



CONCURRENT MEETING
CITY COUNCIL/CRA/RCFC

Monday, November 07, 2011

4:00 P.M. – Special Meeting
5:30 P.M. – Regular Meeting
Special Meeting/Work Session following
the Regular Meeting

AGENDA

Robert J. McGarvey, Mayor

David Sander, Vice Mayor

Linda Budge, Council Member

Dan Skoglund, Council Member

Ken Cooley, Council Member



Regular City Council meeting dates are scheduled on the 1st and 3rd Monday's of each month, unless when Monday is a holiday.

If Monday is a holiday, the meeting will be scheduled for the following Tuesday. Dates are subject to change.

City Council Regular Mtg

CANCELLED MTG

City Council Special Mtg

CANCELLED MTG

CITY HALL CLOSED

2011

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

S	M	T	W	T	F	S
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

S	M	T	W	T	F	S
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

S	M	T	W	T	F	S
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

S	M	T	W	T	F	S
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

S	M	T	W	T	F	S
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

S	M	T	W	T	F	S
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

CITY HALL CLOSURE DATES
Mon, Jan 17 - Martin Luther King Jr. Day
Fri, Feb 18 - Furlough Day
Mon, Feb 21 - President's Day
Fri, Mar 11 - Furlough Day
Fri, Apr 22 - Furlough Day
Fri, May 27 - Furlough Day
Mon, May 30 - Memorial Day
Fri, Jun 17 - Furlough Day
Mon, Jul 4 - Independence Day
*Fri, Jul 15 - Furlough Day
Mon, Sep 5 - Labor Day
Fri, Nov 11 - Veterans Day
*Wed, Nov 23 - Furlough Day
Thu, Nov 24 - Thanksgiving Day
Fri, Nov 25 - Day After Thanksgiving Day
Fri, Dec 23 - Day Before Christmas Eve Day
Mon, Dec 26 - Day After Christmas Day
*Fri, Dec 30 - Furlough Day

2012

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

S	M	T	W	T	F	S
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29			

S	M	T	W	T	F	S
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

S	M	T	W	T	F	S
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

S	M	T	W	T	F	S
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

S	M	T	W	T	F	S
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

S	M	T	W	T	F	S
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

S	M	T	W	T	F	S
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

S	M	T	W	T	F	S
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

S	M	T	W	T	F	S
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

* Tuesday, November 1 - Special Meeting -
Closed Session for City Manager & Department
Annual Review & Development

CITY HALL CLOSURE DATES
Mon, Jan 2 - Day After New Year's Day
Mon, Jan 16 - Martin Luther King Jr. Day
*Fri, Feb 17 - Furlough Day
Mon, Feb 20 - President's Day
*Fri, Apr 6 - Furlough Day
Mon, May 28 - Memorial Day
Wed, Jul 4 - Independence Day
Mon, Sep 3 - Labor Day
Mon, Nov 12 - Veterans Day
Thu, Nov 22 - Thanksgiving Day
Fri, Nov 23 - Day After Thanksgiving Day
Mon, Dec 24 - Christmas Eve
Tue, Dec 25 - Christmas Day
Mon, Dec 31 - New Year's Eve

*Dates Pending Approval

2013

S	M	T	W	T	F	S
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

S	M	T	W	T	F	S
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

S	M	T	W	T	F	S
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

S	M	T	W	T	F	S
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

S	M	T	W	T	F	S
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

S	M	T	W	T	F	S
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July						
	1	2	3	4*	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			



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

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

Monday, November 07, 2011

**4:00 P.M. – Special Meeting/Work Session
American River Room North**

**5:30 P.M. – Regular Meeting
David B. Roberts Council Chambers**

**Special Meeting/Work Session to follow the Regular Meeting
American River Room North**

AGENDA

1. SPECIAL MEETING / WORK SESSION - CALL TO ORDER/ROLL CALL

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

2. PUBLIC COMMENT

At a special meeting, citizens wishing to address the Council for any matter on the agenda may do so at the time the matter is discussed. Note, under the provisions of the California Government Code, the City Council is prohibited from discussing or taking action on any item not on the agenda.

3. SPECIAL MEETING ITEM

- 3.1 **Subject:** AB 109 Update (Corrections Realignment)
Recommendation: Receive Update.
Result of Recommended Action: Council will hear and discuss update.
Staff Report: Doug Diamond, Rancho Cordova Police Department.
Advances Goal: 6

4. ADJOURNMENT OF SPECIAL MEETING / WORK SESSION

Mayor McGarvey will adjourn the Work Session to Closed Session in the Community

Board Room.

5. CLOSED SESSION – CALL TO ORDER / ROLL CALL

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

6. CLOSED SESSION

Council may adjourn to Closed Session to discuss the following items:

Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9(b) – (one case) – Name of case: Vineyard Area Citizens for Responsible Growth, et. al. v. City of Rancho Cordova et. al.; Case No. S132972

Conference with legal counsel, existing litigation (Government Code Section 54956.9(a)) *City of Rancho Cordova v. County of Sacramento*, Sacramento County Superior Court Case No. 34-2010-80000747

Conference with legal counsel, existing litigation (Government Code Section 54956.9(a)) *Community Redevelopment Agency of the City of Rancho Cordova v. The Lily Company, et al.*, Sacramento Superior Court Case No. 34-2009-00043404.

Conference with legal council: anticipated litigation (Government Code Section 54956.9(b)), one (1) potential case.

7. ADJOURNMENT OF CLOSED SESSION

Mayor McGarvey will adjourn the Closed Session to the Regular Meeting in the David B. Roberts Council Chambers.

5:30 P.M. – REGULAR MEETING

8. REGULAR MEETING – CALL TO ORDER / ROLL CALL

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

9. METRO CABLE TV TELEVISION ANNOUNCEMENT

The Clerk will announce the meetings video recording and playback schedules.

10. PLEDGE OF ALLEGIANCE

The Mayor will call on someone in attendance to lead the Pledge.

11. INVOCATION

Pastor Bryce Cooley, Cordova Neighborhood Church, will give the invocation.

12. OPEN SESSION – REPORT FROM CLOSED SESSION

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

13. PRESENTATIONS

- 13.1 Presentation of Special Commendations for Airshow Public Safety by Public Information and Legislative Affairs Manager, Troy Holt.
- 13.2 Presentation Regarding Seasonal Ice Rink at Capital Village by Executive Director of the Cordova Community Council, Shelly Blanchard.

14. 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 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.

15. COUNCIL REPORTS

16. CONSENT CALENDAR ITEMS – ROLL CALL VOTE

- 16.1 **Subject:** Meeting Minutes of:
 - a) October 17, 2011 Regular Meeting; and
 - b) November 2, 2011 Special Meeting.**Recommendation:** Adopt Minutes.

17. CONSENT PUBLIC HEARING ITEMS - ROLL CALL VOTE

- 17.1 **Subject:** Resolution Approving the Metro City Soccer Limited Use Permit and Letter of Public Convenience and Necessity, Project No's DD7326 and DD7327, Located at 11327 Folsom Boulevard, Suite 120
Recommendation: Adopt Reslution No. 105-2011.
Result of Recommended Action: Adoption of this resolution will allow Metro City to sell beer as a convenience to the players and attendees of the facility. Due to the amount of adult play after the youth sessions; the operators of Metro City believe the sale of beer with packaged food product will better cater to the demand of the individuals using the facility.
Staff Report: William Campbell, Planning Department
Advances Goal: 5
- 17.2 **Subject:** Resolution Certifying the Final Revised Environmental Impact Report for the Sunrise Douglas Community Plan and the SunRidge Specific Plan
Recommendation: Adopt Resolution No. 106-2011.
Result of Recommended Action: Adoption of this resolution will certify the Final Revised Environmental Impact Report (FREIR) for the Sunrise Douglas Community Plan and SunRidge Specific Plan (SRSP), as required by court order after the decision

in Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova (2007) 40 Cal. 4th 412. The resolution would certify that the FREIR complies with the California Environmental Quality Act (Public Resources Code Section 21000, et seq.), that the FREIR reflects the agency's independent judgment, and that the Rancho Cordova City Council has reviewed and considered the information in the FREIR.

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

Advances Goals: 1, 2, 4, 7, and 8

18. PUBLIC HEARING ITEMS

NONE.

19. REGULAR CALENDAR ITEMS

19.1 **Subject:** Legislative Priorities

Recommendation: Provide direction to staff for Fiscal Year (FY) 2013 funding requests, and a platform for discussions with legislators during the National League of Cities Congressional Conference, March 10 -14, 2012; also, receive update on City's Legislative Program and provide direction about the 2012 program.

Result of Recommended Action: Submission of requests for federal funding for projects consistent with the Council's and community's priorities, and provide topics for discussions that the Mayor and Council members will hold with Congressional representatives during the March conference in Washington, D.C. Staff will also proceed with recommended changes and actions for the City's legislative program.

Staff Report: Troy Holt, City Manager's Office

Advances Goals: 1 through 13

20. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

21. CITY MANAGER'S REPORT

22. ADJOURNMENT

Mayor McGarvey will adjourn the Regular Meeting to a Special Meeting in the American River Room North.

23. SPECIAL MEETING / WORK SESSION - CALL TO ORDER / ROLL CALL

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

24. SPECIAL MEETING ITEM

24.1 **Subject:** Land Use East of Sunrise

Recommendation: Discussion only.

Result of Recommended Action: Discussion item only; no action needed.

Staff Report: Joe Chinn, City Manager's Office, Paul Junker, Planning Department, and Micah Runner, Economic Development Department

Advances Goals: 8, 9, 10, and 11

25. ADJOURNMENT

ADDITIONAL INFORMATION

UNLESS THE COUNCIL ADOPTS A MOTION TO EXTEND THE MEETING, 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.

Public documents related to items on the open session portion of this agenda, which are distributed to the City Council less than 72 hours prior to the meeting, shall be available for public inspection at the time the documents are distributed to the Council. Documents are available for inspection at the City Clerk's office located in Rancho Cordova City Hall.

