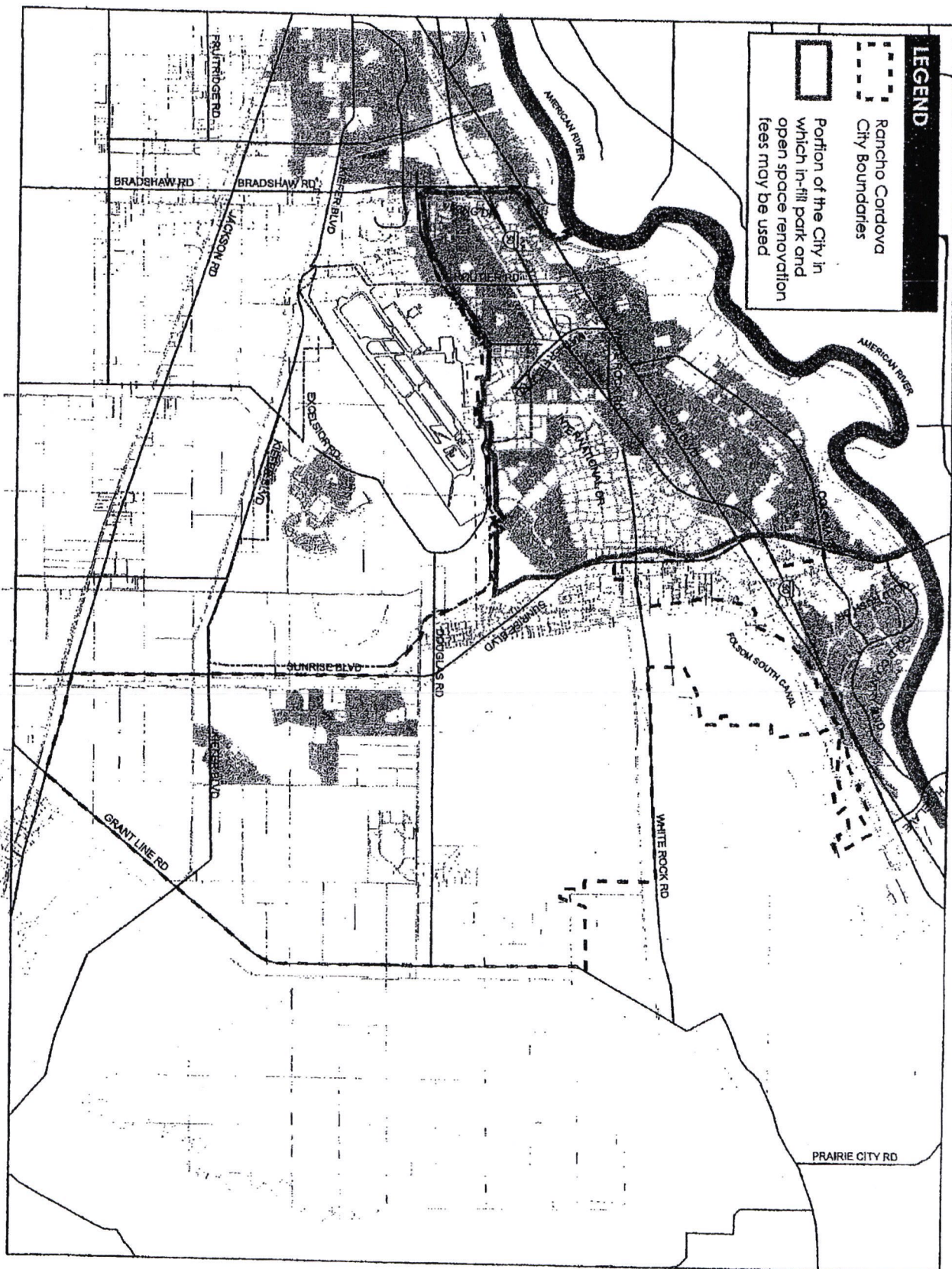


EXHIBIT G
FORM OF ASSIGNMENT

EXHIBIT G

FORM OF ASSIGNMENT

OFFICIAL BUSINESS

Document entitled to free recording
Government Code Section 6103

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

City of Rancho Cordova
2729 Prospect Park Drive
Rancho Cordova, CA 95670
Attn: City Clerk

(SPACE ABOVE THIS LINE RESERVED FOR
RECORDER'S USE)

**ASSIGNMENT AND ASSUMPTION AGREEMENT
RELATIVE TO OLD PLACERVILLE ROAD DEVELOPMENT**

THIS ASSIGNMENT AND ASSUMPTION AGREEMENT (hereinafter, the "Agreement") is entered into this _____ day of _____, 200____, by and between _____, a _____ (hereinafter "Developer"), and _____, a _____ (hereinafter "Assignee").

RECITALS

1. On _____, 200____, City of Rancho Cordova and Developer entered into that certain agreement entitled "Development Agreement By and Between City of Rancho Cordova and Daniel Benvenuti, Jr. Relative to the Development known as Old Placerville Road Development (hereinafter the "Development Agreement"). Pursuant to the Development Agreement, Developer agreed to develop certain property more particularly described in the Development Agreement (hereinafter, the "Subject Property"), subject to certain conditions and obligations as set forth in the Development Agreement. The Development Agreement was recorded against the Subject Property in the Official Records of Sacramento County on _____, 200____, as Instrument No. 200____-_____.

2. Developer intends to convey a portion of the Subject Property to Assignee, commonly referred to as Parcel _____, and more particularly identified and described in Exhibit A, Exhibit A-2, and Exhibit B, attached hereto and incorporated herein by this reference (hereinafter the "Assigned Parcel").

3. Developer desires to assign and Assignee desires to assume all of Developer's right, title, interest, burdens and obligations under the Development Agreement with respect to and as related to the Assigned Parcel.

ASSIGNMENT AND ASSUMPTION

NOW, THEREFORE, Developer and Assignee hereby agree as follows:

1. Developer hereby assigns, effective as of Developer's conveyance of the Assigned Parcel to Assignee, all of the rights, title, interest, burdens and obligations of Developer under the Development Agreement with respect to the Assigned Parcel. Developer retains all the rights, title, interest, burdens and obligations under the Development Agreement with respect to all other property within the Subject Property owned by Developer.

2. Assignee hereby assumes all of the rights, title, interest, burdens and obligations of Developer under the Development Agreement with respect to the Assigned Parcel, and agrees to observe and fully perform all of the duties and obligations of Developer under the Development Agreement with respect to the Assigned Parcel. The parties intend hereby that, upon the execution of this Agreement and conveyance of the Assigned Parcel to Assignee, Assignee shall become substituted for Developer as the "Developer" under the Development Agreement with respect to the Assigned Parcel.

3. All of the covenants, terms and conditions set forth herein shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, successors and assigns.

4. The Notice Address described in Section 27 of the Development Agreement for the Developer with respect to the Assigned Parcel shall be:

IN WITNESS HEREOF, the parties hereto have executed this Agreement as of the day and year first above written. This Agreement may be signed in identical counterparts.

DEVELOPER:

ASSIGNEE:

DANIEL BENVENUTI, JR.

a _____

By: _____
Print Name: Daniel Benvenuti, Jr.
Title: _____

By: _____
Print Name: _____
Title: _____

MEMORANDUM



DATE: September 18, 2006

TO: Honorable Mayor and Council Members

FROM: Cyrus Abhar, Public Works Director

**SUBJECT: RESOLUTION ACKNOWLEDGING OBLIGATIONS IMPOSED BY
SACRAMENTO COUNTYWIDE TRANSPORTATION MITIGATION
FEE PROGRAM (SCTMFP)**

RECOMMENDATION

The New Countywide Measure A Ordinance for Transportation Improvements approved by voters in November 2004 calls for the implementation of the Sacramento County Transportation Mitigation Fee Program. Staff recommends Council adopt Resolution No. 161-2006 which acknowledges obligations imposed by the Sacramento Countywide Transportation Mitigation Fee Program.

RESULT OF RECOMMENDED ACTION

Adoption of **Resolution No. 161-2006** acknowledges the City's obligations with respect to implementation of the Sacramento Countywide Transportation Mitigation Fee as a condition of receiving its allocation of local road maintenance formula funds and use tax imposed by the Sacramento Transportation Authority. It also demonstrates to the financial markets that the SCTMFP represents a legitimate revenue stream on which to extend credit. The fee effective April 1, 2009 will be charged to new development and does not impact the existing residents.

BACKGROUND

On November 2, 2004, Sacramento County voters approved a 30-year renewal of Measure A, the existing ½ cent sales tax for transportation projects, which will expire on April 1, 2009. The renewal of Measure A included the establishment of fees for new residential and commercial development to mitigate traffic impacts caused by new development. On June 7, 2006, the Governing Board of the Sacramento Transportation Authority (STA) adopted the Sacramento Countywide Transportation Mitigation Fee Program (SCTMFP) Nexus Study and fee rates to become effective April 1, 2009. A copy of Resolution No. STA-06-006 and the Fee Program Nexus Study is contained in **Attachment 2**. In addition to the ½ cent sales tax, revenues from the SCTMFP fees will be used to partially fund the capital projects in the Measure A expenditure plan.

The following table summarizes the SCTMFP developer fee for Measure A which would be annually adjusted for inflation.

Residential (per Unit)		Non-Residential (per 1,000 s.fl)	
<u>Land Use Category</u>	<u>Fee</u>	<u>Land Use Category</u>	<u>Fee</u>
Single Family Residential	\$1,000	Commercial, Retail	\$3,705
Multi-Family Residential	\$ 700	Commercial, Office Industrial	\$1,200 \$ 800

Each local jurisdiction within the County is required, as a condition of receiving its allocation of local funds from the ½ cent sales tax revenues, to adopt the 30-year SCTMFP Fee for the period April 1, 2009 through March 31, 2039. STA staff have informed the City that the timing and cash flow requirement of some of the capital projects will require the STA to issue bonds before the protocols are in place and the jurisdictions have adopted the fee. In order to demonstrate to the private financial markets that the SCTMFP represents a legitimate revenue stream on which to extend credit, the STA is requiring the County and each incorporated city to adopt a resolution acknowledging its obligation to impose the fee on future development.

In cooperation with appropriate finance, legal, and transportation staff from the County and cities, the Sacramento Transportation Authority is in the process of developing detailed uniform protocols for imposing, collecting, accounting and expending the SCTMFP fee. These protocols must be in place before the County and cities adopt the fee. This resolution acknowledges the requirements, but does not impose the fee. Such fee will be presented in the future, supported with appropriate nexus study and implementation guidelines.

