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

New City Hall American River
2729 Prospect Park Drive, Rancho Cordova
&
*****The Ritz Carlton Kapalua**
One Ritz-Carlton Drive, Kapalua, Hawaii

Tuesday, January 17, 2006
5:00 P.M. – Closed Session
5:30 P.M. – Regular Meeting

MINUTES

CLOSED SESSION

The Council adjourned to Closed Session at 5:01 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 in Closed Session: Budge; Cooley; Sander (via teleconference from One Ritz-Carlton Drive, Kapalua, Hawaii); Skoglund; McGarvey
   Staff Present: Abhar, Gaebler, Hare, Junker, Lindgren, and Chapman

No speakers indicated a desire to speak at City Hall nor in Kapalua, Hawaii.

Closed Session adjourned at 5:32 p.m.

REGULAR MEETING

Call to Order

Mayor McGarvey called the meeting to order at 5:45 p.m. and announced that there would be audio-taping only of the meeting.

Present: Council Members Budge, Cooley, Skoglund, ***Sander & McGarvey
Staff Present: Gaebler, Hare, Olea-Moger, Chapman, Trimberger, Thomas, Johns, Junker, Abhar, Haven, Pierce, Treadwell

Report from Closed Session

City Attorney Joe Chapman announced there was no reportable action from closed session.

***NOTE: Vice Mayor Sander joined the meeting via conference call from Hawaii

Pledge of Allegiance

City Manager Ted Gaebler led the Pledge.

Invocation

2. Reverend Becky Goodwin, United Methodist Church, gave the invocation.

Presentation

3. New Staff Introductions:
Alexandra Miller, Management Assistant
Esther Pinola, Senior Accounting Technician
Jay Hadley, Information Technology Manager
Joe Cuffe, Senior Building Permit Technician
Ken Mace, Building Inspector II
Michael Rodriguez, Contract Animal Services Manager
Sharon Racine, Animal Services Officer

3a. Sacramento Metro Fire District Recognition

Council recognized efforts of the Sacramento Metropolitan Fire District in welcoming the new City of Rancho Cordova into the community and providing a building for the first City Hall on Gold Canal Drive as well as noted the Proclamation given to recently-retired Fire Chief Rick Martinez.

ORAL COMMUNICATIONS

4. **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 Sander second by Skoglund and carried by unanimous roll call vote, Council approved the Consent Calendar with the exception of Items #5 and #7 which were pulled for separate discussion.

6. **Subject:** Second Reading of Ordinance No. 29-2005 Amending Title 1 of the Rancho Cordova Zoning Code Regarding Illegal Uses
Recommendation: Waive second reading and adopt Ordinance No. 29-2005. **(Roll Call Vote)**
Result of Recommended Action: Ordinance No. 29-2005 will clarify that activities which are illegal under Federal and State law may be enforced as violations of the City's Municipal Code.
Staff Report: Steve Meyers, City Attorney

***NOTE: Vice Mayor Sander joined the meeting via conference call from Hawaii

8. **Subject:** Resolution Declaring the Results of Mail Ballot Election for Rancho Cordova Transit-Related Services Special Tax Area Zone 3 (Capital Village Subdivision) and Second Reading of Ordinance No. 31-2005 Establishing a Special Tax for Transit-Related Services for the Capital Village Subdivision Subject to Voter Confirmation
Recommendation: Adopt Resolution No. 02-2006 and waive second reading and adopt Ordinance No. 31-2005. **(Roll Call Vote)**
Result of Recommended Action: The recommended actions authorize the collection of a special tax in Capital Village to provide funding for transit-related services. The amount of the tax per parcel on an annual basis ranges from $48 to $80 per residential dwelling unit, $2,051 per retail and service commercial acre, and $1,763 per commercial mixed use acre.
Staff Report: Cyrus Abhar, Public Works