The agenda items are accessible on the City's website at www.cityofranhocordova.org on Thursdays or Fridays 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	
Friday, November 11, 2011	VETERAN'S DAY – CITY HALL CLOSED
<i>Monday, November 21, 2011</i>	<i>5:30 p.m. Regular Meeting</i>
Wednesday, November 23, 2011	FURLOUGH DAY – CITY HALL CLOSED
Thursday, November 24 and Friday, November 25, 2011	THANKSGIVING HOLIDAY – CITY HALL CLOSED
<i>Monday, December 5, 2011</i>	<i>5:30 p.m. Regular Meeting</i>
<i>Tuesday, December 6, 2011</i>	<i>5:30 p.m. Closed Session – City Manager and Departments Annual Review</i>
<i>Monday, December 19, 2011</i>	<i>5:30 p.m. Regular Meeting</i>
Friday, December 23, 2011	DAY BEFORE CHRISTMAS EVE – CITY HALL CLOSED
Monday, December 26, 2011	DAY AFTER CHRISTMAS – CITY HALL CLOSED

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
City Attorney's Office	(916) 556-1531
City Clerk's Department	(916) 851-8720
City Manager's Office	(916) 851-8800
Communications Department	(916) 851-8791
Economic Development Department	(916) 851-8780
Finance Department	(916) 851-8730
Housing Department	(916) 851-8784
Human Resources Department	(916) 851-8740
IT Department	(916) 851-8700
Neighborhood Services – Animal Services	(916) 851-8770
Parks & Recreation (Cordova Recreation & Park District)	(916) 362-1841
Planning Department	(916) 851-8750
Public Works Department	(916) 851-8710
Rancho Cordova Police Department	(916) 875-9600
Redevelopment Department	(916) 851-8780
Sac Metro Fire District	(916) 859-4300

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 and SureWest Cable Systems. Closed Captioning will be available on the playback cablecast. Tune to Metro Cable Channel 14, for playback times. A VHS copy is available for check out from any library branch, a DVD copy is available from the City Clerk's Department, and a webcast of this meeting will be available for viewing via video streaming from the City's website within 48 hours of adjournment of this meeting. 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 at least 48 hours prior to the meeting.

CERTIFICATION OF POSTING OF AGENDA

I, Mindy Cuppy, CMC, City Clerk for the City of Rancho Cordova, declare that the foregoing agenda for the November 7, 2011 Special and Regular Meeting of the Rancho Cordova City Council/CRA/RCFC was posted and available for review on November 3, 2011 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 website at www.cityofranhocordova.org.

Signed this 3rd day of November, 2011 at Rancho Cordova, California.



Mindy Cuppy, CMC, City Clerk



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

City Hall
2729 Prospect Park Drive, Rancho Cordova

Monday, October 17, 2011

5:30 PM – Regular Meeting
David B. Roberts Council Chambers

MINUTES

1. REGULAR MEETING – CALL TO ORDER / ROLL CALL

Mayor McGarvey called the regular meeting to order in the David B. Roberts Council Chambers at 5:33 p.m.

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

Council Members Absent: Skoglund

Staff Members Present: Lindgren, Chinn, Cuppy, Kellerman, Diamond, Junker, Abhar, Garcia, Flory, Silva, Hadley, Snyder, and Blair

2. METRO CABLE TV TELEVISION ANNOUNCEMENT

The City Clerk announced the meetings video recording and playback schedules.

3. PLEDGE OF ALLEGIANCE

The Mayor called on George Burnash to lead the Pledge.

4. INVOCATION

Reverend Jack McNary, Pastor, River Valley Church gave the invocation.

5. PRESENTATIONS

- 5.1 Council Member Budge presented proclamation to Rancho Cordova Library Branch Supervisor, Jill Stockinger in support of National Friends of Libraries Week, October 16-22, 2011.
- 5.2 Rancho Cordova Chief of Police, Doug Diamond, Officer Zach Hatch, and Officer Shelly Hodgekins presented on the Police Activities League (PAL).
- 5.3 Metro Fire CERT Outreach Coordinator, Betty Taylor presented on the Great California Shakeout on October 20, 2011.
- 5.4 Director of the Sacramento County Department of Human Assistance, Paul Lake presented on the Sacramento County Homeless JPA.
- 5.5 Allied Waste Services Community Relations Manager, Heather Pollock presented on the Trim Your Waste Contest.
- 5.6 Executive Director of the Cordova Community Council, Shelly Blanchard presented on the Seasonal Ice Rink coming to Capital Village.

6. PUBLIC COMMENT

Mayor McGarvey opened the public comment period. There were no speakers. Mayor McGarvey closed the public comment period.

7. COUNCIL REPORTS

Council reported on events since the last meeting.

8. CONSENT CALENDAR ITEMS – ROLL CALL VOTE

ACTION: Motion by Budge second by Cooley and carried by a 4:0 roll call vote (Skoglund absent); Council approved the Consent Calendar with the exception of Agenda Item 8.2, which was pulled for a separate discussion.

- 8.1 **Subject:** October 3, 2011 Meeting Minutes
Recommendation: Adopt Minutes.
- 8.3 **Subject:** Resolution Authorizing the City Manager to Execute an On-Call Contract with Salaber Associates, Inc. for Construction Management and Plan Review Services
Recommendation: Adopt Resolution No. 103-2011
Result of Recommended Action: Adoption of the resolution would authorize the City Manager to execute a two year on-call contract with Salaber Associates, Inc. in the amount of \$600,000 for on-call construction management and inspection services.
Staff Report: Cyrus Abhar, Public Works Department

- 8.2 **Subject:** Resolution Approving the Planning Department Section of the City's Fee and Deposit Schedule

Recommendation: Adopt Resolution No. 102-2011. **(Roll Call Vote)**

Result of Recommended Action: Adoption of this resolution will amend the Planning Application Deposits Fee and Deposit Schedule, resulting in collecting a deposit for the Limited Use Permit, and collecting a fee for the newly created Administrative Use Permit.

Staff Report: Paul Junker, Planning Department

ACTION: Motion by Cooley second by McGarvey and carried by a 3:1 roll call vote (Budge Dissenting and Skoglund Absent); Council adopted Resolution No. 102-2011.

9. CONSENT PUBLIC HEARING ITEMS - ROLL CALL VOTE

NONE.

10. PUBLIC HEARING ITEMS

NONE.

11. REGULAR CALENDAR ITEMS

- 11.1 **Subject:** 2011 Memorandum of Agreement (MOA) between the South Sacramento Habitat Conservation Plan (SSHCP) Plan Partners

Recommendation: Adopt Resolution No. 104-2011.

Result of Recommended Action: Adoption of this resolution and execution of the Memorandum of Agreement will affirm the City's commitment to the SSHCP and will authorize and direct the City to assist with funding of SSHCP efforts in the event that currently secured funds are not adequate to complete the SSHCP.

Staff Report: Paul Junker, Planning Department

Mayor McGarvey opened the public comment period. There were no speakers. Mayor McGarvey closed the public comment period.

ACTION: Motion by Budge second by Cooley and carried by a 4:0 roll call vote (Skoglund Absent); Council adopted Resolution No. 104-2011.

- 11.2 **Subject:** Financial Update

Recommendation: Receive and File.

Result of Recommended Action: This report will inform the Council and the Community on the preliminary results of fiscal year ending June 30, 2011 and on the status of the current year budget to actual for the General Fund.

Staff Report: Donna Silva, Finance Department

ACTION: Discussion item only; no action taken.



12. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Council Member Budge requested consideration of a discussion on the appropriate level of review for some of the Land Use Permits.

13. CITY MANAGER'S REPORT

Acting City Manager, Joe Chinn reported on the following:

- Great California Shakeout event at City Hall on Thursday, October 20, 2011
- Chamber of Commerce hosting the Economic Forum on Friday, November 4, 2011 at 7:30 a.m.
- Cordova Community Council hosting State of the City luncheon on Friday, November 4, 2011 at 11:30 a.m.

14. ADJOURN TO CLOSED SESSION

Mayor McGarvey adjourned the regular meeting to Closed Session in the Community Board Room in memory of Al Russel at 8:15 p.m.

15. CLOSED SESSION - CALL TO ORDER/ROLL CALL

Mayor McGarvey called the closed session meeting to order in the Community Board Room at 8:15 p.m.

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

Council Members Absent: Skoglund

Staff Members Present: Lindgren, Chinn, Abhar, Junker, Haven, and Diamond

16. PUBLIC COMMENT

Mayor McGarvey opened the public comment period. There were no speakers. Mayor McGarvey closed the public comment period.

17. CLOSED SESSION

Council adjourned to Closed Session to discuss the following items:

Conference with legal counsel, existing litigation (Government Code Section 54956.9(a)) *City of Rancho Cordova v. County of Sacramento*, Sacramento County Superior Court Case No. 34-2010-80000747

Conference with legal counsel, existing litigation (Government Code Section 54956.9(a)) *Community Redevelopment Agency of the City of Rancho Cordova v. The Lily Company, et al.*, Sacramento Superior Court Case No. 34-2009-00043404.

Conference with legal council: anticipated litigation (Government Code Section 54956.9(b)), one (1) potential case.

18. OPEN SESSION - REPORT FROM CLOSED SESSION

City Attorney Adam Lindgren reported that there was no reportable action taken in closed session.

19 ADJOURNMENT

Mayor McGarvey adjourned the closed session at 8:44 p.m.

Mindy Cuppy, CMC, City Clerk



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

City Hall
2729 Prospect Park Drive, Rancho Cordova

Wednesday, November 2, 2011

5:30 P.M. – Special Meeting / Closed Session
Community Board Room

MINUTES

1. SPECIAL MEETING / CLOSED SESSION – CALL TO ORDER / ROLL CALL

Mayor McGarvey called the Closed Session to Order in the Community Board Room at 5:46 p.m.

Council Members Present: Budge, Cooley (at 6:00 p.m.), Skoglund, Sander, and Mayor McGarvey

Staff Present: Lindgren, Gaebler, Chinn, Silva, Abhar, Junker, Runner, Skinner, and Holt

2. PUBLIC COMMENT

Mayor McGarvey opened the public comment. There were no speakers. Mayor McGarvey closed the public comment period.

3. CLOSED SESSION ITEM

Council may adjourn to Closed Session to discuss the following item:

Conference with legal counsel, existing litigation (Government Code Section 54956.9(a)) *Community Redevelopment Agency of the City of Rancho Cordova v. The Lily Company, et al.*, Sacramento Superior Court Case No. 34-2009-00043404.



4. OPEN SESSION – REPORT FROM CLOSED SESSION

City Attorney Adam Lindgren reported that there was no reportable action taken in Closed Session.

5. ADJOURNMENT

Mayor McGarvey adjourned the Special Meeting at 8:36 p.m.

Mindy Cuppy, CMC, City Clerk



MEMORANDUM



DATE: November 7, 2011

TO: Honorable Mayor and Council Members

FROM: William Campbell, Principal Planner

SUBJECT: RESOLUTION APPROVING THE METRO CITY SOCCER LIMITED USE PERMIT AND LETTER OF PUBLIC CONVENIENCE AND NECESSITY, PROJECT NO'S DD7326 AND DD7327, LOCATED AT 11327 FOLSOM BOULEVARD, SUITE 120

PROPERTY OWNER: 21 st Century Properties 17801 NW 2 nd Street Miami, FL 33169 Attn: Greg Hardcastle	APPLICANT: Robert H. Mills 770 Lazo Court El Dorado Hills, CA 95762
--	---

PROJECT: FILE: LOCATION: APN: PLANNER:	Metro City Soccer –Limited Use Permit and Letter of Public Convenience & Necessity. LUP#7326–Limited Use Permit and PCN#7327 – Letter of Public Convenience & Necessity. 11327 Folsom Boulevard 069-0090-001 William Campbell
---	---

RECOMMENDATION

Adopt Resolution No. 105-2011.

