Meetings of Sacramento
City Council
Redevelopment Agency
Housing Authority
Financing Authority

DRAFT Minutes

Tuesday, March 10, 2009

City Hall-915 I Street, 1st Floor Council Chamber

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CITY COUNCIL

Kevin Johnson, Mayor
Raymond L. Tretheway III, District 1
Sandy Sheedy, District 2
Steve Cohn, District 3
Robert King Fong, District 4
Lauren Hammond, Vice-Mayor, District 5
Kevin McCarty, District 6
Robbie Waters, District 7
Bonnie Pannell, District 8

CHARTER OFFICERS

Eileen Teichert, City Attorney
Shirley Concolino, City Clerk
Ray Kerridge, City Manager
Russ Fehr, City Treasurer

NOTICE TO THE PUBLIC

You are welcomed and encouraged to participate in this meeting. Public comment is taken on items listed on the agenda when they are called. Public Comment on items not listed on the agenda will be heard as noted on the agenda. Comments on controversial items may be limited and large groups are encouraged to select 3-5 speakers to represent the opinion of the group.

Notice to Lobbyists: When addressing the legislative bodies you must identify yourself as a lobbyist and announce the client/business/organization you are representing (City Code 2.15.160).

Speaker slips are available on the City's Website and located in racks inside the chamber and should be completed and submitted to the Assistant City Clerk.

Government Code 54950 (The Brown Act) requires that a brief description of each item to be transacted or discussed be posted at least 72 hours prior to a regular meeting. The City posts Agendas at City Hall as well as offsite meeting locations.

The order and estimated time for Agenda items are listed for reference and may be taken in any order deemed appropriate by the legislative body.

The Agenda provides a general description and staff Actions; however, the legislative bodies may take action other than what is recommended. Full staff reports are available for public review on the City's website and include all attachments and exhibits. "To Be Delivered" and "Supplemental" reports will be published as they are received. Hard copies are available at the Office of the City Clerk and all written material received is available at the meeting for public review.

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DRAFT Minutes

Tuesday, March 10, 2009

City Hall – 915 I Street- First Floor Council Chamber

All items listed are heard and acted upon by the Sacramento City Council unless otherwise noted.

Open Session - 6:00 p.m.

Roll Call Regular session called to order by Mayor Kevin Johnson at 6:07 p.m. Tuesday, March 10, 2009 at the Sacramento City Hall Council Chamber.

Members Present: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty. Bonnie Pannell, Sandy Sheedy, Robbie Waters and Mayor Kevin Johnson

Absent: Member Ray Tretheway arrived at 7:05 p.m.

Pledge of Allegiance led by Member Sandy Sheedy.

Closed Session Report: None.

Public Comments-Matters Not on the Agenda (2 minutes per speaker)

a. Al Rojas-Cesar Chavez March

b. Fatima Garcia- Cesar Chavez March

Consent Calendar (Items 1 - 12)

Action: Moved/Seconded: Member Robbie Waters/Member Robert King Fong

Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Robbie Waters and Mayor Kevin Johnson

Absent: Member Ray Tretheway

A motion **passed** to adopt the Consent Calendar in one motion except as indicated at each item.

1. (City Council/Financing Authority/Housing Authority/Redevelopment Agency)
Approval of Minutes for February 24, 2009
Location: (Citywide)

Action: Approved the afternoon and evening City Council, Financing Authority, Housing Authority, and Redevelopment Agency Minutes for February 24, 2009.

Contact: Shirley Concolino, City Clerk, (916) 808-7200, Office of the City Clerk.