9. **Subject:** Resolution to Memorialize the Employee Contribution to the California Public Employees Retirement System (Calpers)
Recommendation: Adopt Resolution No. 04-2006.
Result of Recommended Action: This is a housekeeping item to comply with Calpers requirements to memorialize the contribution of 2.5% of salary to the retirement system by city employees.
Staff Report: Lillian Hare, City Clerk/Human Resources

10. **Subject:** Award Contract to Responsive Bidder Beebe Corporation in the amount of $401,464.00 for Site Work, Including Disabled Access Upgrades, Required Exiting Path of Travel Routes, Outdoor Seating Area Fencing, and Flag Pole Installations, at the New City Hall.
Recommendation: Award contract to Beebe Corporation.
Result of Recommended Action: Award of this contract will allow the above-described site work at the new city hall building to be completed.
Staff Report: Winfred DeLeon, Building

The following items were pulled for separate action:

5. **Subject:** Minutes of City Council Special Meeting of December 15, 2005
Recommendation: Adopt Minutes.

ACTION: Motion by Cooley second by Skoglund and carried by 4:0 roll call vote (Budge abstained), Council adopted the Minutes of December 15, 2005 Special Meeting.

7. **Subject:** Second Reading of Ordinance No. 30-2005 Approving the Development Agreement for RC-04-096, the Sunridge Park Phase II Project
Recommendation: Waive second reading and adopt Ordinance No. 30-2005. **(Roll Call Vote)**
Result of Recommended Action: Ordinance No. 30-2005 authorizes the city to enter into an agreement that will vest the developer's right to build 181 units in exchange for paying the city: $1,500.00 per unit for existing parks, $450.00 per unit for supplemental police services, and other consideration.
Staff Report: Bill Campbell, Planning & Adam Lindgren, City Attorney

The following individual addressed the Council on Item #7:

Sherry Bradley to oppose the approval of the development agreement.

ACTION: Motion by Budge second by Skoglund and carried by 4:0 roll call vote (Cooley absent for vote), Council adopted Ordinance No. 30-2005.

CONSENT PUBLIC HEARING ITEMS

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

ACTION: Motion by Budge second by Skoglund and carried by unanimous roll call vote, Council continued Item #11 to February 6, 2006 meeting.

11. **Subject:** Ordinance Amending Ordinance No. 18-2003 Changing the Functions of "Zoning Administrator" to "Planning Director" for Certain Administrative Approvals. The Planning Director Would be Able to Approve Minor Projects With or Without the Hearings, as Provided in the Zoning Code **(Continued from November 21, 2005, December 5, 2005, and December 19, 2005)**
Recommendation: Continue to February 6, 2006 meeting **(Roll Call Vote)**
Result of Recommended Action: No action is requested at this time.
Staff Report: Paul Junker, Planning

PUBLIC HEARING ITEMS

12. **Subject:** Mining Policy Fee Ordinance **(Continued from November 7, 2005 & December 5, 2005)**
Recommendation: Table this item to future date. **(Roll Call Vote)**
Result of Recommended Action: No action is requested at this time.
Staff Report: Bill Thomas, Finance

Mayor McGarvey opened the Public Hearing for Item #12. There were no speakers. Mayor McGarvey closed the public hearing.

ACTION: Motion by Budge second by Cooley and carried by unanimous roll call vote, Council tabled the item.

13. **Subject:** An Urgency Ordinance of the City of Rancho Cordova Extending a Moratorium on the Establishment of New Sexually Oriented Businesses and the Expansion of Existing Sexually Oriented Businesses Pending the Review and Amendment of Zoning Regulations Applicable to Sexually Oriented Businesses, to Become Effective Immediately
Recommendation: Adopt Urgency Ordinance No. 02-2006. **(Roll Call Vote)**
Result of Recommended Action: Adoption of this ordinance will prohibit, for one year, the issuance of permits and other approvals relating to the opening of new sexually oriented businesses or the expansion of existing sexually oriented businesses located within Rancho Cordova pending the City's review and amendment of zoning regulations applicable to such businesses.
Staff Report: Steve Meyers, City Attorney

Mayor McGarvey opened the Public Hearing for Item #13. There were no speakers. Mayor McGarvey closed the public hearing.