RESULT OF RECOMMENDATION

Adoption of this resolution will allow Metro City to sell beer as a convenience to the players and attendees of the facility. Due to the amount of adult play after the youth sessions; the operators of the Metro City believe the sale of beer with the current food service will better cater to the demand of the individuals using the facility.

LOCATION

The subject property is shown in the aerial photo in Figure 1. The property is designated M-1 Light Industrial, on the north side of Folsom Boulevard, east of Sunrise Boulevard. Metro City Soccer is in an established sports complex, consisting of a gym, aquatics center, climbing facility and others.



REQUIRED APPROVALS

Limited Use Permit

Procedurally, the Planning Director would have final authority over Limited Use Permit (LUP) applications, while Public Convenience & Necessity (PCN) authority would reside only in the City Council. Because both a LUP and a PCN are required of this applicant, the two actions have been combined, giving the City Council the authority for final action.

Letter of Public Convenience & Necessity

In order for the applicant to sell alcoholic beverage on-site, the applicant must obtain a Type 40 license from the ABC. Due to over-concentration of licenses in the census tract, the ABC requires the applicant to obtain a PCN from the City, prior to issuance of the Type 40 license. In addition, the Zoning Code requires the applicant to obtain a LUP for the on-site sales and consumption of alcoholic beverage (beer) in the Light Industrial Zone, under the general

restaurant land use definition. The PCN approval recommendation is included within the text of the resolution

ANALYSIS

The project is consistent with all Limited Use Permit findings, as outlined in Chapter 23.125.030 of the Zoning Code and the supporting evidence to those findings are provided within resolution, along with conditions of approval requested by the Police Department or as modified by the City Council. During the standard review period for projects requiring City action, the Planning Department received comments from the Police Department.

The Police Department has consistently opposed the expansion and proliferation of alcohol beverage sales in the community, especially the new off-site liquor stores or convenience market sales. The Department has been more amiable recently to not totally oppose facilities that provide on-site consumption i.e. restaurants and in this case, not opposing Metro City Soccer for providing beer sales on site. Per their letter of September 15, 2011, they would not oppose the type 40 license, if the suggested conditions are imposed upon the Limited Use Permit. Staff and the applicant have discussed the proposed conditions and there is total agreement with the conditions, as listed in Exhibit A of the resolution.

General Plan Consistency

The General Plan designates the subject site within the Folsom Boulevard Planning Area, in that portion of Folsom Boulevard recently annexed into the City. The original intent of the pre-zoning of the area prior to annexation was to zone the properties to reflect a more commercial character, however, during the adoption process the historic industrial character was substituted the reduce the amount of non conforming uses that would have been created if the area went commercial. If the property would have changed to a commercial designation, the on-site sale of alcohol would have been an allowed use. The proposed use is consistent with the goals and policies of the Land Use, Circulation and Economic Development Elements of the General Plan.

Zoning Conformance

The subject property is zoned M-I Light Industrial, and incidental sales of alcohol is permitted subject to a Limited Use Permit. Alcoholic Beverage Sales is restricted to on-site consumption only, with no off site sales is not allowed in this zone. As previously mentioned, the LUP would customarily be approved by staff, but the need for the PCN elevates the approval to the City Council. Staff has provided the support evidence to meet the required findings in the resolution, along with the conditions of approval.

Letter of Public Convenience & Necessity

In addition to the City's requirement for a LUP, the Department of Alcoholic Beverage Control (ABC) is requiring a PCN to issue a Type 40 license in the applicant's location. The PCN does not give the City the opportunity to impose conditions of operation; however the LUP does allow the City to place reasonable conditions on the operation. The Police Department has offered a number of conditions they believe will ensure adequate protection for the public safety and welfare. Staff is supportive of the PCN, subject to the conditions of approval found within the LUP.

CONCLUSION

Staff has reviewed the applicant's request for a Limited Use Permit and Letter of Public Convenience and Necessity to obtain a Type 40 license for the Metro City Soccer facility. While the census tract in which the soccer facility is located is considered over concentrated for licenses by the ABC, the applicants need is limited to the patrons of the soccer facility only and is not intended as an open bar. Staff recommends approval of the project as proposed.

FINANCIAL IMPLICATIONS TO CITY

There are no significant cost implications to the City for this development.

RECOMMENDED MOTION

Move the City Council adopts Resolution No. 105-2011 (**Attachment 1**) to approve the Limited Use Permit and Letter of Public Convenience and Necessity for Metro City Soccer, supported by the findings and evidence contained in the resolution and subject to the attached Conditions of Approval (**Exhibit A**).

ATTACHMENTS

1. Resolution No. 105-2011, including **Exhibit A** – Conditions of Approval.
2. Letter from Rancho Cordova Police Department, dated September 15, 2011.
3. 500' Radius Map and Labels.

ATTACHMENT 1

CITY OF RANCHO CORDOVA

RESOLUTION NO. 105-2011

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO
CORDOVA APPROVING A LIMITED USE PERMIT AND LETTER OF PUBLIC
CONVENIENCE AND NECESSITY FOR METRO CITY SOCCER
PROJECT NO.'S LUP-DD7326 AND PCN-DD7327**

WHEREAS, Metro City Soccer (Metro) filed an application with the City of Rancho Cordova for a Limited Use Permit (LUP) and Letter of Public Convenience and Necessity (PCN) (collectively referred to as the "Project") to allow the on-site sale of beer, located at 11327 Folsom Boulevard (Assessor's Parcel Number: 069-0090-001); and

WHEREAS, the approval authority for Limited Use Permits would be the Planning Director and the review of the required findings and evidence would have been preformed administratively, due to the need of the PCN the appropriate authority to hear and take action on the Project; and

WHEREAS, the City Council has conducted a properly noticed public hearing pursuant to Government Code section 65090 and has duly considered all written and verbal testimony presented during the hearing.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA as follows:

1. The project is exempt from review of the California Environmental Quality Act, per Section 15061 (b)(3), the activity is covered under the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment.
2. The City Council hereby approves the Limited Use Permit, based on the findings and support evidence and subject to the Conditions of Approval (**Exhibit A**). The following are the required findings and evidence to support them:
 - a) Finding: The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code. Evidence: The proposed use is classified under the Zoning Code Land Use Category, "Restaurant" in this Category. There are no provisions in the Municipal Code to preclude the on-site sales of beer at this location. Metro offers food to their patrons as a convenience and allowing the on-site consumption of beer can only be approved in M-1 zones with the issuance of an LUP.
 - b) Finding: The proposed use meets or can be conditioned to meet all related performance criteria and development standards. Evidence: The Police Department has been consulted to determine appropriate conditions of approval for this facility and they are included in this resolution as **Exhibit A**.
 - c) Finding: The proposed use is consistent with the General Plan and any applicable Specific Plans. Evidence: The subject property is not located within Specific Plans or Special Planning Areas.
 - d) Finding: The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and potential future land uses in the vicinity.

Evidence: The existing facility is located in a complex of other health and fitness venues, where there is a lot of persons coming and going from the facility.

- e) Finding: The site is physically suited for the type, density, and intensity of the proposed use, including access, utilities, and the absence of physical constraints. Evidence: The existing building was designed as a light industrial office space, and the subject tenant space is an indoor sports facility, and the site has parking in excess of what is required. There are no foreseen physical constraints that would preclude this use at the proposed location.
- f) Finding: Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located. Evidence: There are no foreseen negative impacts from the proposed use on other businesses in the vicinity. The conditions of approval will ensure adequate safe guards for the patrons and Metro has the ability to control their customers by registration cards that can be revoked if the individual no longer abides by the rules and conditions.

3. The City Council hereby approves the Letter of Public Convenience & Necessity (PCN), based on the following findings:

- a) The City Council finds that the facts and findings provided in this Resolution demonstrate that the granting an additional license to the applicant will serve the public convenience, even though the census tract in which the Metro City Soccer is located is over-concentrated by ABC standards.
- b) The City Council finds that Metro City Soccer has been an asset to the city in providing a top quality physical fitness facilities and permitting the sale of beer will provide an additional convenience to their patrons under the adopted conditions established by the Rancho Cordova Police Department.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____ day of _____, 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert J. McGarvey, Mayor

ATTEST:

Mindy Cuppy, CMC, City Clerk

CONDITIONS OF APPROVAL

<u>Conditions of Approval</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
1.	The entitlement approved by this action is for a Limited Use Permit (LUP) for Metro City Soccer to sell beer, subject to these conditions herein. Any violation of these conditions may warrant the City to conduct a hearing for the revocation of this permit. The requested Public Convenience and Necessity for the ABC is supported by the approval of this Limited Use Permit approval.	On-going	Planning	
2.	This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-going	Planning	
3.	Provided there are no appeals, this Limited Use Permit shall become effective ten (10) days after project approval. In the event of an appeal, this permit shall be withheld pending the outcome of the appeal process.	On-going	Planning	
4.	The applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	On-going	Planning	
5.	Sales and service of alcohol beverages shall be permitted only between the hours of 6am and 12am (midnight) each day of the week.	On-going	Police Department	
6.	Petitioner(s) shall have a 60 day time period, after the sales of alcohol, to demonstrate that a uniformed security guard during business hours is not necessary. The Police Department will monitor the operation and determine the need for the security guard at the end of 60 day period and establish the days and	60 days after sales of alcohol begins.	Police Department	

CONDITIONS OF APPROVAL

<u>Conditions of Approval</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	times for the guard, if needed.			
7.	Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted over within 72 hours of being applied.	On-going	Police Department	
8.	The rear doors of the premises shall be equipped on the inside with an automatic locking device and shall be closed at all times and shall not be used as a means of access by patrons to and from the licensee's premises. Temporary use of these doors for delivery of supplies does not constitute a violation.	On-going	Police Department	
9.	The petitioner(s) shall be responsible for maintaining free of litter the adjacent to the premise over which they have control.	On-going	Police Department	
10	The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages are prohibited on or around these premises.	On-going	Police Department	
11	There shall be no alcohol "giveaways".	On-going	Police Department	
12	There shall be no exterior advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.	On-going	Police Department	
13	No person under the age of 21 shall sell or deliver alcoholic beverages.	On-going	Police Department	