It is anticipated that the fee protocols will be finalized within the next six months, at which time the fee program will be presented to the Council for adoption. Once adopted by the Council, the new fees would go into effect on April 1, 2009. The fee will not affect existing residents, but will be charged on new development.

ATTACHMENTS

1. Resolution 161-2006 including (Exhibit A) Resolution STA 06-0006 and SCTMFP Study.

RESOLUTION NO. 161-2006

**A RESOLUTION OF THE CITY COUNCIL
ACKNOWLEDGING OBLIGATIONS IMPOSED BY SACRAMENTO COUNTYWIDE
TRANSPORTATION MITIGATION FEE PROGRAM (SCTMFP)**

WHEREAS, on June 7, 2006, the Governing Board of the Sacramento Transportation Authority adopted Resolution STA-06-0006, "Resolution Adopting the Sacramento Countywide Transportation Mitigation Fee Program (SCTMFP) Nexus Study and Setting SCTMFP Fee Rates (see Exhibit A) Effective April 1, 2009" which is incorporated herein by reference; and

WHEREAS, each local jurisdiction in the County of Sacramento must, as a condition of receiving its allocation of local road maintenance formula funds from the one-half of one percent retail transactions and use tax imposed by Sacramento Transportation Authority Ordinance No. STA-04-01 and approved by the voters on November 2, 2004, implement a 30-year SCTMFP for the period April 1, 2009 through March 31, 2039 in accordance with guidelines to be developed between the City of Rancho Cordova and the Sacramento Transportation Authority Governing Board; and

WHEREAS, Sacramento Transportation Authority staff shall work with the appropriate finance, transportation, legal and other staff of each local jurisdiction to develop detailed uniform protocols for imposition, collection, accounting, and expenditure of the SCTMFP Fee; and

WHEREAS, in order to proceed with the Sacramento Transportation Authority's plan to accelerate transportation and transit capital project delivery by borrowing against future sales tax and Transportation Mitigation Fee revenues, it is necessary for each of the local jurisdictions to acknowledge its obligations with respect to implementation of the SCTMFP Fee.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF RANCHO CORDOVA that the City of Rancho Cordova shall, prior to April 1, 2009, implement the 30-year SCTMFP Fee for the period April 1, 2009 through March 31, 2039, in accordance with Sacramento Transportation Authority Resolution STA-06-0006 and other guidelines to be developed by the City of Rancho Cordova and the Sacramento Transportation Authority Governing Board.

PASSED AND ADOPTED by the City Council of on the 18th day of September, 2006 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Robert J. McGarvey, Mayor

Anna Olea-Moger, CMC, City Clerk

RESOLUTION STA 06-0006

RESOLUTION ADOPTING THE SACRAMENTO COUNTYWIDE
TRANSPORTATION MITIGATION FEE PROGRAM (SCTMFP)
NEXUS STUDY AND SETTING SCTMFP FEE RATES
EFFECTIVE APRIL 1, 2009

WHEREAS,

- The Governing Board of the Sacramento Transportation Authority has been informed and advised, and hereby finds, that future development within Sacramento County and the Cities of Citrus Heights, Elk Grove, Folsom, Galt, Isleton, Rancho Cordova and Sacramento ("Cities") will result in traffic volumes exceeding the capacity of the presently existing transportation network of highways, arterials and public transit within the County and the Cities ("the Transportation Network");
- The Governing Board of the Sacramento Transportation Authority has been further informed and advised, and hereby finds, that if the capacity of the Transportation Network is not improved, the result will be substantial traffic congestion and unacceptable levels of service in all parts of Sacramento County. Reduced transportation service levels will result in traffic congestion and related impacts upon air quality, economic development, access to emergency services, and quality of life;
- On July 29, 2004, the Sacramento Transportation Authority adopted Ordinance No. STA 04-01 ("the Ordinance"), including the Sacramento County Transportation Expenditure Plan 2009-2039 ("the Expenditure Plan");
- The Expenditure Plan was subsequently approved by the Board of Supervisors of the County of Sacramento and the City Councils of all of the Cities within the County of Sacramento;
- The Expenditure Plan includes projects to improve the Transportation Network;
- The Expenditure Plan projects will be funded by multiple funding sources, including federal sources, state sources, the countywide retail transactions and use tax, countywide development mitigation fees, local development mitigation fees and other local sources;

- Sacramento Transportation Authority Ordinance No. STA 04-01 ("the Ordinance") imposes a one-half of one percent retail transactions and use tax that is statutorily dedicated for transportation planning, design, construction, operation and maintenance only in Sacramento County and cannot be used for other governmental purposes or programs;
- The Ordinance establishes the 30-year Sacramento Countywide Transportation Mitigation Fee Program (SCTMFP), to be implemented by each of the local jurisdictions during the period April 1, 2009 through March 31, 2039;
- The Ordinance provides that no revenue generated from the retail transactions and use tax shall be used to replace transportation mitigation fees required from new development that are in effect within the unincorporated area of Sacramento County or the territory of the Cities within the County;
- The Ordinance provides that each local jurisdiction must, as a condition of receiving its allocation of local road maintenance formula funds from the retail transactions and use tax revenues, adopt a 30-year SCTMFP Fee ("the Fee") for the period April 1, 2009 through March 31, 2039 in accordance with guidelines adopted by the Sacramento Transportation Authority (STA) Governing Board;
- The Ordinance requires the STA to develop, in coordination with all local jurisdictions, a professional engineering and planning based process for charging new development with a portion of the cost of traffic impacts caused by each development during the period April 1, 2009 – March 31, 2039;
- The Fee shall be uniform throughout the unincorporated and incorporated areas of the County;
- Each local jurisdiction shall implement the SCTMFP Fee no later than April 1, 2009, and remit the SCTMFP Fee revenues to the STA ;
- The STA shall reallocate the SCTMFP Fee revenues to the local jurisdictions to be expended in the impacted areas where the fees were generated in accordance with the SCTMFP;
- The Ordinance requires that the SCTMFP Fee be set at One Thousand Dollars (\$1,000.00) per new single family unit effective April 1, 2009;
- The Ordinance requires that the SCTMFP Fee for new multi-family units, retail building space, office space, and industrial or warehousing space, be

proportionate to the trip generation rate of the affected land use relative to the trip generation rate of a single family unit;

- The Ordinance requires that the SCTMFP Fee be adjusted annually by action of the STA Governing Board to reflect changes in construction costs based on the McGraw-Hill Engineering News Record (ENR) 20-City Construction Cost Index;
- The SCTMFP Fee shall be implemented only if validated by a nexus study prepared by the Authority;
- The STA has coordinated with the local jurisdictions to prepare a nexus study for the SCTMFP Fee;
- The nexus study includes an analysis of trip generation rates for each of the affected land uses relative to the trip generation rate of a single family unit; and
- The Sacramento Countywide Transportation Mitigation Fee Program Nexus Study ("the Nexus Study") has been submitted to the STA Governing Board for its review and approval.

NOW, THEREFORE, THE GOVERNING BOARD OF THE SACRAMENTO TRANSPORTATION AUTHORITY RESOLVES AS FOLLOWS:

1. The Sacramento Countywide Transportation Mitigation Fee Program Nexus Study is hereby adopted.
2. The Board finds and determines that future development within the unincorporated and incorporated areas of the County of Sacramento will substantially adversely affect the Transportation Network unless such development makes additional contributions to the cost of improving the Transportation Network. Failure to mitigate growing traffic impacts will substantially impair the ability of public safety services (police and fire) to respond and will adversely affect the public health, safety, and welfare. Failure to mitigate growing traffic impacts will negatively impact air quality, economic development and quality of life.
3. The Board finds and determines that there is a reasonable and rational relationship between the use of the SCTMFP Fees and the type of development projects on which the fees are imposed because the fees will be used to construct transportation improvements that are necessary for the safety, health and welfare of the residential and non-residential users of the development projects on which the SCTMFP Fees will be imposed.

4. The Board finds and determines that there is a reasonable and rational relationship between the need for the improvements and the type of development projects on which the Fee is imposed because it will be necessary for the residential and non-residential users of such projects to have access to the Transportation Network. Such development will benefit from the Transportation Network improvements and the burden of such development will be mitigated in part by the payment of the Fee.
5. The Board finds and determines that the cost estimates set forth in the Nexus Study are reasonable cost estimates for constructing the Transportation Network improvements, and that the amount of the Fees expected to be generated by new development will not exceed the total fair share cost to such development.
6. The SCTMFP Fees shall be used to help pay for the construction and acquisition of the Transportation Network improvements identified in the Nexus Study. The need for the improvements is related to new development because such development results in additional traffic and transit demand, thus creating the need for the improvements.
7. The Board finds and determines that the Nexus Study proposes a fair and equitable method for distributing a portion of the unfunded costs of improvements to the Transportation Network.
8. The Board finds and determines that the trip generation rates set forth in the Nexus Study for each affected land use are proportionate to the trip generation rate of a single family unit and that the fees for each affected land use set forth in the Nexus Study meet the proportionality requirement of the Ordinance.
9. There is hereby adopted the following SCTMFP Fee schedule:

Residential (per unit)		Non-Residential (per 1,000 s.f.)	
Land Use Category	Fee	Land Use Category	Fee
Single Family	\$1,000	Commercial, Retail	\$3,705
Multi-Family	\$700	Commercial, Office	\$1,200
		Industrial	\$800

"Industrial Use" means any development project that proposes manufacturing, transportation, logistics or warehousing.

"Multi-Family Residential Use" means any development project that uses a single parcel for two or more dwelling units within one or more buildings, including duplexes, townhouses, condominiums, and apartments.

Development projects with a senior focus will be evaluated to determine whether Multi-Family fee appropriately reflects their transportation impact.

"Office Use" means any development project that involves business activities associated with professional or administrative services, and typically consists of corporate offices, financial institutions, legal and medical offices, personal services, or similar uses, and religious centers.

"Retail Use" means any development project that involves retailing merchandise, generally without transformation, and rendering services incidental to the sale of merchandise at a fixed point of sale.

"Single Family Residential Use" means any development project that uses a single parcel for only one residential dwelling unit.