2. Open an Application Period for Various Boards and Commissions
Location: (Citywide)

Action: Opened an application period on March 18, 2009, for the following boards and commissions: 1) Sacramento City/County Bicycle Advisory Committee, with applications due 04/10/09; 2) Small Business Development & Employment Advisory Board, with applications due 04/10/09; 3) Sacramento Sports Commission, with applications due 06/05/09; 4) Sacramento Disabilities Advisory Commission, with applications due 06/26/09; 5) Sacramento Metropolitan Arts Commission, with applications due 06/26/09; 6) Del Paso Heights Redevelopment Advisory Committee, with applications due 10/02/09; 7) Development Oversight Commission, with applications due 10/02/09; 8) Sacramento Heritage, Inc. Board of Directors, with applications due 10/02/09; 9) Community Racial Profiling Commission, with applications due 10/16/09; 10) Natomas Basin Conservancy Board of Directors, with applications due 11/06/09; 11) Compensation Commission, with applications due 11/06/09; 12) Civil Service Board, with applications due 12/04/09; 13) Paratransit, Inc. Board of Directors, with applications due 12/04/09 and 14) Sacramento Housing and Redevelopment Commission, with applications due 12/04/09.

Contact: Stephanie Mizuno, Assistant City Clerk, (916) 808-7200, Katia Ligaiviu, Deputy City Clerk, (916) 808-7200, Office of the City Clerk.

3. (Redevelopment Agency) 7th and H Street Affordable Housing Development Project
Location: Corner of 7th and H Streets (District 1)

Action: Adopted **Redevelopment Agency Resolution No. 2009-018** authorizing the Executive Director or her designee to: 1) enter into an Exclusive Right to Negotiate (ERN) with Mercy Housing California (MHC) leading to a Disposition and Development Agreement (DDA) for development of a deeply affordable high density housing project at Agency owned property at the corner of 7th and H Streets (7th and H project) in downtown Sacramento, 2) enter into a Predevelopment Agreement with Mercy Housing California to provide a total of $455,000 for predevelopment expenses associated with the design and financing of a new housing development at 7th and H Streets, and 3) amend the 2009 Agency budget to transfer $455,000 from the SRO Residential Hotel Fund to the 7th and H project.

Contact: Christine Weichert, Assistant Director, Housing and Community Development, (916) 440-1353; Diane Luther, Assistant Director, Housing and Community Development, (916) 440-1362, Sacramento Housing and Redevelopment Agency.

4. **(City Council/ Redevelopment Agency) Agreement: Sacramento Enterprise Zone Application Program**
Location: (Districts 1, 2, 3, 4, 5, 6, and 8)

Action: Moved/Seconded: Member Robbie Waters/Member Robert King Fong

Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, and Robbie Waters

Absent: Member Ray Tretheway

Recused: Mayor Kevin Johnson

A motion **passed** to adopt 1) **City Resolution No. 2009-133** authorizing its agent, the Sacramento Housing and Redevelopment Agency to: a) submit an application to the State of California Department of Housing and Community Development (HCD) for designation of a new consolidated Sacramento Enterprise Zone; b) execute a Memorandum of Understanding (MOU) with the State HCD and other documents necessary for the implementation of the enterprise zone; c) execute a Memorandum of Agreement (MOA) with the Sacramento Employment and Training Agency (SETA) for the transfer of the voucher application process; d) execute a reimbursement agreement with the City of Rancho Cordova for their share of the cost of the application; and e) increase the voucher application fee from $30 to $75 per voucher; and 2) **Redevelopment Agency Resolution No. 2009- 019** authorizing the Executive Director or her designee to: a) submit an application to the State of California Department of Housing and Community Development (HCD) for designation of a new consolidated Sacramento Enterprise Zone; b) execute a Memorandum of Understanding and other documents necessary for the implementation of the program.

Contact: Lisa Bates, Deputy Executive Director, (916) 440-1319, Gregory H. Wessel Assistant Director, Housing and Community Development, (916) 440-1346, Sacramento Housing and Redevelopment Agency.