CONDITIONS OF APPROVAL

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
14	Licensee(s) shall post and maintain on the premises and in the parking lot used in conjunction therewith, notices or signs no less than eighteen inches by twenty-four inches (18"x 24") in size, clearly visible to patrons of the licensee(s) and parking lot and to persons on the public sidewalk stating in two(2) inch block lettering the following: UNLAWFUL TO ENTER, BE OR REMAIN ON ADJACENT PARKING LOT OR ADJACENT PUBLIC SIDEWALK WITH AN OPEN ALCOHOLIC BEVERAGE CONTAINER. BP 25612.5 PC 647e (a); SCC 9.92.202	On-going	Police Department	
15	Licensee(s) shall post and maintain on the premises and in the parking lot used in conjunction therewith, notices or signs, no less than eighteen inches by twenty-four inches (18" x 24") in size, clearly visible to patrons of the licensee(s) and parking lot and to persons on the public sidewalk stating in two (2) inch block lettering the following: NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES	On-going	Police Department	
16	The exterior of the premises, including adjacent sidewalks and all parking lots under control of the licensee(s), shall be illuminated during all hours of darkness during which the premises are open for business in a manner so that persons standing in those areas at night are identifiable by law enforcement personnel. However, the required illumination shall be placed so as to minimize interference with the quiet enjoyment of nearby residents of their property.	On-going	Police Department	
17	There shall be no amusement devices maintained upon the premises at any time.	On-going	Police Department	

CONDITIONS OF APPROVAL

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
18	As part of the improvement site control, there will be no outside playing of music except as approved by the Rancho Cordova Police Department.	On-going	Police Department	
19	Whenever an alcoholic beverage is sold to any person, the licensee or employee of the licensee must be present at the register where the purchase is taking place to verify the person purchasing the alcoholic beverage is 21 years of age or older.	On-going	Police Department	



RANCHO CORDOVA POLICE DEPARTMENT

Doug Diamond
Chief of Police

10361 Rockingham Drive
Sacramento, California 95827

916.875.9600 – Main
916.875.8673 – Fax

www.RanchoCordovaPD.com

September 15, 2011

Associate Planner Shannon Loveless
City of Rancho Cordova, Planning Department
2719 Prospect Park Drive
Rancho Cordova, CA 95670

Dear Associate Planner Shannon Loveless:

The Rancho Cordova Police Department protests the issuance of the ABC Type 40, on-Sale License #513409; Metro City Soccer is located at 11327 Folsom Blvd, Rancho Cordova, CA 95670. This license requires a PCN from the Rancho Cordova City Council due to the applicant's premise being located in a sub-sector that is over concentrated per B&P Code 23958.4(2).

This census tract is currently allowed six (6) on sale licenses; currently this census tract has twenty-two (22) on sale licenses. According to this information this census track is over concentrated.

The Rancho Cordova Police Department would be willing to withdraw our protest if the following conditions were imposed:

1. Sales and service of alcohol beverages shall be permitted only between the hours of 6am and 12am (midnight) each day of the week.
2. Petitioner(s) shall provide one (1) uniformed security guard from 6pm until one hour after closing. Friday and Saturday night only.
3. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted over within 72 hours of being applied.
4. The rear doors of the premises shall be equipped on the inside with an automatic locking device and shall be closed at all times and shall not be used as a means of access by patrons to and from the licenses premises.

ASSOCIATE PLANNER SHANNON LOVELESS
 September 15, 2011
 Page 2 of 5

Temporary use of these doors for delivery of supplies does not constitute a violation.

5. The petitioner(s) shall be responsible for maintaining free of litter the adjacent to the premise over which they have control.
6. The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages are prohibited on or around these premises.
7. There shall be no alcohol "giveaways".
8. There shall be no exterior advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
9. No person under the age of 21 shall sell or deliver alcoholic beverages.
10. Licensee(s) shall post and maintain on the premises and in the parking lot used in conjunction therewith, notices or signs no less than eighteen inches by twenty-four inches (18"x 24") in size, clearly visible to patrons of the licensee(s) and parking lot and to persons on the public sidewalk stating in two(2) inch block lettering the following:

**UNLAWFUL TO ENTER, BE OR REMAIN ON ADJACENT PARKING LOT OR
 ADJACENT PUBLIC SIDEWALK WITH AN OPEN ALCOHOLIC BEVERAGE
 CONTAINER. BP 25612.5 PC 647e (a); SCC 9.92.202**

11. Licensee(s) shall post and maintain on the premises and in the parking lot used in conjunction therewith, notices or signs, no less than eighteen inches by twenty-four inches (18" x 24") in size, clearly visible to patrons of the licensee(s) and parking lot and to persons on the public sidewalk stating in two (2) inch block lettering the following:

NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES

ASSOCIATE PLANNER SHANNON LOVELESS

September 15, 2011

Page 3 of 5

12. The exterior of the premises, including adjacent sidewalks and all parking lots under control of the licensee(s), shall be illuminated during all hours of darkness during which the premises are open for business in a manner so that persons standing in those areas at night are identifiable by law enforcement personnel. However, the required illumination shall be placed so as to minimize interference with the quiet enjoyment of nearby residents of their property.
13. There shall be no amusement devices maintained upon the premises at any time.
14. As part of the improvement site control, there will be no outside playing of music except as approved by the Rancho Cordova Police Department.
15. Whenever an alcoholic beverage is sold to any person, the licensee or employee of the licensee must be present at the register where the purchase is taking place to verify the person purchasing the alcoholic beverage is 21 years of age or older.

Preliminary research of the Sheriff's Department Computer Aided Dispatch System revealed there were fifteen (15) events in 2008/2009; ten (10) events in 2009/2010 and three (3) events in 2010/2011 at the applicants premise.

A search of the Sheriff's Department Crime Reporting Management System revealed there were 102 reports taken within a three-quarter mile radius of the applicants premise within the last 90 days (06-15-11 thru 09-12-11)

ASSOCIATE PLANNER SHANNON LOVELESS
 September 15, 2011
 Page 4 of 5

Reports taken within a three-quarter (.75) mile radius of 11327 Folsom Blvd
09/01/2010 – 08/31/2011

Aggravated Assault	7
Burglary	49
Burglary from Vehicle	86
Driving Under Influence	7
Larceny / Theft	81
Narcotics	7
Robbery	12
Sexual Assault	3
Simple Assault	9
Stolen Property	3
Grand Total	264

A search of the Sheriff's Department Computer Aided Dispatch system, of the following intersection(s), which are located within three-quarter mile of the applicant's premise revealed the following:

	Events	Events	Events	
Address	2008/2009	2009/2010	2010/2011	TOTAL
Folsom / Citrus	1	4	7	12
Folsom / Mercantile	1	7	15	23
Citrus / Trade Center	4	2	4	10

These events do not include all the calls for service in the immediate area or the undocumented events that may have been conducted by the Rancho Cordova POP Officers prior to September 2011.

ASSOCIATE PLANNER SHANNON LOVELESS

September 15, 2011

Page 5 of 5

The issuances of this license will likely increase calls for service in this area and have a detrimental effect on the community.

If you have any further information or have any questions, please feel free to contact me at (916) 875-5852.

Sincerely,

DOUG DIAMOND, CHIEF OF POLICE

A handwritten signature in dark ink, appearing to read "Heidi Herrera", written in a cursive style.

Heidi Herrera #719

Crime Prevention Specialist

Rancho Cordova Police Department

Occupant
2440 Gold River Rd
Rancho Cordova, CA 95742

Occupant
2546 Mercantile Dr Ste C
Rancho Cordova, CA 95742

Occupant
2538 Mercantile Dr Ste K
Rancho Cordova, CA 95742

Occupant
2440 Gold River Rd Ste 101
Rancho Cordova, CA 95742

Occupant
2530 Mercantile Dr. Ste K
Rancho Cordova, CA 95742

Occupant
2538 Mercantile Dr. Ste A
Rancho Cordova, CA 95742

Occupant
11290 Pyrites Way Ste 100
Rancho Cordova, CA 95742

Occupant
2530 Mercantile Dr. Ste I
Rancho Cordova, CA 95742

Occupant
2538 Mercantile Dr Ste B
Rancho Cordova, CA 95742

Occupant
11290 Pyrites Way Ste 102
Rancho Cordova, CA 95742

Occupant
2530 Mercantile Dr. Ste G
Rancho Cordova, CA 95742

Occupant
2538 Mercantile Dr Ste C
Rancho Cordova, CA 95742

Occupant
11290 Pyrites Way Ste 150
Rancho Cordova, CA 95742

Occupant
2530 Mercantile Dr. Ste E
Rancho Cordova, CA 95742

Occupant
2538 Mercantile Dr Ste D
Rancho Cordova, CA 95742

Occupant
2590 Mercantile Dr Ste A
Rancho Cordova, CA 95742

Occupant
2530 Mercantile Dr. Ste A
Rancho Cordova, CA 95742

Occupant
2538 Mercantile Dr Ste E
Rancho Cordova, CA 95742

Occupant
2590 Mercantile Dr Ste B
Rancho Cordova, CA 95742

Occupant
2530 Mercantile Dr. Ste B
Rancho Cordova, CA 95742

Occupant
2550 Mercantile Dr Ste A
Rancho Cordova, CA 95742

Occupant
2590 Mercantile Dr Ste C
Rancho Cordova, CA 95742

Occupant
2538 Mercantile Dr Ste H
Rancho Cordova, CA 95742

Occupant
2550 Mercantile Dr Ste B
Rancho Cordova, CA 95742

Occupant
2546 Mercantile Dr Ste A
Rancho Cordova, CA 95742

Occupant
2538 Mercantile Dr Ste L
Rancho Cordova, CA 95742

Occupant
2550 Mercantile Dr Ste C
Rancho Cordova, CA 95742

Occupant
2546 Mercantile Dr Ste B
Rancho Cordova, CA 95742

Occupant
2538 Mercantile Dr Ste J
Rancho Cordova, CA 95742

Occupant
2550 Mercantile Dr Ste D
Rancho Cordova, CA 95742

Occupant
 2504 Mercantile Dr
 Rancho Cordova, CA 95742

Occupant
 11327 Folsom Blvd Ste 110
 Rancho Cordova, CA 95742

Occupant
 2561 Grennan Ct
 Rancho Cordova, CA 95742

Occupant
 11335 Folsom Blvd Ste B
 Rancho Cordova, CA 95742

Occupant
 2541 Grennan Ct Ste A
 Rancho Cordova, CA 95742

Occupant
 11335 Folsom Blvd Ste G
 Rancho Cordova, CA 95742

Occupant
 11311 Grennan Ct
 Rancho Cordova, CA 95742

Occupant
 11335 Folsom Blvd Ste C
 Rancho Cordova, CA 95742

Occupant
 11315 Folsom Blvd
 Rancho Cordova, CA 95742

Occupant
 11317 Folsom Blvd
 Rancho Cordova, CA 95742

Occupant
 11319 Folsom Blvd
 Rancho Cordova, CA 95742

Occupant
 11325 Folsom Blvd
 Rancho Cordova, CA 95742

Occupant
 11327 Folsom Blvd Ste 140
 Rancho Cordova, CA 95742

Occupant
 11327 Folsom Blvd Ste 180
 Rancho Cordova, CA 95742

MEMORANDUM



DATE: November 7, 2011

TO: Honorable Mayor and Council Members

FROM: Adam Lindgren, City Attorney

SUBJECT: RESOLUTION CERTIFYING THE REVISED FINAL ENVIRONMENTAL IMPACT REPORT FOR THE SUNRISE DOUGLAS COMMUNITY PLAN AND THE SUNRIDGE SPECIFIC PLAN

RECOMMENDATION

Adopt Resolution No. 106-2011.