10. The Board finds and determines that the Nexus Study does not calculate all of the cost of traffic impacts caused by new development. Local jurisdictions may impose additional development mitigation fees to mitigate the traffic impacts of new development that are not covered by the SCTMFP Fee.
11. The Board finds and determines that the SCTMFP Fee to be imposed by each local jurisdiction will be used to mitigate the impacts of new development upon the Transportation Network and not to correct existing deficiencies in the Transportation Network.
12. Annually, the STA shall determine the annual adjustment that shall be imposed by each local jurisdiction on the SCTMFP Fee to reflect changes in construction costs based on the McGraw-Hill Engineering News Record (ENR) 20-City Construction Cost Index;
13. Protocols related to SCTMFP Fee implementation issues, including but not limited to, required dates of Fee remittances to STA and documentation to be submitted by each local jurisdiction, shall be established by future resolution of the STA and contracts between the STA and the local jurisdictions.
14. The Board finds that in accordance with the California Environmental Quality Act ("CEQA") and the CEQA Guidelines the adoption of this resolution is exempt from CEQA pursuant to Section 15061(b)(3).

On a motion by Member Fargo, seconded by Member Cooley, the forgoing resolution was passed and adopted by the Governing Body of the Sacramento Transportation Authority at a regular meeting thereof this 7th day of June, 2006, by the following vote, to wit:
Adopted by the Governing Board of the Sacramento Transportation Authority on the date of June 7, 2006, by the following vote:

AYES: Briggs, Cooley, Fargo, Fong, MacGlashan, Morin, Nottoli, Pannell,
Payne, Slowey, Peters

NOES: None

ABSTAIN: None

ABSENT: Collin, Dickinson, McCarthy



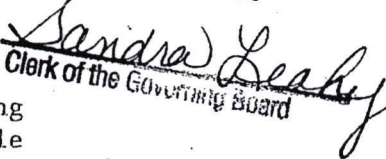
Susan __. Peters
Chair of the Authority Board

ATTEST:


Clerk of the Board

FILED

JUN 07 2006

BY 
Clerk of the Governing Board

The foregoing is a correct copy of the Governing
Board Material, of which the original is on file
with the Office of the Board of Supervisors,
Sacramento County, California

Dated: 6-9-2006

By: 
Clerk of the Governing Board

MEMORANDUM



DATE: September 18, 2006
TO: Honorable Mayor and Council Members
FROM: Anna Olea-Moger, City Clerk
Adam Lindgren, Assistant City Attorney
SUBJECT: SMUD ANNEXATION OF YOLO COUNTY FOR ELECTRICAL SERVICES

RECOMMENDATION

Adopt Resolution No. 162-2006 Endorsing Sacramento Municipal Utility District's (SMUD) Annexation of the Cities of West Sacramento, Davis, Woodland, and the Unincorporated Portions of Yolo County for Provision of Electrical Services.

RESULT OF RECOMMENDED ACTION

Adoption of the Resolution supports Council action taken on September 5, 2006 following presentation on the topic by SMUD Board Member Susan Patterson and Yolo County Board of Supervisor Marika Yamada.

BACKGROUND

No additional background information is necessary.

ATTACHMENT(S)

Resolution No. 162-2006

CITY OF RANCHO CORDOVA

RESOLUTION NO. 162-2006

**A RESOLUTION OF THE CITY COUNCIL ENDORSING SACRAMENTO MUNICIPAL
UTILITY DISTRICT'S (SMUD) ANNEXATION OF THE CITIES OF WEST SACRAMENTO,
DAVIS, WOODLAND AND THE UNINCORPORATED PORTIONS OF YOLO COUNTY
FOR PROVISION OF ELECTRICAL SERVICES**

WHEREAS, if approved by voters, Measure L, a measure on the November 7, 2006 Ballot, would adopt an ordinance establishing conditions under which SMUD would provide electrical service to and annexation of the cities of West Sacramento, Davis, and Woodland and contiguous unincorporated portions of Yolo County; and

WHEREAS, the cities of West Sacramento, Davis, Woodland and Yolo County petitioned SMUD to study SMUD's ability to provide cost effective, reliable electrical service to the annexation territory; and

WHEREAS, these same agencies, in partnership, funded and contracted with R.W. Beck, Inc., to conduct a thorough analysis of the feasibility of the proposed annexation and the results of the R.W. Beck "SMUD Annexation Feasibility Study" strongly indicate the annexation would be beneficial to these communities as well as to the entire SMUD system and its current rate payers; and

WHEREAS, the City Councils of the cities of West Sacramento, Davis, Woodland and Board of Supervisors of the County of Yolo jointly submitted a Resolution to the Board of Directors of the Sacramento Municipal Utility District to request annexation of their municipalities and the associated unincorporated areas for the provision of electrical service by SMUD;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF RANCHO CORDOVA that the Council endorses Measure L on the November 7, 2006 Ballot to effect said annexation and provision of electrical service by SMUD to Yolo County.

PASSED AND ADOPTED by the City Council on the 18th day of September, 2006 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert J. McGarvey, Mayor

ATTEST:

Anna Olea-Moger, CMC, City Clerk

MEMORANDUM



DATE: September 18, 2006

TO: Honorable Mayor and Council Members

FROM: Adam Lindgren, Assistant City Attorney

SUBJECT: **AN URGENCY ORDINANCE OF THE CITY COUNCIL OF RANCHO CORDOVA AMENDING RANCHO CORDOVA MUNICIPAL CODE CHAPTER 16.18, SECTION 16.18.205(d), RELATING TO THE ABATEMENT OF PUBLIC NUISANCES**

RECOMMENDATION

Adopt Urgency Ordinance No. 54-2006 of the City of Rancho Cordova amending Rancho Cordova Municipal Code Chapter 16.18, Section 16.18.205(d), relating to the abatement of public nuisances.

RESULT OF RECOMMENDED ACTION

Adoption of this Ordinance will give the District Attorney's Office additional options in prosecuting violations of the City's codes.

SUMMARY

Upon incorporation the City of Rancho Cordova adopted most of the County's Municipal Code by reference. Chapter 16.18, "Nuisance Code," was among the many chapters adopted by the City. On September 20, 2004, the City adopted Ordinance 50-2004 which amended the chapter.

Currently the Code's primary penalty for violations of any provisions of the code is an infraction. Only after the third conviction of the same section will subsequent violations of the same section be charged as misdemeanors rather than as infractions. This ordinance will amend section 16.18.205(d) to allow the District Attorney's office to immediately file misdemeanors for any violation of the Code.

In certain instances, violations of the City codes are so egregious that they may warrant a more forceful response from the District Attorney. A discussion with the District Attorney's office has highlighted that there are current situations in the City where the District Attorney's office thinks there is a need to immediately file misdemeanors in order to more efficiently remedy the violations. This Ordinance will allow the District Attorney to take that action. Due to the ongoing nature of some of these violations, there is a need for the immediate adoption of this Ordinance in order to preserve the public peace, health and safety.

The proposed ordinance would change Section 16.18.205(d) as follows:

- d. Notwithstanding subsections (a), (b) and (c), the District Attorney may file a misdemeanor for any violation of this Code. In addition, the City Attorney may take other steps and apply to such court to seek any and all legal or equitable relief as permitted under law.

MOTION

"I move that the City Council adopt Urgency Ordinance No. 54-2006 amending Rancho Cordova Municipal Code Chapter 18.18, Section 16.18(d), relating to the abatement of public nuisances."

ATTACHMENT(S)

1. Urgency Ordinance No. 54-2006 Amending Rancho Cordova Municipal Code Chapter 18.18, Section 16.18(d), Relating to the Abatement of Public Nuisances

CITY OF RANCHO CORDOVA

ORDINANCE NO. 54-2006

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF RANCHO CORDOVA AMENDING
RANCHO CORDOVA MUNICIPAL CODE CHAPTER 16.18, SECTION 16.18.205(d),
RELATING TO THE ABATEMENT OF PUBLIC NUISANCES**

RECITALS

WHEREAS, upon incorporation, the City of Rancho Cordova adopted by reference Sacramento County Code Chapter 16.18, "Nuisance Code"; and

WHEREAS, on September 20, 2004, the City adopted Ordinance 50-2004 amending the chapter; and

WHEREAS, currently the Code's primary penalty for violations of any provisions of the code is an infraction. Only after the third conviction of the same section will subsequent violations of the same section be charged as misdemeanors rather than as infractions; and

WHEREAS, in certain instances, violations of the City Codes are so egregious that they may warrant a more forceful response from the District Attorney; and

WHEREAS, this Ordinance will amend section 16.18.205(d) to allow the District Attorney's office to immediately file misdemeanors for any violation of the Code; and

WHEREAS, this added flexibility and authority is needed in order to allow the District Attorney to more efficiently remedy many current and ongoing violations that threaten public peace, health and safety; and

WHEREAS, this Ordinance will give the District Attorney's Office additional options in prosecuting violations of the City's codes; and

WHEREAS, there are current egregious situations in the City where the need to immediately file misdemeanors is necessary for the immediate preservation of the public peace, health and safety.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS FOLLOWS:

Section 1. Rancho Cordova Municipal Code Chapter 16.18, "Nuisance Code," Section 16.18.205(d), "Violations and Penalties," is hereby amended to read as follows:

"d. Notwithstanding subsection (a), (b) and (c), the District Attorney may file a misdemeanor for any violation of this Code. In addition, the City Attorney may take other steps and apply to such court to seek any and all legal or equitable relief as permitted under law."

Section 2. Severability.

If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the

remaining portions of this Ordinance that can be given effect without the invalid provision and, to this end, the provisions of this Ordinance are severable. This City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

Section 3. Effective Immediately.

The City Council of the City of Rancho Cordova desires to grant the District Attorney's office with the authority to immediately file misdemeanors for any violation of the City's codes. This added flexibility and authority is needed in order for the District Attorney to more efficiently remedy many current and ongoing egregious violations occurring in the City. This ordinance is therefore necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately pursuant to Government Code Section 36937(b). The City Clerk of the City of Rancho Cordova shall cause this Ordinance to be published in a newspaper of general circulation in accordance with Government Code Section 36933 of the State of California.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this 18th day of September 2006, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert J. McGarvey, Mayor

ATTEST:

Anna Olea-Moger, CMC, City Clerk

MEMORANDUM



DATE: September 18, 2006

TO: Mayor and Council Members

FROM: Adam Lindgren, Assistant City Attorney

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF RANCHO CORDOVA AMENDING CHAPTER 6.130, SECTION 6.130.040(a) OF THE RANCHO CORDOVA MUNICIPAL CODE RELATING TO THE PROTECTION OF CHILDREN FROM SEXUAL OFFENDERS

RECOMMENDATION

Waive first reading and introduce Ordinance No. 55-2006 amending Chapter 6.130, Section 6.130.040(a) of the Rancho Cordova Municipal Code relating to the protection of children from sexual offenders.