5. **(Housing Authority) Washington Plaza and Sutterview Public Housing Developments Projects**
Location: Washington Plaza - 1318 E Street, Sutterview Apartments - 2526 L Street (District 3)

Action: Adopted **Housing Authority Resolution No. 2009-003** authorizing the Executive Director or her designee to: 1) submit an application to the U.S. Department of Housing and Urban Development (HUD) for the disposition of the Housing Authority of the City of Sacramento's Sutterview and Washington Plaza Apartments, 2) initiate the formation of an instrumentality of the Housing Authority to serve as the new property owner, 3) authorize the transfer of ownership of the apartments to an instrumentality of the housing authority as an interim step prior to transfer to an entity to allow for use of low-income housing tax credits, 4) apply for replacement vouchers upon HUD approval of the disposition, and 5) execute all necessary documents for the submission, certifications and take all other necessary steps to obtain HUD approval for the disposition application, the replacement vouchers, and the transfer of Sutterview Apartments and Washington Plaza Apartments to an instrumentality and maintain the protection of current tenants.

Contact: Nick Chhotu, Assistant Director of Public Housing, (916) 440-1334, Sacramento Housing and Redevelopment Agency.

6. Agreement: Sacramento International Airport Terminal Modernization Program (TMP) Public Art Project [To Be Delivered]
Location: (Citywide)

Action: Moved/Seconded: Member Robbie Waters/Member Robert King Fong

Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Robbie Waters and Mayor Kevin Johnson

Absent: Member Ray Tretheway

Abstain: Member Sandy Sheedy

A motion **passed** to adopt **Resolution No. 2009-134** 1) approving and authorizing the City Manager, or his designee, to execute an agreement with the County of Sacramento for the administration of the project; and 2) authorizing the City Manager, or designee, to establish a capital project and, 3) authorizing the City Manager, or designee, to adjust project expense and revenue budgets in the amount of up to $1,000,000.

Contact: Shelly Willis, Art in Public Places Administrator, (916) 566-3971, Rhyena Halpern, Sacramento Metropolitan Arts Commission Executive Director, (916) 566-3992, Convention Culture and Leisure Department.

7. Purchase/Cooperative Agreement: Sump Cleaning Truck
Location: (Citywide)

Action: Adopted **Resolution No. 2009-135** 1) approving the use of Houston-Galveston Area Council (HGAC) cooperative purchasing agreement (Contract No. SC01-06) to purchase one sump cleaning truck from Vac-Con, Inc. in an amount not to exceed $318,000; 2) authorizing the City Manager to defund $200,000 from the Storm Drainage System Failures Project (W14002100, Fund 6011) and transfer that amount to the Storm Drainage Fund Contingency Reserve (Fund 6011); 3) authorizing the City Manager to appropriate $200,000 from the Storm Drainage Fund Contingency Reserve (Fund 6011) to the Drainage Collection operations budget (14001431, Fund 6011); and 4) authorizing the City Manager or the City Manager's designee to execute the purchase.

Contact: Keith Leech, Fleet Manager, (916) 808-5869, Jeff Heard, Water & Sewer Superintendent, (916) 808-6955, General Services Department.

8. Contract: El Camino Avenue & Colfax Street Traffic Signal Project (S15074305)
Location: Intersection of El Camino Avenue and Colfax Street (District 2)

Action: Adopted **Resolution No. 2009-136** 1) approving plans and specifications for the project; and 2) awarding the construction contract to Pacific Excavation, Inc. to install a traffic signal at the intersection of El Camino Avenue and Colfax Street for an amount not to exceed $127,754.

Contact: John Matoba, Associate Electrical Engineer, (916) 808-7891, Sompol Chatusripitak, Senior Electrical Engineer, (916) 808-5961, Transportation Department.

9. Public Right-of-Way Accessibility Program Funds
Location: (Citywide)

Action: Adopted **Resolution No. 2009-137** 1) authorizing the expenditure of up to $3 million for accessibility improvements to prepare the street overlay project for economic stimulus funds; 2) returning $4.1 million from Public Right-of-Way Accessibility Program (T15075900) to Measure A Construction (Fund 2001) contingency held at the Sacramento Transportation Authority (STA) for reprogramming within the new five-year Capital Improvement Program (CIP) cycle, and 3) directing staff to submit a fiscal year reallocation request to the Sacramento Transportation Authority (STA) in the amount of $4.1 million.