RESULT OF RECOMMENDED ACTION

Adoption of this resolution will certify the Revised Final Environmental Impact Report ("Revised FEIR") for the Sunrise Douglas Community Plan ("SDCP") and SunRidge Specific Plan ("SRSP"), as required by Court order after the decision in *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412. The Resolution would certify that the Revised FEIR complies with the California Environmental Quality Act (Public Resources Code section 21000, *et seq.*), that the Revised FEIR reflects the agency's independent judgment, and that the Rancho Cordova City Council has reviewed and considered the information in the Revised FEIR.

BACKGROUND

In March 1999, Sacramento County released a Draft Environmental Impact Report ("1999 SDCP/SRSP DEIR") pursuant to the California Environmental Quality Act (CEQA) (State Clearinghouse Number 97022055) for the Sunrise Douglas Community Plan and SunRidge Specific Plan ("SDCP, SRSP" or "the project"). Though located in the unincorporated area of the County prior to the incorporation of the City, the approximately 6,042-acre SDCP project site is now located within the City of Rancho Cordova, 5 miles south of U.S. Highway 50, south of Douglas Road, east of Sunrise Boulevard and the Folsom South Canal, north of Jackson Road (State Highway 16), and west of Grant Line Road.

The approximately 2,632-acre SRSP is fully contained within the SDCP. The project consists of an overall conceptual framework and policy direction for urbanization of the approximately 6,042-acre SDCP with a multi-phased mixed-use development project with approximately 22,503 residential units, approximately 479-acres of commercial, approximately 177-acres of parks, and approximately 148-acres of school uses, a future population of approximately 60,000 people, and an approximately 20-year build out horizon. The project also includes the SRSP, which is located within the SDCP, for the

near-term development of approximately 2,632-acres with approximately 10,020 residential units, approximately 173-acres of commercial development, approximately 78-acres of parks, and approximately 44-acres of schools.

After several revisions were made to the EIR, a Revised Recirculated DEIR was published in May 2001. After responding to comments on the DEIR and Revised Recirculated DEIR in the November 2001 Final EIR (FEIR), the Sacramento County Board of Supervisors certified the SDCP/SRSP EIR, adopted CEQA findings of fact and a statement of overriding considerations, and adopted the SDCP/SRSP in July 2002 (Resolution Numbers 2002-0901 and 2002-0902, respectively). In July 2003, the City of Rancho Cordova (City) incorporated an area of Sacramento County that included the SDCP/SRSP. Therefore, the City assumed jurisdiction over subsequent entitlements for the SDCP/SRSP and became the CEQA lead agency for any further environmental review.

Although the Sacramento Superior Court upheld the EIR in 2003 and the Third District Court of Appeal did the same in early 2005, the California Supreme Court ruled in February 2007 that portions of the SDCP/SRSP EIR did not comply with CEQA. (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412). In May 2008, the Sacramento County Superior Court issued its Judgment After Appeal and Peremptory Writ of Mandate, directing the City of Rancho Cordova to set aside the certification of those portions of the SDCP/SRSP that the California Supreme Court held to be procedurally and factually inadequate, namely, the portions of the EIR concerning: (a) long-term water supplies for the SDCP/SRSP; and (b) the potential impact of groundwater pumping from the North Vineyard Well Field on Cosumnes River flows and fish migration. The Superior Court also required the City to revisit potential impacts on public trust resources within the project area, even though the Supreme Court had not found any violation of the Public Trust Doctrine.

The Peremptory Writ of Mandate further directed the City of Rancho Cordova to rescind the approvals of the SDCP/SRSP project; however, the Peremptory Writ provided that any tentative subdivision maps that had been approved in the SDCP/SRSP were not affected by the Court's order. At the time the Superior Court issued its writ, the City had already approved tentative maps and development agreements for all projects in the SRSP prior to the *Vineyard* decision, creating vested rights beyond the reach of the court's remedy. In other words, project developers' rights to build out the entire SRSP vested prior to *Vineyard*, and were not disturbed by the Superior Court. Because of the success of the Respondents and Real Parties in the Superior Court and Court of Appeal the first time around, and the fact that the Petitioner had never sought any injunctive relief, construction had proceeded while the litigation was pending prior to the issuance of the Supreme Court's opinion. A table listing the status of each of the 13 projects in the SRSP is attached to this report as **Attachment 1**.

In September 2008, the City of Rancho Cordova set aside certification of the invalidated portions of the SDCP/SRSP EIR, and directed staff to prepare a revised EIR (Resolution Number 117 2008). The purpose of the Revised EIR was to address the California Supreme Court ruling and the Peremptory Writ of Mandate and complete a revised environmental analysis of the invalidated portions of the EIR in compliance with the requirements of CEQA.

Preparation of the Revised EIR and the Public Review Process

The Revised DEIR provided a revised analysis of the portions of the SDCP/SRSP EIR concerning an analysis of long-term water needs of the SDCP/SRSP project and how identified water sources are likely to meet those needs; an analysis of potential project impacts on Cosumnes River flows and fish migration; and an analysis of project impacts on public trust resources within the project area. These first two areas of analysis of the SDCP/SRSP EIR were set aside by the February 2007 California Supreme Court ruling in *Vineyard*, and the Peremptory Writ of Mandate required the City to also revisit public trust issues.

The remainder of the 2002 SDCP/SRSP EIR remains a certified EIR (per Sacramento County Resolution Number 2002-0901) and is unchanged by the Revised DEIR. Notably, the unchanged – and thus still “certified” – portions of the original EIR enjoy a presumption of legal validity, and are no longer subject to legal challenge. Furthermore, each project in the SRSP included conditions of approval and a project-specific mitigation monitoring and reporting program (“MMRP”) implementing the previously adopted MMRP for the SDCP/SRSP, in addition to any project-specific mitigation measures, all of which remain valid for the existing approved and vested properties. The 2011 Revised EIR does not add any new mitigation measures or modify previously approved mitigation measures.

On January 14, 2011, the City released the Revised DEIR for a 45-day public review and comment period. The comment period closed on February 28, 2011. A total of three written comments were received on the Revised DEIR. The City considered these comments and has provided responses in Chapters 2 and 3 of the Revised FEIR. The Revised FEIR was distributed to commenting agencies and made available for public review no later than 10-days before the City Council’s public hearing to certify the Revised FEIR.

Analysis of a Related Water Infrastructure Project

The Revised DEIR also provided a reanalysis of the impacts and mitigation measures associated with the Excelsior Well Field (EWF) (also referred to as the North Vineyard Well Field [NVWF]) and Water Transmission Pipeline (WTP) Project (EWFWTTP) for wells 1–3 of the NVWF and the raw water transmission pipeline. The project (initially called the SunRidge Mather Water Supply Facilities Project) was proposed by staff of the Sacramento County Water Agency (SCWA) in 2003 and consisted of the construction of major capital facilities for water production and conveyance initially to the SDCP/SRSP, but to eventually be utilized for service for the overall SCWA Zone 40. In 2003, the Sacramento County Department of Environmental Review and Assessment (DERA) also prepared an initial study and mitigated negative declaration (IS/MND) (SCH #2003082095) for SCWA, the CEQA lead agency for the EWFWTTP. On December 10, 2003, the SCWA Board of Directors adopted the MND and Mitigation Monitoring and Reporting Program (MMRP) and approved the EWFWTTP project under Resolution No. WA-2517.

On the subject of hydro-geological impacts, including potential impacts on the Cosumnes River, the EWFWTTP IS/MND relied in part upon the analysis of the NVWF in the SDCP/SRSP EIR, which was invalidated by the *Vineyard* decision. The IS/MND for the EWFWTTP was the subject of a Petition for Writ of Mandate filed by the same

litigants in Sacramento County Superior Court (*Vineyard Area Citizens for Responsible Growth, et al., v. Sacramento County Water Agency, et al.* [Case No. 04CS00031]). The litigation challenging the MND was abated by stipulation of the parties in 2004 while a final resolution in the SDCP/SRSP EIR litigation was pending. Because the SDCP/SRSP EIR was ultimately invalidated, the abated litigation over the EFWWTPP MND was revived after the Supreme Court issued its decision in the main case, even though, by that time, the facilities analyzed in the IS/MND had been constructed and were fully operational.

Due to the close relationship of the projects, and the overlap in the challenged portions of their environmental analyses, an analysis of the EFWWTPP facilities was included in the Revised DEIR. If and when the Rancho Cordova City Council, as CEQA lead agency, certifies the SDCP/SRSP Revised EIR, the Board of Directors of SCWA, acting as a CEQA responsible agency, may rely on the analysis in the Revised DEIR in determining whether to "reapprove" the EFWWTPP facilities and thereby render moot the litigation over the IS/MND.

Status of the SDCP and SRSP

This Resolution is limited to the certification of the 2011 Revised EIR. In response to *Vineyard*, the City also rescinded approvals the SDCP and SRSP. Staff considered whether to present the Council with a concurrent resolution to reapprove the SDCP and SRSP. After consultation with the landowners in the SRSP, staff ultimately concluded that it is unnecessary to reapprove the SDCP or the SRSP. The landowners within the SRSP agreed with this conclusion.

The City is under no obligation to adopt the SDCP or the SRSP. Under CEQA, project approval is separate and independent from certification of the EIR. (CEQA Guidelines § 15092(a).) Furthermore, the unique circumstances surrounding this project and events that occurred while the litigation was pending (the City incorporated, all entitlements in the SRSP were approved, and the City adopted a new General Plan) have rendered the SDCP and the SRSP unnecessary. Notably, nothing under State law requires cities or counties to include Community Plans or Specific Plans within their land use planning frameworks. Rather, both types of documents are optional tools that may or may not be used, depending on the preferences of particular cities and counties. Community Plans function as parts of General Plans, and are focused on discrete planning areas within an overall local jurisdiction. Counties often use Community Plans as means of providing more detailed planning directives for particular areas than might be feasible under a more traditional, less detailed General Plan. Cities such as Rancho Cordova often feel no need to use the Community Plan as a tool.