RESULT OF RECOMMENDED ACTION

Adoption of this Ordinance will protect children from contact and potential sexual assault by registered sex offenders while using Rancho Cordova's public libraries.

BACKGROUND

The City Council of the City of Rancho Cordova desires to impose safety precautions in furtherance of the compelling goal of protecting children from contact and potential sexual assault by registered sex offenders. On July 17, 2006, the City Council adopted Urgency Ordinance 47-2006 amending Title 6 of the Rancho Cordova Municipal Code, adding Chapter 6.130 relating to the protection of children from sexual offenders.

In order to reduce the potential risk of harm to children in the City, there is a need to limit the opportunity for sex offenders to be in contact with unsuspecting children in locations that are primarily designed for use by, or are often used by, children. Libraries attract, and are used by a large number of children in the community. This ordinance will protect children from being in contact with sex offenders while using the City's libraries by including public libraries to the list of areas where a sex offender is prohibited from being on or within three hundred (300) feet from.

The current code does however have exceptions to this restriction that allow some flexibility in certain situations. For example, this restriction would not apply to single trips by the sex offender when traveling past a location specified in the code while in route to another destination. The restriction also does not apply to single trips by a sex offender

when that sex offender is also a parent or guardian of a child and accompanies his/her child or ward to or from a location specified.

The proposed ordinance would change Section 6.130.040(a) as follows:

- a. A sex offender is prohibited from being on or within three hundred (300) feet of the grounds of public or private schools for children, centers or facilities that provide day care or children's services, video arcades, teen centers, public libraries, public and private playgrounds and play facilities, parks, youth sports facilities, skate parks, public swimming pools and bus stops in the immediate vicinity of parks and schools. For purposes of this section, distances shall be measured from the edge of the parcel or contiguous parcels where the identified use is located.

MOTION

"I move that the City Council waive the first reading and introduce Ordinance No. 55-2006 amending Chapter 6.130, Section 6.130.040(a) of the Rancho Cordova Municipal Code relating to the protection of children from sexual offenders."

ATTACHMENTS

1. Ordinance No. 55-2006 Amending Chapter 6.130, Section 6.130.040(a) of the Rancho Cordova Municipal Code Relating to the Protection of Children from Sexual Offenders

CITY OF RANCHO CORDOVA

ORDINANCE NO. 55-2006

**AN ORDINANCE OF THE CITY COUNCIL OF RANCHO CORDOVA AMENDING
CHAPTER 6.130 SECTION 6.130.040(a) OF THE RANCHO CORDOVA
MUNICIPAL CODE RELATING TO THE PROTECTION OF
CHILDREN FROM SEXUAL OFFENDERS**

RECITALS

WHEREAS, the City Council of the City of Rancho Cordova desires to impose safety precautions in furtherance of the compelling goal of protecting children from contact and potential sexual assault by registered sex offenders; and

WHEREAS, the City Council adopted Urgency Ordinance 47-2006 amending Title 6 of the Rancho Cordova Municipal Code, adding Chapter 6.130 relating to the protection of children from sexual offenders; and

WHEREAS, sex offenders pose a clear threat to the children residing or visiting in the community. Further, there is no cure for sex offenders; there are no guarantees that they will not re-offend, and convicted sex offenders are more likely than any other type of offender to re-offend for another sexual assault; and

WHEREAS, it is anticipated that Rancho Cordova will be imminently chosen as a location for the placement of numerous sexual offenders on their release from incarceration, and without an ordinance such as this, children in Rancho Cordova may unnecessarily be put at increased risk; and

WHEREAS, in order to reduce the potential risk of harm to children in Rancho Cordova, there is a need to limit the opportunity for sex offenders to be in contact with unsuspecting children in locations that are primarily designed for use by, or are often used by children; and

WHEREAS, public libraries attract and are used by a large number of children in Rancho Cordova; and

WHEREAS, the City wishes to protect children using the City libraries from contact and potential sexual assault by registered sex offenders.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS FOLLOWS:

Section 1. Rancho Cordova Municipal Code Chapter 6.130, "Protection of Children from Sexual Offenders," Section 6.130.040(a), "Prohibition," is hereby amended to read as follows:

"a. A sex offender is prohibited from being on or within three hundred (300) feet of the grounds of public or private schools for children, centers or facilities that

provide day care or children's services, video arcades, teen centers, public libraries, public and private playgrounds and play facilities, parks, youth sports facilities, skate parks, public swimming pools and bus stops in the immediate vicinity of parks and schools. For purposes of this section, distances shall be measured from the edge of the parcel or contiguous parcels where the identified use is located."

Section 2. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. This City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

Section 3. 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 Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this 2nd day of October 2006, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert J. McGarvey, Mayor

ATTEST:

Anna Olea-Moger, CMC, City Clerk

MEMORANDUM



DATE: September 18, 2005
TO: Mayor and Council Members
FROM: Lillian Hare, Human Resources Director
SUBJECT: UPDATE RESOLUTION AUTHORIZING A PRE-TAX PAYROLL DEDUCTION
PLAN FOR PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS)
SERVICE CREDIT PURCHASES

RECOMMENDATION

Adopt Resolution No. 163-2006 authorizing CalPERS service Credit purchases by an employee of the City to be paid by pre-tax payroll deduction.

BACKGROUND

On April 15, 2004, the City of Rancho Cordova entered into a formal contract with the Public Employees' Retirement System. As a housekeeping measure related to the City's becoming a CalPERS employer, staff requested and the Council approved allowing employees the ability to purchase service credit with pre-tax dollars. The ability to utilize pre-tax dollars to purchase service credit is a benefit to the City's employees and within state and IRS rules. CalPERS confirmed that was no fiscal impact to the City in allowing this practice.

CalPERS requested that we update our previously adopted Resolution No. 61-2004 to reflect that our coverage group is local miscellaneous members, Contribution Code 14. This is a housekeeping measure only.

FISCAL IMPACT

There is no fiscal impact to the City. All contributions are taken through payroll deductions directly from the employee's salary.

ATTACHMENT

Resolution No. 163-2006.

RESOLUTION NO. 163-2006

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
APPROVING A PRE-TAX PAYROLL
DEDUCTION PLAN FOR SERVICE CREDIT PURCHASES
(Contribution Code 14)**

WHEREAS, the Board of Administration of the California Public Employees' Retirement System (CalPERS) at the April 1996 meeting approved a pre-tax payroll deduction plan for service credit purchases under Internal Revenue Code (IRC) Section 414(h)(2); and

WHEREAS, the City of Rancho Cordova has the authority to implement the provisions of IRC section 414(h)(2) and has determined that even though implementation is not required by law, the tax benefit offered by this section should be provided to those employees who are members of CalPERS; and

WHEREAS, the elects to participate in the pre-tax payroll deduction plan for all employees in the following CalPERS coverage Group:

Local Miscellaneous Members

NOW, THEREFORE, BE IT RESOLVED:

I. That the City of Rancho Cordova will implement the provisions of IRC section 414(h)(2) by making employee contributions for service credit purchases pursuant to California State Government Code on behalf of its employees who are members of CalPERS and who have made a binding irrevocable election to participate in the pre-tax payroll deduction plan. "Employee contributions" shall mean those contributions reports to CalPERS which are deducted from the salary of employees and are credited to individual employee accounts for service credit purchases, thereby resulting in tax deferral of employee contributions.

II. That the contributions made by the City of Rancho Cordova to the CalPERS, although designated as employee contributions, are being paid by the City of Rancho Cordova in lieu of contributions by the employees who are members of the Public Employees' Retirement System.

III. That employees shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the City of Rancho Cordova to CalPERS.

IV. That the City of Rancho Cordova shall pay to CalPERS the contributions designated as employee contributions from the same source of funds as used in paying salary, thereby resulting in tax deferral of employee contributions.

V. That the effective date for commencement of the pre-tax payroll deduction plan cannot be any earlier than the date the completed resolution is received and approved by CalPERS.

VI. That the governing body of the City of Rancho Cordova shall participate in and adhere to requirements and restrictions of the pre-tax payroll deduction plan by reporting pre-tax payroll deductions when authorized by CalPERS for those employees of the above state Coverage Group who have elected to participate in this plan.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this 18th day of September, 2006, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Robert J. McGarvey, Mayor

ATTEST:

Anna Olea-Moger, CMC, City Clerk

MEMORANDUM



DATE: September 18, 2006

TO: Honorable Mayor and Council Members

FROM: Bill Thomas, Chief Financial Officer

SUBJECT: ELECTIONS ON THE PROPOSITION OF AMENDING THE RATE AND METHOD OF APPORTIONMENT AND AUTHORIZED FACILITY AND RESOURCES FOR CFD'S 2004-1 AND 2005-1

RECOMMENDATION

Continue the public hearing and elections to October 16, 2006 at the request of the developer.

RESULT OF RECOMMENDED ACTION

No action to be taken on September 18.