ACTION: Motion by Skoglund second by Budge and carried by unanimous roll call vote, Council adopted Urgency Ordinance No. 02-2006.

14. **Subject**: An Ordinance Amending Ordinance No. 24-2004 Chapter 16.83 to Title 16 of the RC Code Relating to Development Impact Fees to Finance the Cost of Public Facilities within the Sunrise Douglas Community Plan.
Recommendation: Continue to February 6, 2006. **(Roll Call Vote)**
Result of Recommended Action: This item will be continued to February 6, 2006. The fee approval will no longer be an amendment of Chapter 16.83, Title 16 of the Rancho Cordova Municipal Code, rather it will be an approval of a citywide fee by resolution.
Staff Report: Bill Thomas, Finance

Mayor McGarvey opened the Public Hearing for Item #14. There were no speakers. Mayor McGarvey closed the public hearing.

ACTION: Motion by Cooley second by Budge and carried by unanimous roll call vote, Council continued Item #14 to February 6, 2006 meeting.

15. **Subject:** Adoption of the Revised General Plan Land Use Map Book
Recommendation: Adopt Resolution No. 03-2006, establishing revised interim policies and diagrams that will guide land use within the City until the adoption of a General Plan. Adopt the Revised General Plan Land Use Map Book as part of the City's Interim General Plan and direct staff to complete the preparation of a Draft General Plan/Draft Environmental Impact Report. **(Roll Call Vote)**
Result of Recommended Action: Adoption of the Revised General Plan Land Use Map Book will allow City staff to continue using these interim policies, which reflect the Council's vision for future land uses in the City, as well as enable the completion of the Draft General Plan/Draft Environmental Impact Report consistent with the maps.
Staff Report: Paul Junker, Planning

NOTE: Vice Mayor Sander left the meeting during discussion on Item #15.

Mayor McGarvey opened the Public Hearing for Item #15. The following individuals addressed the Council on this item:

(a) Joyce Martin to oppose adoption of the item due to impact on natural resources
(b) Darrell Lindsey to oppose adoption of the item due to impact on natural resources
(c) Inge Lindsey to oppose adoption of the item due to impact on natural resources
(d) Christa Lindsey to oppose adoption of the item due to impact on natural resources
(e) Sherry Bradley to oppose adoption of the item due to impact on natural resources
(f) Susan Crocker to oppose adoption of the item due to impact on natural resources
(g) Carol Crofoot to oppose adoption of the item due to impact on natural resources
(h) LuAnne Spencer-Hartle to oppose adoption of the item due to impact on natural resources
(i) Betty Christoff to oppose adoption of the item due to impact on natural resources
(j) Ron Alvarado to encourage flexibility for set aside for vernal pools
(k) Moira Neuterman to encourage reconsideration of the item
(l) David Hatch to support the adoption of the item
(m) Judy Waegell to seek clarification on MRD designation
(n) Elke Guenter to suggest Council leave its legacy with keeping natural resources

Mayor McGarvey closed the Public Hearing for Item #15.

ACTION: Motion by Budge second by Skoglund and carried by 4:0 vote (Sander absent), Council adopted Resolution No. 03-2006 Adopting a Revised Draft Land Use Map Book to serve as interim diagrams and policies to guide land use within the city until the adoption of a General Plan with the following amendments:

- Modifications outlined in the January 17, 2006 Addendum to the Revised Draft Land Use Map Book Staff Report distributed at the meeting to be included
- Planning area description and MRD designation to be clarified
- Statement in the introduction page to address vernal pools impact to be added.

AT THIS POINT, Council took a brief recess. All Council Members present reconvened (Council Member Sander absent)

REGULAR CALENDAR ITEMS

Mayor McGarvey announced Items #16 and #17 would be considered concurrently.