City staff concluded that the SDCP is irrelevant as a planning document to the City. The land-use hierarchy in Rancho Cordova after 2006 includes Rancho Cordova's General Plan, special planning areas, Specific Plans, and Zoning Code. Although the land use element in the General Plan refers to Community Plans, they are not described as part of the City's land use hierarchy. (See Land Use Element, p. 39 [Land Use Policy 2.4 contemplates use of Community Plans to promote pedestrian movement]; p. 41 [Land Use Policy 3.6, Action 3.6.1, future annexations shall be consistent with General Plan and community plans]; p. 83 [states that the SunCreek/Preserve Planning Area is within the SDCP area].) More to the point, the General Plan does not refer to the SDCP as a relevant planning document and does not contemplate community plans as a dominant

part of the City's land use hierarchy. On the contrary, the General Plan adopted several planning areas that overlap the SDCP. Thus, the SDCP serves no practical purpose and the General Plan and Special Planning Areas supersede the SDCP a guiding policy document.

Furthermore, the SDCP was developed by the County. The City subsequently enacted its own planning documents and Zoning Code. Staff views the decision not to reapprove the County's 2002 SDCP as an opportunity to continue the progression toward replacing County documents with the City's own.

Specific Plans are subsidiary to General Plans; but, unlike zoning ordinances, Specific Plans are optional rather than mandatory planning tools. Although Rancho Cordova does approve Specific Plans in some instances (e.g., the Rio Del Oro Specific Plan), there is no need to do so here, for reasons explained below.

In contrast to the SDCP, the SRSP remains a relevant planning document for the projects with vested rights in the SRSP. Because, as the Superior Court has previously ruled, all of the projects within the SRSP have fully vested rights, the planning principles embodied in the original SRSP are already reflected in approved tentative maps and development agreements for the subject properties. Even so, however, Staff concluded that it is in the City's and the project developers' best interests to proceed without reapproving the SRSP.

The SRSP was developed by the County and is tied to the County's Zoning Code. Staff views the opportunity to forego reapproval of the SRSP as another opportunity to transition away from the County's planning documents. Furthermore, although the land uses within the SRSP are fully vested, portions of the 2002 SRSP may be inconsistent with the City's 2006 General Plan. To the extent inconsistencies exist, City staff and the City Council would face a quandary if the Council were determined to reapprove the SRSP. In order to reapprove the document in a form consistent with the General Plan, SRSP amendments, which might involve additional environmental review, would be necessary. Yet any amendment to the SRSP inconsistent with existing vested rights could not have the effect of modifying those rights.

After considerable reflection, City staff opted to recommend that the Council take no action with respect to the SRSP. The effort involved with reapproval would be substantial. Furthermore, that effort is unnecessary given the fact that, despite any amendments that might be adopted, the projects in the SRSP would still be entitled to develop consistent with their tentative maps and development agreements.

Staff consulted the legal counsel for the property owners within the SRSP regarding this approach. The property owners recognized that this approach does not affect their entitlements and would simplify the process of amending projects in the future. Instead of having to comply with two sets of planning documents that were developed by two different agencies (the County and the City), developers requesting amendments will only need to comply with the City's General Plan and Zoning Code. Projects that proceed according to valid development agreements are not required to comply with the City's General Plan unless and until they make substantial amendments to their project. Project developers have known since 2006 that any project amendments must be consistent with the City's General Plan, so this change in regulations is not unexpected.

or disruptive. The decision not to adopt the SRSP simply avoids the unnecessary expenditure of resources needed update a plan that need not be updated.

For these reasons, Staff chose not to present the City Council with a resolution approving the SDCP or the SRSP. Should the City Council desire, after considering whether to approve the SDCP or SRSP, Staff could return to the Council with a resolution to adopt one or both of the plans.

ATTACHMENT

1. Table showing status of the projects in the SRSP
2. Resolution No. 106-2011 Certifying the Final Revised EIR

ATTACHMENT 1**Status of the Projects in the SRSP**

Table 1 Approved Projects within the SRSP		
Project	Description Project	Status1
Anatolia I	Located in the northwest corner of the SRSP, this project includes a mix of low and medium-density residential, commercial, a school, parks, and other open space. This project has approximately 230-acres of land uses that generate water demand.	90% Built
Anatolia II	Located south of Anatolia I, this project includes a mix of low-, medium-, and high-density residential, commercial, parks, and other open space. This project has approximately 227-acres of land uses that generate water demand.	90% Built
Anatolia III	Located southeast of the Anatolia Wetland Preserve, this project includes low-density residential and a park. This project has approximately 209-acres of land uses that generate water demand.	25% Built
Anatolia IV	Located north of Anatolia II, this project includes low density residential and a park. This project has approximately 26-acres of land uses that generate water demand.	Approved, Not Built
Anatolia Wetland Preserve	A 482-acre wetland preserve located south of Anatolia II.	Established
Arista del Sol	Located in the east portion of the SRSP, south of Grantline 208, this project includes a mix of single- and multi-family residential, parks, and commercial. This project has approximately 159-acres of land uses that generate water demand.	Approved, Not Built
Cresleigh SunRidge (Lot J)	Located east of Montelena and west of SunRidge Park, in the northern portion of the SRSP, this project includes a mix of single- and multifamily residential and parks. This project has approximately 73-acres of land uses that generate water demand.	Approved, Not Built
Douglas 103	Located in the east portion of the SRSP, north of Grantline 208, this project includes a mix of single- and multi-family residential, parks, and commercial. This project has approximately 57-acres of land uses that generate water demand.	Approved, Not Built
Douglas 98	Located in the east portion of the SRSP, north of Grantline 208, this project includes a mix of single- and multi-family residential and parks. This project has approximately 100-acres of land uses that generate water demand.	Approved, Not Built
Grantline 208	Located in the east portion of the SRSP, south of Douglas 103 and Douglas 98, this project includes a mix of single- and multi-family residential, a school, and parks. This project has approximately 136-acres of land uses that generate water demand.	Approved, Not Built

Table 1
Approved Projects within the SRSP

Project	Description Project	Status1
Mather East (Sundance)	Located west of Anatolia I, this project includes a mix of medium density residential and commercial. This project has approximately 19-acres of land uses that generate water demand.	Approved, Not Built
Montelena	Located east of Anatolia I, this project includes a mix of low- and medium-density residential development, parks, and other open space. This project has approximately 165-acres of land uses that generate water demand.	Approved, Not Built3
North Douglas	Located north of Douglas Road in the northeast corner of the SRSP, this project includes a mix of low- and medium-density residential and a park. This project has approximately 129-acres of land uses that generate water demand.	Approved, Streets Built
SunRidge Park	Located south of Douglas Road in the SRSP, this project includes a mix of low and medium-density residential, commercial, a school, parks, and other open space. This project has approximately 204-acres of land uses that generate water demand.	55% Built

ATTACHMENT 2

CITY OF RANCHO CORDOVA

RESOLUTION NO. 106-2011

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF RANCHO CORDOVA TO CERTIFY THE
FINAL REVISED ENVIRONMENTAL IMPACT REPORT FOR THE
SUNRISE DOUGLAS COMMUNITY PLAN AND THE
SUNRIDGE SPECIFIC PLAN**

WHEREAS, in July 2002, the County of Sacramento ("County") approved the Sunrise Douglas Community Plan ("SDCP") and the SunRidge Specific Plan ("SRSP"), and certified an Environmental Impact Report ("EIR") (State Clearinghouse Number 97022055) for the Project, covering land that at the time was within the unincorporated area of the County; and

WHEREAS, the approximately 6,042-acre SDCP project site is located within what is now the City of Rancho Cordova, five miles south of U.S. Highway 50, south of Douglas Road, east of Sunrise Boulevard and the Folsom South Canal, north of Jackson Road (State Highway 16), and west of Grant Line Road. The approximately 2,632-acre SRSP is fully contained within the SDCP. The SDCP consists of a conceptual framework and policy guidelines for a 6,042-acre area; and

WHEREAS, in July 2003, the City of Rancho Cordova incorporated an area that included the SDCP and SRSP. The City assumed jurisdiction over the project at that time. The City adopted the County's General Plan, including the SDCP and SRSP, as an interim plan to remain in effect until the City could develop and adopt its own General Plan. (See Resolution No. 04-2003.) Two "Land Use Map Books" subsequently replaced the County General Plan as the City's Interim General Plan. (Resolution Numbers 13-2005 and 57-2005.); and

WHEREAS, on June 26, 2006, the Rancho Cordova City Council adopted a new General Plan for the City and certified an EIR for the General Plan (State Clearinghouse Number 2005022137); and

WHEREAS, subdivision maps and development agreements for all of the projects within the SRSP were approved in the period between the City's incorporation in 2003 and the adoption of the City's General Plan in 2006 (an excerpt from the Revised Draft EIR listing each of the 13 projects, and the status of each project, is included in the Staff Report for this Resolution). These 13 projects encompass the entire area of the SRSP; and

WHEREAS, on February 1, 2007, the California Supreme Court issued its decision in *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412 ("*Vineyard*"), holding that the water supply analysis in the EIR for the SDCP/SRSP failed to comply with the requirements of the California Environmental Quality Act ("CEQA"). In particular, the Court invalidated portions of the EIR concerning: (a) long-term water supplies for the SDCP/SRSP; and (b) the potential impact of groundwater pumping from the North Vineyard Well Field on Cosumnes River flows and fish migration; and

WHEREAS, on June 3, 2008, the Sacramento County Superior Court issued its Judgment After Appeal and Peremptory Writ of Mandate implementing the *Vineyard* decision. The Court ordered the City to rescind the certification of the SDCP/SRSP EIR and revise the EIR in accordance with the *Vineyard* decision. The Peremptory Writ of Mandate also directed the City of Rancho Cordova to rescind the approvals of the SDCP/SRSP project; however, the

Peremptory Writ provided that any tentative subdivision maps that had been approved in the SDCP/SRSP areas were not affected by the Court's order, as they became final without legal challenge and were beyond the jurisdiction of the Court. The remainder of the SDCP/SRSP EIR remained certified and is presumed valid; and

WHEREAS, on September 19, 2008, the Rancho Cordova City Council adopted Resolution 117-2008 setting aside the certification of the invalidated portions of the SDCP/SRSP EIR and rescinding the SDCP and the SRSP. Consistent with the Court order, the resolution directed City staff to prepare a Revised EIR; and

WHEREAS, the City of Rancho Cordova, as lead agency under CEQA, prepared a Court-ordered, partially Revised EIR ("Revised EIR") for the SDCP/SRSP Project. The purpose of the 2011 Revised EIR is to complete a revised environmental analysis in compliance with the requirements of CEQA, the *Vineyard* ruling, and the Peremptory Writ of Mandate; and