**Item #18 is provided to
Council as a separate
attachment.**

Citywide Goals & Objectives (Status Report: September 18, 2006)

Attachment 1

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/New Due Date (Done/on track/revised)
1 FOSTER A POSITIVE IMAGE OF RANCHO CORDOVA	City Manager/PIO	Conduct public opinion survey to gauge residents feelings on services and identify community needs		May-06	Done
	Neighborhood Services (Code Enforcement)	Develop Neighborhood Services (Code Enforcement) Master Plan addressing office location, ordinance upgrades, staffing organization, staff training, and revenue requirements	Neighborhood Services (Code Enforcement) section to develop short and long-term objectives for commercial issues (curb appeal).	Sep-06	Revise due date to Jun-07. The development of short and long term objectives for FY 06-07 will be led by the City's new Neighborhood Services Supervisor (with support from Economic Development). The new Neighborhood Services Supervisor position will be filled in Oct-06.
	Neighborhood Services (Code Enforcement)	<i>Update current code enforcement process</i>	Neighborhood Services (Code Enforcement) section to develop short and long-term objectives for residential issues	Sep-06	Revise due date to Jun-07. The development of short and long term objectives for FY 06-07 will be led by the City's new Neighborhood Services Supervisor (with support from Economic Development). The new Neighborhood Services Supervisor position will be filled in Oct-06.
	City Manager/PIO	Create a Communications Outreach Plan for the City which includes: an ongoing marketing program highlighting local assets and amenities for both residents and visitors	Establish a Speaker's Bureau using Council, Commissioners, senior staff	Jul-06	Revise due date to Dec-06
	City Manager/PIO		Be a sponsor, broker, catalyst and facilitator for community-based events that enhance the City's image and promotes its goals (Fourth of July, Salmon Festival, Eppie's Great Race, Veteran's Day Parade, etc)	Ongoing	Revised - still ongoing but will be impacted by proposed Community Council Role in events
	City Manager/PIO		Launch a new, service oriented web site which will serve as an electronic gateway to our community.	Jul-06	Done for 05/06. Budgeted for larger and more extensive web revision of 06/07

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/New Due Date (Done/on track/revised)
	City Manager/PIO		Publish Annual State of Community Report (link to customer survey)	Jun-06	Revise due date to Feb 07 per City Manager
	Economic Development				
	City Manager/PIO		Revise the business license outreach materials to more attractively position the City.	Dec-06	On track, but now is lead by Economic Development with PIO providing support;
	Finance				The Business License Application was revised to be more consumer friendly and informative.
	City Manager/PIO	Develop and begin implementing a comprehensive branding campaign	Campaign will include slogan, redesign of newsletter and web site, creation of art for advertising and displays, standards for visual elements associated with the City. It will be the emotional component to the communication plan	Sep-06	On track
	City Manager/PIO		Create signage and markers that identify historic locations, special events, location of civic activities that fit within the visual context of the brand	Dec-06	Revise to ongoing; Banner program launched in 3/06, expanded 7/06 and will continue to expand. It is different than historic markers but is proving to be an economical approach to promoting City and events
	City Manager/PIO	Create City sponsored recognition programs which encourage image improvement activities	Implement the Planning Commission's "Orchids & Onions" awards program (also under Sustain a Livable Community)	May-06	Revise to Jan 07; need to explore this more in context of educational focus on Code Enforcement 06/07
	Planning				
	City Manager/PIO	Create a Neighborhood Services (Code Enforcement) Education Program	Increase awareness about city standards related to proper care and upkeep of property through the mobile City Hall event information, newspaper articles and the City newsletter (Also under Responsible Citizenship)	Ongoing	Emphasis will be in 06/07; A code enforcement awareness program will be led by the City's new Neighborhood Services Supervisor (with support from Economic Development and the PIO).
	Neighborhood Services (Code Enforcement)				
	City Manager	Partner with Cordova Community Council	RC Leadership Program Provide Office Space & Tl's	Ongoing	On track.
	All Dept. Heads				

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/New Due Date (Done/on track/revised)
2 IMPROVE TRANSPORTATION & CONNECTIVITY	Public Works	Adopt comprehensive plans for ensuring mobility within Rancho Cordova, so that our residents and visitors will be able to move within our city road network safely and conveniently.	Complete and adopt the General Plan Circulation Element	Dec-06	Done
	Planning				
	Public Works		Complete and adopt a Pedestrian and Bicycle Master Plan	Dec-06	On track
	Planning				
	Public Works		Complete and adopt a Transit Master Plan	Dec-06	Done
	Planning				
	Public Works	Retrofit the existing community to connect all homes to other homes and businesses by walking or biking and transit. The road network, the bike and pedestrian pathways and the transit system to provide safe at-grade crossings or grade separated crossings	Implement the ADA Transition Plan Phase I	Sep-06	Revise to ongoing and on track.
	Planning				
	Public Works		Begin construction of Phase I improvements for the Folsom Boulevard Beautification projects	Sep-06	Revise due date to Oct-06.
	Planning				
	Public Works		Implement Circulation, Pedestrian and Bicycle Master Plan	Jun-06	Revise to ongoing and on track.
	Planning				

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/ <u>New Due Date</u> (<u>Done/on track/revised</u>)
	Public Works	Require all new development area homes to connect to all other homes and businesses by walking or biking, and transit. The road network, the bike and pedestrian pathways and the transit system to provide safe at-grade crossings or grade separated crossing		Ongoing	On track with each new project approval
	Planning				
	Public Works	Vigorously advocate for and be a (voting) player in all agencies and forums that might possibly solve our citizen transportation, mobility problems and needs within the region, e.g.: RT, SACOG, EG/RC/EH Connector Road, Lobbyist, County, and Caltrans		Ongoing	On track
	Planning				
	Public Works	Develop a comprehensive infrastructure improvement phasing and implementation strategy that addresses timing, responsible party and funding mechanisms for the City's transportation system.	Develop a transportation funding program that includes a fee and credit reimbursement program, includes state and federal funding, and resolves anticipated funding shortfalls	Jun-06	Revise due date to Jun-07
	Public Works		Conduct a City/development community roundtable dialogue to resolve issues related to the timing, delivery and funding of road projects	Jun-06	Revise due date to Jun-07
	Public Works		Establish criteria for acceptable traffic levels of service that address both short term and long term traffic congestion related to meeting the demands generated by new growth	Jun-06	Revise to ongoing and on track.
	Public Works		Develop a five year transportation improvement plan.	Jun-06	Done

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/New Due Date (Done/on track/revised)
3	Human Resources	Establish a computer purchase loan program for employees	Work with the Employee Advisory Team to develop the program and take to the Advisory Team for approval	NEW	On track for Dec-06
	Human Resources	Enhance the wellness program	Work with the Employee Advisory Team to Develop a "walk around the World in Rancho" walking program.	NEW	On track for Nov-06
	Human Resources	Develop incentive awards for exceptional performance	Work with the Employee Advisory Team to develop specific incentives to reward people being "caught doing great things"	NEW	On track for Jan-07
	Human Resources	Develop an employee newsletter	Work with the PIO to develop an employee newsletter format. Do quarterly newsletters beginning in January 2007.	NEW	On track for Jan-07
	Human Resources	Educate employees regarding their benefits	Schedule training on life, long term disability and the employee assistance training.	NEW	On track for Dec-06
	Human Resources	Develop Supervisory Training	Develop a program of supervisory training to develop skills in performance evaluation, motivation, training and accountability	NEW	On track for Mar-07
	Human Resources		Train supervisors on Human Resources policies	NEW	On track for Jan-07

Ride Rancho

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/New Due Date (Done/on track/revised)
4	City Clerk	Establish a system for tracking and following through on servicing customer requests and complaints	Implement a Customer Response Management (CRM) system for Council referrals & public requests for follow-up	Mar-06	Revise to ongoing and on track.
	Public Works		Implement a citywide automated system for: Public Works asset management & service requests.	Jun-06	Revise to ongoing and on track.
	Building		Implement a citywide automated system for: Building, including web-based permits.	Sep-06	Revise due date to Feb-07 due to Hansen implementation delays
	Neighborhood Services (Code Enforcement)		Implement a citywide automated system for: Neighborhood Services (Code Enforcement).	Jun-06	Revise due date to Jan-07 for comprehensive system although an initial system (Concat) has been established. PIO, Economic Development, and Code Enforcement staff are currently reviewing other complementary systems (e.g. Hansen) to enhance service delivery.
	Planning		Implement a citywide automated system for planning.	Dec-06	Done
	Finance		Implement a citywide automated system for licensing.	Dec-06	Revise due date to Mar-07; this is part of the Hansen project to implement an automated Business Licensing program.
	City Manager		Create a customer-friendly environment by providing timely, face-to-face city contact to connect citizens to appropriate city services, including multi-lingual services, whenever feasible and practical.	Ongoing	On track
	All Dept. Heads		Continually evaluate potential technology solutions and other necessary tools for improving services	Ongoing	On track
	City Manager/PIO	Gather data on customer needs and continually monitor and measure progress	Conduct public opinion and customer survey	Aug-06	Done (Same as Positive Image/Survey & Safe Community)

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/ <u>New Due Date</u> (<u>Done/on track/revised</u>)
	City Manager		Establish measurements to develop improvement goals (using best practices research and benchmarking)	Jan-07	On track; development process improvement pursued
	All Dept. Heads Finance	Ensure accessibility to the latest technology to our residents and businesses (new)	Develop a Information Technology Strategic Plan with input from community stakeholders and experts	Nov-06	Revised due date of Jun-07; need new Administrative Services Director.
	All Dept. Heads City Manager/PIO		Explore ways to improve the City's website to provide service in new ways.	Dec-06	Revised to ongoing (Same as Goal #1)
5	All Dept. Heads Planning	Determine the location and boundary of the Rancho Cordova Downtown.	Complete the Downtown visioning process	Done	
	Economic Development Planning		Adopt boundaries for the Downtown within the General Plan	Done	
	Economic Development Economic Development		Clarify the general role of the Downtown that is unique from other areas of the City.	Done	
	Planning Public Works	Create an economically diverse and financially successful downtown	Ensure that City circulation improvement and transit programs are structured to promote a vibrant Downtown.	Mar-06	Done
	Planning Economic Development		Adopt a Redevelopment Project Area	Aug-06	Done. The Redevelopment Project Area was adopted with an effective date of August 6, 2006.
	Public Works Economic Development		Use Redevelopment to upgrade streetscapes and infrastructure.	Ongoing	On track. Redevelopment funds will be available starting FY 08-09. Staff is considering a proposal to borrow against future TI revenue to fund needed improvements.

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/New Due Date (Done/on track/revised)
	Economic Development		Work with the Chamber of Commerce to create a Business Improvement District <i>ecod</i>	Ongoing	On track; funding has been identified for consultant services. Formation proceedings will commence Spring 07.
	Economic Development		Promote mixed use and residential projects to bring people living within the Downtown area	Ongoing	On track; desired projects will be pursued once formal land use policies are approved.
	Planning		Identify appropriate uses, including specific uses that will only be allowed within the Downtown	Sep-06	Revise due date to Sep-07 to complete.
	Economic Development	Adopt a Rancho Cordova Downtown Implementation Plan or Downtown Specific Plan			Relates to the Folsom Boulevard specific planning process. Key development sites (with appropriate land uses) will be identified by Dec-06.
	Economic Development		Identify specific incentives that the City has available to attract desirable businesses to the Downtown area	Dec-06	Revise due date to Sep-07; incentives will be considered as part of the Folsom Boulevard specific planning process and the City's upcoming Five-Year Economic Development Action Plan.
	Public Works Finance Planning		Complete development standards, design provisions, and streetscape plans for the Downtown that clearly illustrate the City's vision for the Downtown	May-07	Revise due date to Sep-07.
	Public Works Public Works		Complete an assessment of infrastructure deficiencies in the Downtown area and along Folsom Boulevard.	May-07	Revise due date to Jul-07.