Contact: Lucinda Willcox, Program Manager, (916) 808-5052, Tim Mar, Supervising Engineer, 808-7531; Juan Montanez, Streets Manager, (916) 808-2254, Transportation Department.

10. Vacation: Airport Road North of San Juan Road
Location: (District 1)

Action: Adopted **Resolution No. 2009-138** vacating a portion of the public road known as Airport Road located just north of San Juan Road.

Contact: Jerry Lovato, Senior Engineering Technician, (916) 808-7918 Thomas Adams, Engineering Technician, (916) 808-7929, Transportation Department.

11. January 2009 Monthly Investment Transactions Report
Location: (Citywide)

Action: Received and filed.

Contact: Lydia Abreu, Investment and Operations Manager, (916) 808-7746, Shirley Tupaz, Investment Operations Analyst, (916) 808-8295, Office of the City Treasurer.

12. Agreements: On Call Materials Testing
Location: (Citywide)

Action: Adopted **Resolution No. 2009-139** authorizing the execution of Master Professional Service Agreements to establish timely materials testing services on an "on-call basis" with: 1) Inspection Consultants, Inc.; 2) Kleinfelder West, Inc.; and 3) Terrasearch, Inc., each for an amount not-to-exceed $120,000.

Contact: David L. Brent, Engineering Services Manager, (916) 808-1420, Brett Grant, Supervising Engineer, (916) 808-1413, Utilities Department.

Public Hearings (Item 13 - 18)

Public hearings may be reordered by the Mayor at the discretion of the legislative bodies.

13. Weed and Rubbish Abatement
Location: (Citywide)

Action: Moved/Seconded: Member Robert King Fong/Member Lauren Hammond

Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Robbie Waters and Mayor Kevin Johnson

Absent: Member Ray Tretheway

A motion **passed** to continue to March 17, 2009.

Contact: Troy Malaspino, Assistant Chief, Fire Marshal, (916) 808-1300, Sabrina Burigsay-Wilson, Account Clerk II, (916) 808-8061, Fire Department

14. (City Council/Redevelopment Agency) 1120/1126 F Street and 614 12th Street Project (Noticed on 2-24-09)
Location: 1120/1126 F Street and 614 12th Street, Alkali Flat Redevelopment Project Area (District 1)

Action: Moved/Seconded: Member Steve Cohn/Member Robert King Fong

Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Robbie Waters and Mayor Kevin Johnson

Absent: Ray Tretheway

Conducted a public hearing pursuant to Health and Safety Code § 33433 and 33431 with no public comment and upon conclusion a motion **passed** to adopt: 1) **City Resolution No. 2009-140** approving the sale of 1120/1126 F Street and 614 12th Street to the Boys and Girls Club of Greater Sacramento; and 2) **Redevelopment Agency Resolution No. 2009-020** a) defunding the Project by $150,000 and reallocating the funds to the Boys and Girls Club Outdoor Play Area Project; b) authorizing the Executive Director or her designee to execute a Disposition and Development Agreement (DDA), Regulatory Agreement and related documents with the Boys and Girls Club of Greater Sacramento for construction of an outdoor play area; and c) authorizing the Executive Director or her designee to execute a contract, not to exceed $150,000, for remediation services.

Contact: Lisa Bates, Deputy Executive Director, (916) 440-1316, Chris Pahule, Assistant Director, Community Development, (916) 440-1350, Sacramento Housing and Redevelopment Agency.