WHEREAS, the 2011 Revised EIR also provides a new analysis of the impacts and mitigation measures associated with related water infrastructure projects for which the Sacramento County Water Agency is the lead agency. The related projects provide water supply infrastructure to the SDCP/SRSP area. The related projects include: the Excelsior Well Field (EWF) (also referred to as the North Vineyard Well Field [NVWF]) and Water Transmission Pipeline (WTP) Project (Collectively "EWFWTTP") for Wells 1–3 of the NVWF and the raw water transmission pipeline. The analysis of the impacts and mitigation measures associated with these projects was reevaluated in the 2011 REIR because the original analysis relied, in part, on the invalidated portions of the SDCP/SRSP EIR. Subsequent to the City's certification of this new 2011 Revised EIR, the Sacramento County Water Agency may rely upon, and adopt for its own use, the analysis in the 2011 Revised EIR along with the original SDCP/SRSP EIR. As identified in this Revised Draft EIR, no significant impacts for the EWFWTTP were identified; and

WHEREAS, the 2011 Revised EIR identifies significant and unavoidable impacts on certain regional fisheries and aquatic resources from providing long-term surface water to the project, on a project and cumulative level; and

WHEREAS, on January 14, 2011, the City released the Revised Draft EIR for a 45-day public review and comment period. The comment period closed on February 28, 2011; and

WHEREAS, a total of three written comments were received on the Revised Draft EIR. The City considered these comments and has provided responses in Chapters 2 and 3 of the Revised Final EIR; and

WHEREAS, the Revised Final EIR was distributed to agencies, organizations, and individuals who commented on the Revised Draft EIR ten days prior to the public hearing. This distribution ensures that interested parties have an opportunity to express their views regarding the environmental impacts of the project, and that pertinent information is provided to decision makers for the lead and responsible agencies. Copies of the document were made available for review by the public during normal business hours at Rancho Cordova City Hall, and an electronic version of the document was available to the public on the City's website.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rancho Cordova as follows:

The following findings are true and correct and adopted as the findings of the City Council:

- A. The foregoing recitals are true and correct and made a part of this Resolution.
- B. The 2011 Revised EIR has been completed in compliance with CEQA, the CEQA Guidelines, the City of Rancho Cordova's Municipal Code, and the Peremptory Writ of Mandate.
- C. The City Council has independently reviewed and considered the information contained in the 2011 Revised EIR, including the written comments received during the public review period and the oral and written comments received at the public hearing.
- D. The 2011 Revised EIR reflects the City's independent judgment and analysis on the potential environmental impacts of the project. The 2011 Revised EIR provides information to the decision-makers and the public on the environmental consequences of the project.
- E. The 2011 Revised EIR adequately describes the project and its significant environmental impacts in compliance with CEQA and the Peremptory Writ of Mandate.

NOW, THEREFORE BE IT FURTHER RESOLVED that the City Council of the City of Rancho Cordova hereby certifies the 2011 Revised EIR based on the facts and findings set forth in this Resolution.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the _____ day of _____ 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert J. McGarvey, Mayor

ATTEST:

Mindy Cuppy, CMC, City Clerk

MEMORANDUM



DATE: November 7, 2011

TO: Honorable Mayor and Council Members

FROM: Troy Holt, Public Information and Legislative Affairs Manager

SUBJECT: 2012 LEGISLATIVE PRIORITIES

RECOMMENDATION

Provide direction to staff for Fiscal Year (FY) 2013 funding requests, and a platform for discussions with legislators during the National League of Cities Congressional Conference, March 10 -14, 2012; also, receive update on City's Legislative Program and provide direction about the 2012 program.

RESULT OF RECOMMENDED ACTION

Submission of requests for federal funding for projects consistent with the Council's and community's priorities, and provide topics for discussions that the Mayor and Council members will hold with Congressional representatives during the March conference in Washington, D.C. Staff will also proceed with recommended changes and actions for the City's legislative program.

BACKGROUND

Annually, the City has an opportunity to submit requests for federal funding through the offices of our local elected representatives in Washington, D.C. We expect Senator Feinstein to establish a deadline in mid-January 2012 for requests. It is anticipated that Senator Boxer and Congressman Lungren will soon after issue their guidelines for requests for the FY 2013 funding cycle.

In the past, the City was successful in efforts to receive federal funding on projects such as: Folsom Boulevard enhancements (\$6,600,000), Senior Center expansion (\$200,000), White Rock Park Revitalization (\$147,000), International Extension and Bridge (\$250,000 in FY 2009 and \$500,000 in FY 2010), Pedestrian, ADA, and Safety Improvements on Mather Field Road (\$200,000), and Brownfields (\$400,000). We also received American Recovery and Reinvestment Act (ARRA) funding for the Coloma Road Rehabilitation project (\$1,121,360), the International Extension and Bridge project (\$1,050,000), Business Outreach funding (\$18,000), and the Energy Efficiency and Conservation Block Grant (EECBG) Program (\$653,500) to complete the electrical upgrades in Hagan and Village Green Parks, the virtual desktop and utility sub-metering projects in City Hall, and the cool roof on the new Police building.

AGENDA ITEM 19.1

AGENDA ITEM 20.1

In addition to funding opportunities, it is hoped that reauthorization of the surface transportation program (currently known as SAFETEA-LU) will take place in FY 2012. We submitted projects on White Rock Road and Douglas Boulevard to Congressman Lungren and we must continue to advocate for those projects to remain in the program as the reauthorization effort progresses. If given the opportunity, we will also submit the Pedestrians, ADA and Safety Improvements Crossing of Highway 50 project shown in **Attachment 3**.

In keeping with recommended practices in designing our requests, proposed projects need to be well developed, sharply focused, and resonate with benefits that are readily seen by an audience at the federal level. With this in mind, staff is recommending submission of the attached projects to Congressman Lungren and both U.S. Senators. These projects have been vetted with local Congressional staff members and further the City's goals of sustaining a livable community and improving transportation and connectivity.

Attachment 1 provides a list of questions used to evaluate projects eligible for funding requests and determine their readiness for submission. **Attachment 2** includes the recommended projects based on these criteria and follow-up discussions with the staff members in our Congressional offices. **Attachment 3** provides a list of the projects for the surface transportation reauthorization.

2012 LEGISLATIVE ADVOCACY PLATFORM

Managing federal funding requests is just one part of the city's legislative program. The program, founded on a set of policy guidelines that were first approved by the Council in 2007, encompasses staff's monitoring of state and federal legislation of interest to the city. It also directs our advocacy efforts to support or oppose legislation that significantly impacts the City, and serves as an information clearinghouse for legislative issues, intergovernmental grant funding and other resources. **Attachment 4** shows the City's 2012 Legislative Priorities. The Legislative Priorities are coordinated with those established by the League of California Cities and the National League of Cities.

During the year, staff monitored more than one hundred State and Federal bills of concern to local governments and, specifically, to Rancho Cordova. Our advocacy efforts were keenly focused on protecting our revenues and resources. We strategically used the relationships that we have been building with our legislative representatives and staff to articulate our priorities to our delegation, and we saw some very positive results.

In the coming 2012-13 legislative session, we look forward to continuing to pursue the attached legislative policies not only as priorities, but as strategic objectives to enable the City to ensure a continued quality of life for our citizens. At this time, staff is also requesting feedback from the Council regarding any changes or enhancements to the 2012 legislative program and priorities.

ATTACHMENTS

1. FY 2013 Project Development Questions
2. FY 2013 Projects for Possible Federal Funding Opportunities
3. Surface Transportation Reauthorization Project Submittals
4. 2012 Legislative Advocacy Platform

ATTACHMENT 1

FY 2013 Project Development Questions

- What is the total project cost?
- What is the federal nexus (if necessary)?
- What is the prior year(s) federal funding history? (What other federal funds has this project received?)
- If this project has received previous federal funds, how have they been spent?
- What are the sources and amounts of state, local or private matching funds (if any)?
- What other agencies are affected by the requested project?
- What is the current status of the project described in this application?
- What is the background/justification for the requested amount (project need and federal role)?
- What other state and local or nonprofit organizations *support* this application?
- Provide a budget breakdown of how the requested funds will be used.
- What is the priority order of this request? (Example: 2 of 9)
- How quickly will these funds be expended? What is the expected work schedule?
- Is this a one-time request? Does the City anticipate requesting funding for this project again in future years?

ATTACHMENT 2

FY 2013 Projects for Possible Federal Funding Opportunities

Page 1 of 2

FY 2012 Projects for Possible Federal Funding Opportunities	
Project	Description
White Rock Road Improvements, Sunrise to City Limits.	Improve White Rock Road, from Sunrise Boulevard to the eastern city limit. This project will eliminate the bottleneck between the existing 6-lane road at Sunrise Boulevard to the eastern city limit of Rancho Cordova where Sacramento County is constructing additional lanes. White Rock Road has regional significance, as it will provide parallel relief capacity for U.S. Highway 50. This will increase the goods movement capacity and allow for increase freight and commerce capacity both within and through the Sacramento area. Completed in coordination with Sacramento County's similar White Rock Road project to the east of the City limit, this project will greatly enhance the safety benefits of this regional asset. This project was identified as a priority project by the 50 Mobility Partnerships. The total project cost of \$16.3 million builds a four-lane arterial with a landscape median. If funding for the total project cost is not immediately available, the construction can be phased. The City has secured \$5 million for the project that will be used to construct the first phase from Sunrise Blvd. to approximately the future intersection of Rancho Cordova Parkway and White Rock Road. For an additional \$2.5 million, or \$7.5 million total, the project could extend to the future intersection of International Drive and White Rock Road. The federal funding request is for \$2 million.
Rancho Cordova Police Mobile Surveillance Units	Enhance the Rancho Cordova Police Department through the procurement of mobile surveillance units. Purchase portable/mobile video cameras for use throughout the City of Rancho Cordova, including the protection of federal facilities, equipment, and personnel at the Sacramento Veterans Administration Medical Center, the Bureau of Reclamation's Folsom South Canal, and military equipment at Mather Airport during the California Capital Airshow. The cameras will allow the Rancho Cordova Police to conduct active monitoring to detect crimes in progress, provide additional suspect descriptions to responding officers, and collect video evidence to enhance criminal prosecutions. The visibility of the camera trailers will also provide an important deterrent to criminal activity. The project also includes the ability to link the surveillance feed to individual vehicles to allow deployed police officers the ability to view and act accordingly. Total project cost is \$312,000 for six surveillance units (including the ability for microwave communications), and the interface equipment for 40 police patrol and investigative vehicles. The federal funding request is for \$250,000.
COPS Hiring Program	COPS Hiring Program grants are designed to advance public safety through community policing by addressing the full-time sworn officer needs of state, local, and tribal law enforcement agencies nationwide. CHP provides funds directly to law enforcement agencies to hire new and/or rehire career law enforcement officers, and to increase their community policing capacity and crime prevention efforts. Grants are 100% of the cost of salary and benefits for an entry-level officer for three years, with a commitment by the city to retain that officer for one year at its own cost. The federal funding request is for \$500,000.