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/ <u>New Due Date</u> (<u>Done/on track/revised</u>)
	<i>Economic Development</i>		Identify specific factors to measure the Downtown's economic diversity and financial	Jul-06	Revise due date to Jul-07; initial factors have been identified for qualitative (e.g. public improvements completed) and quantitative (e.g. # of new businesses) measures. These factors will be finalized upon completion of the Folsom Boulevard specific planning process.
	<i>Economic Development</i>		Prepare a Downtown Marketing Plan that target potential new businesses, including restaurants, upscale retail and entertainment venues	Sep-07	On track; the Downtown marketing plan will be completed with assistance from future BID members.
6	<i>Police</i>	Complete the Rancho Cordova Emergency Response Plan in an effort to prepare the community for any natural or man-made disaster event	RCPD and Sacramento Metro Fire Department to coordinate emergency response training for key City personnel	Feb-06	Done; one Table Top Exercise has already been completed. City Emergency Response plan still in development. Once draft is accepted, recommend a continuation of Table Top Exercises, which will be testing draft plan, including the education and work
	<i>Fire</i> <i>Police</i>		RCPD and Sacramento Metro Fire to facilitate table top and field operational scenario exercises to insure readiness of City staff to manage disaster events.	Mar-06	Done; one Table Top Exercise has already been completed. City Emergency Response plan still in development. Once draft is accepted, recommend a continuation of Table Top Exercises, which will be testing draft plan, including the education and work
	<i>Fire</i> <i>All Dept. Heads</i>		City staff to develop comprehensive action plans for their specific work groups associated with their anticipated assignments in a disaster response.	Jun-06	Done
	<i>All Dept. Heads</i> <i>Building</i>		City Staff to develop an Emergency Operations Center and train for the eventual activation of the center	Jun-06	Revise due date to Jan-07 to allow for training

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/New Due Date (Done/on track/revised)
	Police		RCPD and Sacramento Metro Fire to facilitate public workshops and/or town hall meetings to present emergency operations plan for public review and input	Jun-06	Revise to ongoing; current city Response Plan is still in development. Requires completion of County Plan before City Plan can be addressed. Basic Section of City Plan is already in progress, once County Plan is completed and accepted by OES, City can then proceed.
	Fire				
	Police		Address emergency response in situations of a break in Folsom Dam and unacceptable height and condition of the levees	Aug-06	Revise to ongoing; this will be an appendix in the City Response Plan. Current County Plan is in effect, and will likely be adopted by City.
	Fire Public Works				
	City Manager/PIO	Collaborate with the City Council and members of the community to continue to develop community-policing principles to be implemented within the city	Implement customer survey to measure citizen concern over public safety issues and to prioritize public safety operations	Mar-06	Done (Same as Positive Image/Survey & Safe Community)
	Police		Conduct public forums/ town hall meetings with results of Customer Service Survey and to allow input	Jun-06	Revise due date to Jun-07; this appears to be an item that will need collaboration with City officials and new RCPD Chief.
	Fire				
	Police		RCPD to design a regular report to City Council on 9-1-1 calls	Sep-06	Revise due date to Sep-07; likely will need collaborations with SSD Communications Division to derive statistical data.
	Police	Sustain outreach activities to continually educate the public related to public safety issues	Conduct periodic Town Hall meetings to discuss public safety issues and to include the public in the decision making process.	Ongoing	Unclear to department who is responsible for this process
	Fire				

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/New Due Date (Done/on track/revised)
	Police		Collaborate with schools, the park district, the faith based community and other public entities to continue to offer public safety education classes, including personal safety, fire safety, traffic/bicycle safety, etc. (Police School Resource Officer, POP, traffic, and fire prevention)	Ongoing	On track; new Chief has already verbalized his goals and objectives which specifically include these programs.
	Fire Police		Collaborate with the public to continue to offer crime prevention and fire safety programs to both residents and the business community (Police School Resource Officer, POP, traffic, fire prevention)	Ongoing	On track; new RCPD Chief has reorganized POP, and given specific direction for these programs to be addressed.
	Fire Police		Work with the public to expand Neighborhood Watch groups	Ongoing	On track; Crime Prevention Specialist has been devoting a tremendous amount of time toward this specific issue
	Police		Tie POP programs to Neighborhood Services (Code Enforcement) work out of RCNC	Ongoing	On track; staffing prevents full time personnel assigned to RCNC, however POP has been directed to work through that facility as much as possible. Code Enforcement is still limited, and has not received status to issue citations. Relationship with Code Enforcement has declined, largely due to Code Enforcement limitations in its powers. Development of short and long term Code Enf. objectives for FY 06-07 will be led by the City's new Neighborhood Services Supervisor (with support from Economic Development); new position will be filled in Oct-06.

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/ <u>New Due Date</u> (<u>Done/on track/revised</u>)
	City Manager/PIO		Enhance ability for an exchange of feedback from and to the public using a Customer Relationship Management tool. Working on Police interface and seamless services	Jun-06	Done
	Police				
	Police	Develop services delivery plan for the expansion of public safety services and activities to new development areas as well as existing areas	Work with city staff to develop staffing and facility plans to ensure adequate public safety services are provided to the newly developed areas of the city.	Mar-06	Revise due date to Jul-07; City was unable to fund additional positions in FY 06-07 budget to address the increased calls for service in the Anatolia area. Geographic separation from main Rancho Cordova City area makes response times longer for RCPD Officers. Chief is exploring alternatives to actual officers, which may be less expensive and give a very basic law enforcement presence in the Anatolia area.
	Fire City Manager Finance Planning				
	Police		Provide service to the community at service centers wherever possible, including the Rancho Cordova Neighborhood Center (RCNC)	Jan-06	Done; service is being provided as staffing allows at the RCNC which opened its doors to Animal Services and Code Enforcement in Apr-06. Sac Metro Fire Dept. are based at City Hall.
	Fire City Manager				Currently exploring options for Police services at the Kilgore building, and anticipate limited Police services at a new fire station in the Sunrise-Douglas area.
	Finance Planning				
	Police	Provide effective traffic enforcement programs to address public safety issues related to the motoring public	Continue to collaborate with the California Office of Traffic Safety to provide traffic safety programs, such as Avoid the Twelve, Click it or Ticket, On Street Racing programs, etc.	Ongoing	On track

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/ <u>New Due Date</u> (<u>Done/on track/revised</u>)
	Police		Collaborate with schools and other public entities to address traffic related issues (Traffic, POP)	Ongoing	On track
	Public Works Police		Fully implement Commercial Traffic Enforcement Program	Jan-06	Done; Officer Mark Atkins has been filling the Commercial Vehicle Enforcement Position for some time. He is only waiting for the completion of the vehicle build out (pick-up truck) that will enhance his abilities to carry additional enforcement tools.
	Public Works Police	Establish design standards to prevent public safety problems and issues related to criminal activity, access and traffic	Utilize CPTED (crime prevention through environmental design) concepts in the building permit process	Ongoing	This may be more appropriately assigned to the Planning, Building and/or Public Works Departments, specifically the building permits. However, it may also be appropriate to include a component of our Crime Prevention Specialist into the mix. Perhaps meetings to collaborate design processes and expectations. This should include City projects as well.
	Planning Police		Develop procedures to routinely review building design plans for potential public safety hazards, including accessibility for public safety vehicles, fire hazards and crime prevention.	Mar-07	This may be more appropriately assigned to the Planning Department, specifically the building permits. However, it may also be appropriate to include a component of our Crime Prevention Specialist into the mix. Perhaps meetings to collaborate on design processes and expectations. This should include City projects as well.
	Fire Planning				

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/New Due Date (Done/on track/revised)
	Police		Review development plans to ensure the safety of the motoring and pedestrian public.	Ongoing	On track; coordination with County Department of Roadways, (County Traffic Engineers) to build a unified plan.
	Public Works				
	Police	Relocate police services to the Kilgore Building		Jun-07	Revised due date to Dec-07; preliminary meeting has occurred with City staff and architect to begin the programming processes. RCPD has already performed some in-house preliminary planning for the facility.
	Finance				Currently negotiating with upstairs tenants to relocate.
7	Economic Development/Redevelopment	Understand the conditions and need for improvement of the current housing stock and the need for housing choices for all who (work and) want to live in the city	Complete the housing needs assessment	Apr-06	Done; the assessment was completed as part of the Housing Element of the City's General Plan. The General Plan was adopted in Jun-06.
	Planning				
	Economic Development/Redevelopment		Complete a comprehensive market survey to compare	Dec-06	Revised due date to Mar-06 to allow for a comprehensive market study conducted by the City's new Housing Administrator, a position currently in recruitment stages.
	Economic Development/Redevelopment	Ensure a full range of housing choices, types and opportunities for home ownership, rental housing, senior and special needs housing	Coordinate and broker development of housing choices with housing developers, planners and community representatives	Ongoing	On track; process for collaborative meetings with housing stakeholders being developed by current staff with implementation expected by the City's new Housing Administrator, a position currently in recruitment stages.
	Planning				

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/New Due Date (Done/on track/revised)
	<i>Economic Development/Redevelopment</i>		Encourage reinvestment in development of quality housing opportunities in established neighborhoods of the City	Ongoing	On track for a reinvestment strategy for existing housing will be addressed as part of the City's first Housing Policy Plan and a draft plan circulated for internal review by Jul-07.
	<i>Planning</i>				
	<i>Economic Development/Redevelopment</i>		Support the provision of quality affordable housing opportunities for low and very low income working families, seniors and persons with disabilities	Ongoing	On track for a reinvestment strategy for existing housing that will be addressed as part of the City's first Housing Policy Plan. A draft plan will be circulated for internal review by Jul-07.
	<i>Planning</i>				
	<i>Economic Development/Redevelopment</i>		Support the provision of affordable housing in mobile home parks	Ongoing	On track for a process of collaborative meetings with housing stakeholders being developed by staff and to be implemented by the City's new Housing Administrator, a position currently in recruitment stages.
	<i>Planning</i>				
	<i>Building</i>		Support energy efficiency in new and existing homes to enhance home affordability	Ongoing	On track with partnerships working with CBIA
	<i>Economic Development/Redevelopment</i>				
	<i>Planning</i>				
	<i>Building</i>		Adopt a condo conversion ordinance to facilitate conversion of rentals to homeownership	Dec-06	Revised due date to Sep-07.
	<i>Economic Development/Redevelopment</i>				Item to be addressed by the City's new Housing Administrator with support from the City Attorney, Planning, and Building and Safety functions.
	<i>Planning</i>				