15. Vacation of a Portion of the Public Right-of-Way and Public Utility Easement on Butterwick Court (Noticed on 2-25-09 and 3-5-09)
Location: The East and West Side of the cul-de-sac on Butterwick Court (District 2)

Action: Moved/Seconded: Member Sandy Sheedy/Member Bonnie Pannell

Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Robbie Waters and Mayor Kevin Johnson

Absent: Member Ray Tretheway

Conducted a public hearing with no public comment and upon conclusion a motion **passed** to adopt **Resolution No. 2009-144** vacating a portion of the public right-of-way and the public utility easement at the cul-de-sac on Butterwick Court.

Contact: Jerry Lovato, Senior Engineering Technician, (916) 808-7918, Thomas Adams, Engineering Technician, (916) 808-7929.

16. **(Housing Authority) Greenfair Common Area Resolution No. 2009- of Necessity [2/3 Vote Required]** (Noticed on 2-10-09)
Location: Greenfair Subdivision at Broadway and Fairgrounds Drive (District 5)

Action: Moved/Seconded: Member Lauren Hammond/Member Sandy Sheedy

Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Robbie Waters and Mayor Kevin Johnson

Absent: Member Ray Tretheway

A motion **passed** to continue to March 17, 2009.

Contact: Lisa Bates, Deputy Executive Director, (916) 440-1316, Christine Weichert, Assistant Director, Housing and Community Development, (916) 440-1353, Sacramento Housing and Redevelopment Agency.

17. **Franklin Point (P05-153)** (Passed for publication on 11-28-08, Noticed on 2-27-09)
Location: Southwest corner at the intersection of Franklin Blvd. and Mack Road; (District 7)

Action: Moved/Seconded: Member Lauren Hammond/Member Bonnie Pannell

Yes: Members Lauren Hammond, Bonnie Pannell, Sandy Sheedy, and Robbie Waters

No: Members Steve Cohn, Robert King Fong, Kevin McCarty, and Mayor Kevin Johnson

Abstain: Ray Tretheway

Conducted a public hearing with public comment heard from Elpida Warren, Ardie Zahedani, Donna Pena, Sharron Flynn, Barbara Falcon, Ali Makani and upon conclusion a substitute motion **failed** to adopt staff recommendation as amended.

Action: Moved/Seconded: Member Robbie Waters/Member Lauren Hammond

Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, Robbie Waters and Mayor Kevin Johnson

A motion **passed** to adopt 1) **Resolution No. 2009-141** adopting the Mitigated Negative Declaration and approving the Mitigation Monitoring Plan; 2) **Resolution No. 2009-142** approving the PUD Guidelines and Schematic Plan amendments; 3) **Resolution No. 2009-143 as amended** approving the Project Tentative Map; Special Permits to operate a convenience market and to allow the sale of beer and wine at the convenience market for off-site consumption; and a Plan Review of a commercial mixed-use project in the Shopping Center Planned Unit Development (SC-PUD); and 4) **Ordinance No. 2009-013** amending Ordinance 93-033 to eliminate a condition prohibiting the sale of beer and wine for off-site consumption.

Contact: Kimberly Kaufmann-Brisby, Associate Planner, (916) 808-5590, Planning Department , Nedzlene Ferrario, Senior Planner, (916) 808-7826, Development Services Department.

18. **(City Council/Redevelopment Agency) Agreement: 1012 -1022 K Street Rehabilitation Project** (Noticed on 2-4-09 and 2-11-09, Continued from 2-24-09) **Location:** 1012-1022 K Street, southeast corner of 10th and K Streets, Central **Business District (District 1)**

Action: Moved/Seconded: Member Ray Tretheway/Member Steve Cohn

Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, Robbie Waters and Mayor Kevin Johnson.