16. **Subject:** Urgency Ordinance Adopting Rancho Cordova Municipal Code Chapter 16.130, Swainson's Hawk Impact Mitigation that Would Immediately Establish Guidelines for Mitigating the Impacts of Urban Development on Swainson's Hawk.
Recommendation: Adopt Urgency Ordinance No. 03-2006. **(Roll Call Vote)**
Result of Recommended Action: Urgency Ordinance No. 03-2006 will establish regulations that allow developers to mitigate impacts to Swainson's Hawk through payment of a fee. The fee will be used to purchase suitable habitat for the endangered Swainson's Hawk.
Staff Report: Paul Junker, Planning

17. **Subject:** Ordinance Adopting Rancho Cordova Municipal Code Chapter 16.130, Swainson's Hawk Impact Mitigation that Would Initiate the Adoption of a Non-Urgency Ordinance to Establish Guidelines for Mitigating the Impacts of Urban Development on Swainson's Hawk.
Recommendation: If Urgency Ordinance 03-2006 is not adopted, waive first reading and introduce Ordinance No. 04-2006. **(Roll Call Vote)**
Result of Recommended Action: Ordinance No. 04-2006 is identical to Urgency Ordinance 03-2006. It is recommended for adoption as an option if it is determined that an Urgency Ordinance is not the desired course of action by the Council.
Staff Report: Paul Junker, Planning

The following individuals addressed the Council on Item #17:

(a) Aimee Rutledge to encourage consideration of a land delivery system (direct preservation by developers) rather than mitigation fees
(b) Dan Gifford to introduce himself as representative of Department of Fish & Game and to advise he is interested in long-range approach
(c) Sherry Bradley to support preserving the hawk habitat
(d) Jude Lamare representing Friends of the Swainson's Hawk to oppose the option of using a fee
(e) Jim Pachl attorney for Friends of the Swainson's Hawk and Sierra Club to oppose mitigation by payment of fees

(f) Bob Shattuck to encourage further consideration of the item since there is no urgency
(g) Ardie Zahedani representing Northstate Building Industry Association to state the fee option flexibility is extremely important to mitigation
(h) Alta Tura representing Sacramento Urban Creeks Council to state the solution to Swainson's Hawk is a habitat conservation plan
(i) Christa Lindsey to convey opinion that using CEQA to address the issue is not responsible planning and to encourage development of a conservation and preservation plan.

ACTION: Motion by Budge to drop the Urgency Ordinance and bring back the Non-Urgency Ordinance at a future date with revisions to enact a temporary mitigation program. Second by Skoglund and carried by 3:1 vote (Cooley voted no; Sander absent).

18. **Subject:** Appointment of (2) At-Large Planning Commissioners (terms expired December 2005)
Recommendation: Appoint two Planning Commissioners to fill the two expiring term seats **(Roll Call Vote)**
Result of Recommended Action: Two appointments will be made to fill expiring terms of the two at-large Planning Commissioner seats for new terms to expire December 2007.
Staff Report: Lillian Hare, City Clerk and Paul Junker, Planning for questions

ACTION: Motion by Cooley second by Budge and passed by 4:0 vote (Sander absent), Planning Commissioners Art Smith and Ernie Vance were reappointed to serve on the Planning Commission for terms consistent with Ordinance No. 56-2004 (four year terms).

CORRESPONDENCE

Council Members reported on recent correspondence.

COUNCIL REPORTS

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

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Budge – Schedule Sac Metro Chamber PowerPoint Presentation at future Council meeting
Skoglund – Garbage service pick up
Skoglund – Commercial truck parking

CITY MANAGER'S REPORT

19. City Clerk/Human Resources

Lillian Hare reported on activities within her areas of responsibilities: city clerk, human resources, and administrative support services.

***NOTE: Vice Mayor Sander joined the meeting via conference call from Hawaii

ADJOURNMENT

The meeting adjourned at 10:20 p.m.

Anna Olea-Moger

Anna Olea-Moger, Assistant City Clerk

***NOTE: Vice Mayor Sander joined the meeting via conference call from Hawaii