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/ New Due Date (Done/on track/revised)
	<i>Building</i>		Rehabilitate and rejuvenate residential properties to facilitate upgrades in specific neighborhoods	Ongoing	On track.
	<i>Economic Development/Redevelopment</i>				Strategies will be identified as part of the City's first Housing Policy Plan, and a draft plan will be circulated for internal review by Jul-07.
	<i>Economic Development</i>	Develop a comprehensive program to provide financial incentives to the private and non-profit developers to build the housing needed in the city	Implement the Community Development Block Grant (CDBG), including development of the federally required Comprehensive Plan.	May-06	Done; the City's Five-Year Consolidated Plan and Annual Action Plan was adopted in May 2006.
	<i>Economic Development/Housing</i>				
	<i>Economic Development/Redevelopment</i>		Implement and enhance the Low Income Housing Trust Fund program	Jun-06	Revise to ongoing due to funding sources. The City's recently adopted Redevelopment Project Area will create a constant revenue stream for affordable housing programs (as defined by California Redevelopment Law). Matching funds will be identified by the City's new Housing Administrator (concurrent with development of the City's first Housing Policy Plan).
	<i>Economic Development/Redevelopment</i>		Develop a Housing Trust Fund for reinvestment in the established neighborhoods	Jan-07	Revise to ongoing. The City's recently adopted Redevelopment Project Area will create a constant revenue stream for affordable housing programs (as defined by California Redevelopment Law). Match funding sources will be identified by the City's new Housing Administrator.
	<i>Economic Development/Housing</i>		Secure revenue for funding a robust housing rehabilitation loan and emergency repair program	May-06	Done. The City's Annual Action Plan was adopted in May 2006. For FY 06-07, the Action Plan allocated \$393,000 in CDBG funds for housing rehabilitation, emergency repair, and code compliance activities.

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/ New Due Date (Done/on track/revised)
	Economic Development		Implement the Redevelopment Low and Moderate Income Housing funded programs, (20% Set-Aside funding as required by state law)	Jan-07	Revise due date to Jan-08; Redevelopment funds will be available starting FY 08-09. Agency staff is considering a proposal to borrow against future TI revenue to create an immediate "gap financing" source for affordable housing programs (as defined by California Redevelopment Law).
	Economic Development		Secure and manage all available private and public sources of revenue to provide gap financing for housing development	Ongoing	A comprehensive affordable housing financial incentives program will be created by the City's new Housing Administrator, currently in recruitment.
	Economic Development	Improve the housing quality standards of rental housing in the City	Develop partnerships with rental housing industry associations, tenant advocacy groups and neighborhood associations to assist with rental property owners and tenants' education and effective property management practices.	Nov-06	Revise to ongoing; an assessment and recommendations report will be presented in Feb-07 by the City's new Housing Administrator, focusing on developing partnerships and strategies to promote the City's expectations of, and improvements to, housing standards on rental properties.
	Planning Building				
	Building		Create a robust rental housing inspection program, including inspections to bring all rental housing up to an acceptable minimum standard.	Jun-06	Revise due date to Dec 07; coordinate with Code Enforcement (now Neighborhood Services) and Building.
	Planning Neighborhood Services (Code Enforcement)				The development of an inspection program will be led by the City's new Neighborhood Services Supervisor (with support from the City's Housing Administrator).

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/ <u>New Due Date</u> (<u>Done/on track/revised</u>)
	<i>Building</i>		Coordinate Neighborhood Services (Code Enforcement) efforts with programs to upgrade housing and neighborhoods.	May-06	Revise to ongoing; several early successes.
	<i>Neighborhood Services (Code Enforcement)</i>				For coordinated delivery efforts, the Neighborhood Services Division was absorbed by Economic Development Department, which contains the City's housing and revitalization functions.
	<i>Finance</i>		Enforce the Business Licensing of rental housing property owners.	Jul-06	Revise to ongoing; started a program with the Fair Housing Commission to require both a Business License as well as charging a Housing Stock Fee of \$10 per door of rental operators. Program is now set up to continue on an annual basis, with total revenue expected to exceed \$200,000 per year.
	<i>Planning</i> <i>Economic Development</i>	Encourage reinvestment in homeownership	Promote infill ownership housing development in the established communities	Ongoing	On track. A comprehensive affordable housing financial incentives program will be created by the City's new Housing Director. The Director position will be filled by October 2006 at which time, program development will commence.
	<i>Planning</i>		Collaborate with non-profit affordable housing developers such as Habitat for Humanity and others to provide home ownership for low and very low income working families	Ongoing	On track.
	<i>Economic Development</i>				
	<i>Building</i>		Develop partnerships with local building suppliers for energy efficiency upgrades	Ongoing	On track.
	<i>Planning</i>				

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/New Due Date (Done/on track/revised)
	<i>All Dept. Heads</i>		Facilitate partnerships with local community service groups, schools, faith and other organizations to develop and implement community improvement programs. i.e. Christmas in July, neighborhood cleanups, house painting programs, "best-block, etc. Possible	Ongoing	On Track
	<i>Building</i>		Consider a "Permit Fee Holiday" to provide free building permits for simple home improvements. Coordinate with local suppliers, designers, lenders, and contractors	May-06	Revise due date to Jul-07.
	<i>Finance Planning</i>	Adopt the City's first Housing Policy Plan	Adopt the state required Housing Element that contains plans, policies and programs directed at improving the quality of housing in the City	Jun-06	Done
	<i>Planning</i>		Implement the pertinent Housing Element policies by updating the City zoning ordinances	Mar-07	Revise due date to Sep-07.
	<i>Economic Development</i>		Develop and implement the housing programs, such as first-time homeowners, housing rehabilitation, housing trust fund, senior housing, and transitional and homeless project and programs	Mar-07	Revise due date to Sep-07; the City's new Housing Administrator will work with community stakeholders to: (1) define the Council mandated 10% mixed-income housing clause; and (2) develop a housing action and policy plan. A draft plan will be circulated for internal review by Jul-07.
8	<i>Planning</i>	Adopt City policies and standards that both allow and promote the enhancement of Rancho Cordova	Complete review of General Plan, design guidelines, park standards, housing element and other policy documents for consistency with "Smart Growth" principles	Mar-06	Done
	<i>Public Works Planning</i>		Re-examine which land uses should be conditional uses reviewed by City Council prior to approval	May-06	Revise due date to Sep-07

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/New Due Date (Done/on track/revised)
	Planning		Adopt updated city standards for park facilities and open space amenities and associated financing mechanisms	Sep-06	Revise due date to Mar-07 for all.
	CRPD				Park Design Guidelines and Park Standards & Specifications are done. Administrative Draft completed for Park Fee Nexus Study and facility standards (CRPD Quimby). Working with City Staff on Open Space financing components- revise due date to Nov-06.
	Planning		Adopt General Plan with policies and programs for a livable community	Jun-06	Done
	Planning		Separate current Zoning Code into regulatory requirements and form-based performance standards	Dec-06	Revise due date to Sep-07
	Planning	Promote the enhancement of Rancho Cordova's existing neighborhoods and commercial districts	Develop a strategy for acquiring a decision-making role in Mather Regional Park	May-06	Done
	CRPD				Information gathering and communication with County parks staff ongoing.
	Planning		Actively participate within the American River Parkway Update to enhance and protect the value of the Parkway for Rancho Cordova residents	Jun-06	Revise due date to Dec-06
	CRPD				CRPD actively participating with the City in the update and public workshops.
	City Manager/PIO		Develop and begin implementing a comprehensive branding campaign (also under Image)	Sep-06	On track
	Economic Development				
	Planning		Compete for awards and recognition for innovative City Building	May-06	Revise to ongoing and on track
	Building Public Works				
	City Manager/PIO				

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/New Due Date (Done/on track/revised)
	Planning		Implement all other city goals that contribute to sustaining a livable community	Ongoing	On track
	Public Works				
	Planning		Pursue opportunities to put Rancho Cordova in a leadership role for sustainable planning and development solutions in the region and State (e.g., solar community, green buildings).	Ongoing	On track
	Public Works				
	Planning	Engage members of the community in the enhancement of Rancho Cordova	Implement the Planning Commission's "Orchids & Onions" awards program (also under Image)	May-06	Revise due date to Jan-07
	City Manager/PIO				Need to explore this more in context of educational focus on Code Enforcement in FY 06/07
	Planning		Implement outreach to all new residents of Rancho Cordova (Codes, voting, CC&R's remind them of city land uses, etc.)	Dec-06	On track
	Economic Development City Manager/PIO				
	Economic Development		Host quarterly civic events for participation, education, celebration of City activities (e.g., Believe in the Boulevard Open House, Neighborhood Cleanup)	Ongoing	On track
	City Manager/PIO				
	Economic Development		Host networking events for organizations within the City to share ideas and conduct business.	Ongoing	On track
	City Manager/PIO				
9	Planning	Upgrade the visual and economic quality of existing businesses on Folsom Blvd.	Complete Folsom Blvd Specific Plan	Jul-06	Revise due date to Jun-07.
	Economic Development				Key development sites, with appropriate land uses, will be identified by Dec-06.
	Public Works		Complete Folsom Blvd. Streetscape Master Plan	Jun-06	Revise to ongoing and on track.

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/New Due Date (Done/on track/revised)
	Planning		Create a Commercial Neighborhood Services (Code Enforcement) Plan	Jul-06	Revise due date to Dec-07 as management has shifted to Economic Development Department
	Economic Development				The City's Neighborhood Services Supervisor position will be filled by Oct-06 and work will begin on a neighborhood services and code enforcement plan.
	Planning		Complete the Redevelopment Project Plan	Aug-06	Done. Adopted effective August 6, 2006.
	Economic Development				
	Public Works		Begin an underground utilities project	Ongoing	On track
	Planning		Assess infill and redevelopment opportunities within one quarter mile of the light rail line	Ongoing	On track
	Economic Development				Six infill opportunities (or pulse points) have been identified as part of the Folsom Boulevard specific planning process. Market and planning analyses will be completed by Dec-06.
	Planning		Adopt an infill policy	May-06	Revise due date to Jul-07 (after Folsom Boulevard Specific Plan completed, per Economic Development Department)
	Economic Development				
	Economic Development		Facilitate creation of a Business Improvement District <i>8 CG</i>	Ongoing	On track. Funding has been identified for consultant services and formation proceedings will begin in Spring 07.
	Economic Development	Attract high quality retail and commercial to Rancho Cordova	Identify a strategy to bring quality retail to the Riverside District	Ongoing	On track. Development of a retail attraction strategy will be identified for future action inclusive of the City's upcoming Five-Year Economic Development Action Plan.