Conducted a public hearing with public comment heard from Mason Wong, Mike Klein, Jim Seyman, Jimmy Perez, Matt haines, Patrice Ratinoff, Rob Kerth, Sally Snyde,Dave Virga, Michael Berghash,Sun g. Wong, Art Vallejo, Linda Swanigan, Kipp Blewett, Steve Hammond, Peter Thompson, Shawn Eldridge, Claudia Fitzgerald, Richard Lewis, Richard Rich, Randy Paragany, Michael Ault, Sid Garcia-Heberger, Jan Jennings; also present but did not speak were Marina Texeira, Ernesto Jimenez, Jim Johnson, Greg Schmidt, Lori Nalangan, Angela Gianulias, Goxiul Blum, Aaron Zeff, Joe Gorton, Steven Belzer, Melinda Penny, Sotiris Kobktranit, Brad Siefker, Scott Trujillo, Ashley West, Keith C. Kimber II, Myrna Sedie, TJ Bruce, Ernesto Jimenez, Derrick Fong, Carol Van Bruggen, Ashkan Sashichi, Dale Robertson,Glen Lew, Suzanne Townsend, George Raya, Gerald Pollard, Chip Conley, Butch Corum, Leah Klaus, Sean Kohmescher, Wendy Russell.

Upon conclusion of the public hearing a motion **passed** to adopt 1) **Redevelopment Agency Resolution No. 2009-021 as amended**: a) approving the California Environmental Quality Act Exemption for the project; b); approving the project concept for the renovation of buildings at 1012 - 1022 K Street for three entertainment venues and a fourth entertainment use at 1012 K Street to be identified within the next nine months; c) authorizing the approval of a Disposition and Development Agreement (DDA) and related legal documents with 1012 K Street, LLC (Developer) to provide land and $5,400,000 in assistance; d) determining that the Agency's obligations to abate hazardous materials and perform the soft demolition work are interrelated with the Developer's work and that such work cannot be practically done under a separate contract and therefore will be performed by the Developer; e) authorizing the approval of a Reimbursement Agreement to fund abatement and interior demolition expenses incurred by the Developer up to $291,500; f) allocating $5,691,500 from the Merged Downtown Funds (Sheraton Proceeds) to the 1012-1022 K Street Building Renovation Project; and g) establishing the financial participation arrangement for the project that allows the Agency to receive income once the Developer receives a cumulative 12% Return on Adjusted Costs; and 2) **City Council Resolution No. 2009-145** approving the Agency's sale of property at 1012-1022 K Street .

Contact: Beth Tincher, Senior Project Manager, (916) 808-7730, Leslie Fritzsche, Downtown Development Manager, (916) 808-5450, Economic Development Department.

Discussion Calendar/Staff Reports (Item 19)

Discussion Calendar items include an oral presentation including those recommending "receive and file".

19. Second Year Applications: Proposition 1C TOD Housing and Infill Infrastructure Programs
Location: (Citywide)

Action: Moved/Seconded: Member Ray Tretheway/Member Lauren Hammond

Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, Robbie Waters and Mayor Kevin Johnson

A motion **passed** to adopt 1) **Resolution No. 2009-146 as amended** authorizing the City Manager to submit an application to the State on behalf of the Railyards for round 2 of the Proposition 1C TOD Housing Program; 2) **Resolution No. 2009-147** authorizing the City Manager to submit an area application for the Township 9 project for the Proposition 1C Infill Infrastructure Grant Program in order to secure full funding for the project; and 3) direct staff to provide support for the Railyards' application for Proposition 1C Infill Infrastructure Grant Program funds and direct staff to prepare letters of support for other local projects pursuing Proposition 1C funding.

Contact: Marty Hanneman, Assistant City Manager, (916) 808-7508 and Patti Bisharat, Director of Government Affairs, (916) 808-8197, Office of the City Manager.

Council Comments-Ideas, Questions and Meeting/Conference Reports

a. Report Back

1. Member Sandy Sheedy-Treasurer regarding 5 year bonding policy
2. Member Kevin McCarty-Agendize Special Presentation on 3-24-09 recognizing Cesar Chavez

b. Board/Commission Appointments-None.

Adjourned at 10:05 p.m.