FY 2013 Projects for Possible Federal Funding Opportunities

Page 2 of 2

FY 2012 Projects for Possible Federal Funding Opportunities	
Project	Description
American River Parkway Trail Connection	Plan, design, engineer, and construct a bicycle and pedestrian connection from the end of Chase Drive to the American River Parkway Trail. This improvement would provide a much needed access to the American River Parkway, and would be completed cooperatively with the Sacramento County Regional Parks District. The project includes 700 feet of new trail connection. Project Total is \$250,000. The federal funding request is for \$200,000.
Pedestrians, ADA and Safety Improvements Crossing of Highway 50	Provide access and safety improvements in the vicinity of Mather Field Road crossing Highway 50. Pedestrian and Bicycle facilities will be added on the west side of Mather Field Road north the Highway and will connect to an ADA accessible bike/ped trail following the Union Pacific railroad spur alignment, connecting to Rockingham Drive and ultimately south to Old Placerville Road. Project Total: \$1,874,000. To date the City has obtained \$200,000 in HPP funds (2009) and \$580,000 in CMAQ funds (2009). The federal funding request is \$710,000.
Mather Field/Mills Station Transit Oriented Development (TOD)	The City of Rancho Cordova, in coordination with Community Redevelopment agency of the City of Rancho Cordova, is assembling vacant and underutilized land surrounding the Mather/Mills Station. A Regional Transit light rail stop and bus hub, the Mather/Mills Station Transit Oriented Development (TOD) represents a unique economic development opportunity that seeks to increase the density of development and create a sustainable and walkable community within a quarter mile from the station. The City seeks additional funding to complete land assemblage, improve the underground infrastructure necessary for dense urban development, and subsidize the cost of new for sale housing units. Project Total: \$4.5 million. The federal funding request is \$1,500,000.
Mather Disabled Veterans Village	City of Rancho Cordova and County of Sacramento have selected a development team to lead in the creation of up to 125 units of housing comprising of up to four different types of living arrangements for a spectrum of disabled veterans whose needs might range from intake and stabilization through accommodated and independent living units. The living units will be contiguous to and in cooperation with the Sacramento Veterans Administration Medical Center. Federal Request is for both a \$1.5 million grant for predevelopment and gap funding and an allocation of 40 units of HUD 811 units for the disabled to be committed to the Sacramento HUD office through HUD's regular annual allocation.

ATTACHMENT 3

Surface Transportation Reauthorization Projects

Surface Transportation Reauthorization (Target: \$5 million)		
Priority	Project	Description
1	White Rock Road Improvements, Sunrise to City Limits.	This project will eliminate the bottleneck between the existing 6-lane road at Sunrise Boulevard to the eastern city limit of Rancho Cordova where Sacramento County is constructing additional lanes. The project will provide parallel, relief capacity for U.S. Highway 50. Project Total: \$16.3 million. Submitted by Congressman Lungren in April 2009 for \$5 million.
2	Douglas Road Widening, West City Limit to Sunrise Boulevard	The project will eliminate a bottleneck between arterial cross section east of Sunrise Boulevard and the proposed county thoroughfare cross section west of the City boundary. The project will include a new bridge over the Folsom South Canal. Project Total: \$6.5 million. Requested: \$5 million. Submitted by Congressman Lungren in April 2009 for \$5 million.
3	Pedestrians, ADA and Safety Improvements Crossing of Highway 50	Provide access and safety improvements near the Mather Field Road crossing of the federal Highway 50. Pedestrian and Bicycle facilities will be added on the west side of Mather Field Road north the Highway and will connect to an ADA accessible bike/ped trail following the Union Pacific railroad spur alignment, connecting to Rockingham Drive and ultimately south to Old Placerville Road. Project Total: \$1,874,000. The federal funding request is \$710,000.

ATTACHMENT 4**2012 Legislative Advocacy Platform**

The Statement of Priorities is adopted annually to authorize the City's active participation to influence federal and state decision-making on legislation and budget issues. It also guides City staff and contract lobbyists in creating federal funding requests for each federal fiscal year, serving as a filter through which to act upon legislative issues. Using this document as a guide, the City will take positions on specific legislation and amendments and craft its funding requests. The Mayor will sign legislative letters based on the City's identified interests; additionally, Council Members may be actively involved in advocacy efforts.

Priorities are stated broadly in order to provide the flexibility needed to respond in a timely way to the rapid changes inherent in the federal and state legislative process. This document should also serve as a guide to assist staff in identifying specific bills that are important to the City and in determining City interest in each. These priorities will help City officials, staff, and contract lobbyists to have a "single message" when speaking to representatives. The legislative programs of the League of California Cities, the National League of Cities, the California Redevelopment Association, and other agencies may also influence City activities with common interests.

In addition, the City will evaluate legislation, pursue funding, and serve as a broker, facilitator and catalyst to enhance the community, based on specific policy areas, such as transportation and infrastructure, economic development, planning, and parks and recreation.

Generally, the City will evaluate legislation based on the following broad criteria:

- Protection of local revenues
- Protection/increase of local government discretion
- Protection/increase of funding for specific programs or services (e.g., CDBG, EECBG, RDA, NSP)
- Support of key programmatic goals
- Preventing unfunded mandates
- Consistency with existing City policy
- Have a direct impact upon the City

Based on the above criteria, the following policy positions are recommended:

Brown Act/Elections Code/Political Reform Act/Public Records Act

Support:

- Legislation that simplifies and streamlines the administration of the Brown Act, the Elections Code, the Political Reform Act, and the Public Records Act, and provides opportunities to recover costs.
- Legislation that seeks to protect the City's ability to obtain confidential advice from legal counsel on items such as anticipated and pending litigation and real estate acquisition.

Oppose:

- Additional mandates in this policy area without full cost recovery.
- Legislation that would invade the attorney-client privilege and upset the balance between the public's right to know the conduct of its business and a city's temporary need for privileged conversations with legal counsel.

Economic Development

Support:

- Legislation, strategies, and policies that attract, retain, and expand business; supports job creation, retention, and expansion; maximizes revenue opportunities; fosters place making; and enhances community amenities.

Oppose:

- Legislation that adversely impacts the ability of communities to attract and retain jobs.

Environment

Support:

- Legislation that ensures local government representation and participation on state and federal environmental regulatory bodies.
- Legislation to standardize and streamline state and federal environmental regulations.
- Legislation that provides the City with the flexibility to enact environmental standards that are stricter than state or federal standards if the City so chooses.

Oppose:

- Legislation that, under the guise of environmental protection, restricts its land use authority.
- Legislation that deletes local government representation and participation on state and federal environmental regulatory bodies.

Housing

Support:

- Legislation that provides needed resources and flexibility to local governments for the production of housing that meets all socioeconomic needs and local demands.
- Measures that would provide local governments with greater flexibility in the housing element process.
- Legislation that provides needed federal and state incentives that help facilitate the production and preservation of affordable housing units including, but not limited to, housing bond funds and tax credits, housing element self-certification, relief from prevailing wage requirements, and CEQA reform.

Oppose:

- Legislation that unduly punishes local governments for non-compliance with rigid state housing standards that are imposed outside of the local decision-making process.

Local Control

Support:

- Legislation that enhances local control of resources and tools that allows Rancho Cordova to address the needs of residents within a framework of regional cooperation.

Oppose:

- Preemption of local authority, whether by state or federal legislation, or ballot propositions.

Mandates

Support:

- Legislation that encourages the use of state and federal incentives for local government action rather than mandates.
- Legislation to enhance local government's ability to comply with state and federal mandates.
- Measures to provide funding for federal and state mandates.
- Measures to streamline the process by which local governments are reimbursed by the state for the cost of unfunded mandates.

Oppose:

- Legislation that seeks to impose additional unfunded mandates on local governments that produce inequitable burdens and financial and other hardships.
- Measures that would further delay reimbursement for unfunded mandates.

Planning

Support:

- Measures that seek to enhance the flexibility of local planning agencies to meet community needs and provide community enhancement.
- Legislation to resolve ambiguous or unworkable planning and environmental statutes so that local agencies have clear direction from the federal and state governments.
- Legislation that provides technical and financial support for streamlining Endangered Species Act and Clean Water Act permitting programs.

Oppose:

- Legislation to impose additional mandatory and arbitrary reviews by non-local agencies of local planning documents.

Public Safety

Support:

- Legislation and measures to enhance public safety by providing additional funding for local agencies in their efforts to safeguard the public, increase the quality of life, reduce or prevent crime, educate citizens, and build community partnerships.
- Legislation that provides local law enforcement with additional tools to protect the public and prevent crime.
- Measures that establish task forces which unite multiple public safety resources in a united effort to combat criminal acts which extend beyond the jurisdictional borders.
- Legislation to assist local law enforcement in its role as “first responders” to natural and man-made disasters.

Oppose:

- Legislation that limits the public safety policy tools available to local governments to deal with local conditions.
- Measures to reduce subventions and grant programs for public safety.
- Legislation that will limit or restrict public safety professionals from the efficient performance of their duties or that limits the law enforcement tools available to local public safety professionals.

Redevelopment

Support:

- Measures that allow local governments to revitalize communities, provide affordable housing, protect the public’s safety, maintain or generate good jobs, build infrastructure and enhance local economies.
- Continuing flexibility in the use of redevelopment authority. Redevelopment authority has been one of the few tools that cities have been provided that encourages economic development.

Oppose:

- Limiting of authority, or increasing the liability, of redevelopment agencies.

Revenue Protection

Support:

- Measures that give local governments greater stability and independence in the state-local fiscal relationship, including full, constitutional protection of all local government revenues.
- Legislation that provides additional opportunities for local governments to be financially self-sufficient and oppose legislation that erodes the fiscal independence of local governments.
- Legislation that will enhance the state’s fiscal stability and minimize the impact to local governments of state budget deficits.

Oppose:

- Legislation that would give the state or federal government greater control over local revenue sources, or in any way reduces or diminishes City authority over local revenues.
- Legislation that would result in the permanent loss of City revenues unless it is part of a broader local government revenue protection package.
- Legislation that further exacerbates the state's long-term budget imbalance and further exposes local governments to the effects of state budget deficits.

Telecommunications and Cable Franchises*Support:*

- Legislation that maintains local control over public rights-of-way; protects local revenues used for essential local services, including public safety; guarantees access to, and funding for, public, educational and government access television.
- Legislation that ensures that the public is appropriately compensated by telecommunications providers that use the public's rights-of-way.

Oppose:

- Any legislation that does not adhere to the principles above.

Transportation and Infrastructure*Support:*

- Additional funding for local transportation and other critical unmet infrastructure needs.
- Adequate and fair funding for the City and equitable distribution of transportation dollars within the SACOG region.

Oppose:

- Legislation that would reduce the ability of growing communities to address transportation and infrastructure needs with adequate funding (from diversified sources) and with as much flexibility as possible.
- Legislation that would in any way unduly restrict the City's ability to ensure that necessary public improvements are completed as part of new subdivisions.