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/ <u>New Due Date</u> (<u>Done/on track/revised</u>)
	<i>Economic Development</i>		Market and promote the opportunities of the Riverside District	Ongoing	On track. Development of a retail attraction strategy will be identified for future action inclusive of the City's upcoming Five-Year Economic Development Action Plan.
	<i>Economic Development</i>		Implement the Buxton Community ID Retail study	Jun-06	Revise to ongoing and on track. Development of a retail attraction strategy (incorporating Buxton recommendations) will be identified for future action inclusive of the City's upcoming Five-Year Economic Development Action Plan.
	<i>Economic Development</i>		Upgrade the business attraction program and team	May-06	Revise to ongoing and on track. Development of a retail attraction strategy (incorporating Buxton recommendations) will be identified for future action inclusive of the City's upcoming Five-Year Economic Development Action Plan.
	<i>Economic Development</i>		Create a Community Data Book to attract site selectors	May-06	Revise due date to Jan-07. Market and demographic data currently being compiled and will be placed on the City's website. Staff is also working to execute a contract with GIS Planning, Inc (GIS) to develop a site selector website for the Rancho Cordova Planning Area. A website launch date is scheduled for Spring 07.
	<i>Economic Development</i>		Create an Economic Development page on the City's Web Site	Dec-06	Revise due date to Jan-07. Copy for a future Business Web Portal is being developed by Economic Development and PIO staff.

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/New Due Date (Done/on track/revised)
	<i>Economic Development</i>		Plug and measure retail leakage	Ongoing	On track. Staff continues to facilitate the planning processes for upgrading various retail centers, including the Target rebuild and expansion with completion expected in 07. Staff is also working on a retail development summit for Folsom Boulevard brokers and developers for early 07.
	<i>Economic Development</i>	Determine what types of industry and businesses are located in the Rancho Cordova Planning Area and learn their needs.	Complete survey of industry and businesses	Nov-06	Revise due date to Jul-07. For FY 2006-07, the RCREDC (under City contract) will conduct 75 business surveys of the City's top sales volume generators, and all survey findings will be culled into a final report.
	<i>Economic Development</i>		Support current business retention program	Ongoing	On track. A comprehensive and performance-based business retention contract (FY 06-07) was recently executed with the RCREDC and quarterly performance reports will be presented to Council.
	<i>Economic Development</i>		Work with Chamber to develop programs of support	Ongoing	On track. A business retention service contract was executed with the RCREDC. The RCREDC is a non-profit, business retention arms of the Rancho Cordova Chamber of Commerce.
	<i>Finance</i>	Provide the infrastructure and support to successfully attract new industry.	Create a fiscal analysis to determine ROI on each project	Jun-06	Done. The City's Pro Forma program provides a fiscal analysis and will be required of all new development agreements.
	<i>Economic Development</i>		Measure the value of industrial uses	May-06	Revise to ongoing and on track. For FY 2006-07, the RCEDC (under City contract) will conduct various business surveys to gauge the value and needs of existing industrial uses.

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/New Due Date (Done/on track/revised)
	Finance		Adopt infrastructure assessment fees	Jun-06	Revise to ongoing and on track; recently used to increase traffic impact fees and have institute new CFF for Technology, Animal Services and Records Management
	Finance		Continue to participate in the General Plan process	Ongoing	Pro Forma will provide the tool to continue participation on a financial basis
	Economic Development	Become a Regional Sports and Recreation Center	Collaborate with the CRPD to insure that there are sufficient numbers of fields that can attract amateur sports events.	Aug-06	Revise to Mar-07; Planning is underway to reconstruct the Mather Sports Center; reconstruction will allow additional events. Construction estimated to start in Spring 07.
	Planning CRPD				The renovation will add three regulation softball fields with two soccer field overlays and one regulation synthetic soccer field. All lighted fields. Additional complexes are being planned in the new development areas.
	Economic Development		Discover the opportunities that already exist with the local youth amateur sports groups (Sacramento Sports complex on Folsom Blvd.)	May-06	Revise to ongoing and assign to Chamber of Commerce's tourism function; Economic Development staff to provide support.
	Economic Development		Develop a strategy with the Chamber's Visitor and Tourist Bureau to attract more sporting activities, i.e. softball, soccer and volleyball tournaments.	Jun-06	Revise to ongoing and assign to Chamber of Commerce's tourism function; Economic Development staff to provide support.
	Finance		Develop a strategy to investigate the economic return and investment by the City to create a sports arena	Sep-06	Revise to ongoing and assign to Chamber of Commerce's tourism function; Economic Development staff to provide support.
	Economic Development				

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/New Due Date (Done/on track/revised)
	Economic Development		Become the leader in developing Mather Regional Park	Ongoing	On track in planning discussions with the County.
	Economic Development		Become a player in the region by participating in the Sacramento Sports Commission	May-06	Revise to ongoing and assign to Chamber of Commerce's tourism function; Economic Development staff to provide support.
	City Manager Economic Development		Determine strengths and opportunities for river-oriented sports	Aug-06	Revise to ongoing and assign to Chamber of Commerce's tourism function; Economic Development staff to provide support.
	City Manager	Maintain a mutually beneficial working relationship with the Chamber of Commerce	Leadership Program 	Ongoing	On track: New class started Sep-06.
10	All Dept. Heads City Clerk	Create an organization of community volunteers at City Hall	Identify potential volunteer groups -- high school students, senior citizens, local college students, local businesses	Jun-06	Revise to ongoing and assign to newly reorganized Administrative Services Dept as it is HR-related.
	City Clerk		Determine an entrepreneurial way to pay the salary of a full-time volunteer coordinator, i.e. the Police Dept's volunteer S.T.A.R. Program: Use passport services revenue for half-time volunteer in FY06/07 budget	Jun-06	Revise to ongoing and assign to newly reorganized Administrative Services Dept as it is HR-related. Volunteer position not funded in 06-07 FY; will continue monitoring passport services revenue.
	City Clerk	Foster the creation of neighborhood advisory committees	Determine at least 4 logical neighborhood advisory committee areas	Dec-06	Revise to ongoing and assign to Neighborhood Services with assist from City Clerk, Economic Development and PIO.
	City Manager/PIO Economic Development City Clerk		Work with the Cordova Community Council to look for volunteers to teach people how to set up and manage an association. Ensure outreach efforts are not just targeted at English-speaking homes.	Dec-06	Revise to ongoing and assign to Neighborhood Services with assist from City Clerk, Economic Development and PIO.

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/ New Due Date (Done/on track/revised)
	Economic Development	Adopt Economic Development Plan	Determine the next steps for adoption	Dec-06	On track. Information concepts for the draft Work Program will be presented for review to the City's Economic Development Advisory Committee in Fall 06.
	Economic Development		Develop implementation strategies	Dec-06	Revise due date to Feb-07. Plan has been modified in scope to be more of an action-based, five year work program.
	All Dept. Heads Finance Planning Economic Development	Develop Kilgore property with adjacent property owners		Dec-07	Revise due date to Dec-09, needing full development of adjoining properties. A development charette is in the planning stage; an event date is yet to be scheduled.
	City Manager Finance All Dept. Heads City Manager All Dept. Heads All Dept. Heads	Approach revenue neutrality in an entrepreneurial way	Determine new approaches and strategies that result in a re-opening of negotiations	Sep-06	Revise to ongoing and on track.
		Adopt Council policy (General Plan) that insures "full cost recovery"		Apr-06	Done.
		Look at other opportunities for recovering costs.		Ongoing	On track
	Finance		Adopt a Mello Roos Insurance Fee - Develop/require Mello Roos on all development projects, including infill	Dec-06	Revise to ongoing and on track. CFD fee of 1.65% charged on the 2005 series of Mello Roos Bonds resulting in over \$240,000 in new revenue to the city. Continued charges will be made on new Mello Roos bonds.
	Planning Finance Planning		Adopt a General Plan policy requiring development agreements & CFD's	Jun-06	Revise due date to Jul-07 and assign to City Attorney.

City Manager

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/New Due Date (Done/on track/revised)
	Finance		Conduct annual review of contracts to determine cost effectiveness	Ongoing	On track - all contracts are being tracked in costs and provided to the City Manager on a quarterly basis.
	Finance	Finish cash flow model to provide means to actively invest idle funds.		Apr-06	Done; The City established a working relationship with MBIA and CAMP to address the investment of idle funds.
12	Planning	Complete the annexation of the SOI (finger) through LAFCO		Sep-06	Revise due date to Sep-07
	City Council	Actively work to resolve the issue of school district boundaries in order to have Rancho Cordova students attend schools identified as City schools. 2x2's, school study (awaiting results).	2 x 2's, school study (awaiting results).	Jun-07	On track: Still awaiting school study results & monitoring through 2 x 2 meetings.
	All Dept. Heads	Identify, develop and implement a strategy of phased development of new SOI's and ultimate annexation to the logical and feasible limits of the city boundary	Complete a study of the pros and cons of establishing an ultimate city boundary <i>COI sent to staff 4/23/06</i>	Oct-06	On track
	Planning		Apply to increase the existing SOI to a boundary that includes Mayhew Road and drainage canal to the west, Jackson Highway on south, Prairie City Rd/USB to the east, and maintain the current Folsom city limit on north.	Dec-07	On track.
	City Manager	Complete agreement with Sacramento County to repair and restructure current revenue neutrality agreement	County issues project	Jun-06	Revise due date to Jun-07. Litigation underway, productive negotiations possible.
	City Attorney Finance				

GOAL	Department/Division	Objectives	Staff Action	Previous Due Date	Notes/New Due Date (Done/on track/revised)
13	CONTINUE TO PROVIDE REGIONAL LEADERSHIP				
	City Council	Be known and admired for our leadership in solving regional problems.	Participate in all regional commissions and committees.	Ongoing	On track
	All Dept. Heads				
	City Council		Develop strategic relationships with local governments and agencies.	Ongoing	On track
	All Dept. Heads				
	City Council		Continue to strive for "win-win" relationships like we do now with Sacramento County	Ongoing	On track
	All Dept. Heads				
	City Council		Think and act strategically on long-term regional issues.	Ongoing	On track
	All Dept. Heads				
	All Dept. Heads		Be an example of innovative government	Ongoing	On track
	City Manager/PIO		Publicize and share our accomplishments in innovative government	Ongoing	On track
	All Dept. Heads				