



**Meetings of Sacramento
City Council
Redevelopment Agency
Housing Authority
Financing Authority**

DRAFT Minutes

Tuesday, August 25, 2009

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

Published by the Office of the City Clerk (916) 808-7200

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 Action's; 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.

Meetings are broadcast live on Metrocable, Channel 14, AT&T Broadband Cable System and rebroadcast on the Saturday following the date of the meeting. (Check Listings)

Live videostreams and indexed archives of meetings are available via the internet. Visit the City's official website at <http://www.cityofsacramento.org/clerk/council-agendas/>.

Meeting facilities are accessible to persons with disabilities. If you require special assistance to participate in the meeting, notify the Office of the City Clerk at (916) 808-7200 at least 48 hours prior to the meeting.

DRAFT Minutes

Tuesday, August 25, 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 6:02 p.m. Tuesday, August 25, 2009 at the Sacramento City Hall Council Chamber.

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

Pledge of Allegiance – led by Member Kevin McCarty.

Closed Session Report – There are no reportable actions for the first and third closed sessions, as to do so may impair service of process.

On the second closed session item, by a vote of 8-0, with Member Lauren Hammond not present, the City Council authorized the filing of a lawsuit against Kevin Hoffman and Lisa Hoffman for ejectment from City property.

Special Presentations/General Communications

a. Recognizing the Youth of the Month

Action: Presented by Member Sandy Sheedy to Imani Carino.

b. Acknowledging The radKIDS: Personal Empowerment Safety Education Program

Action: Presented by Member Lauren Hammond to Mindi Russell and Steve Daley, CEO of radKIDS.

In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.

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

1. Marc Brandes-Commerce in Parks
2. Joan Bryant-Strong Mayor Initiative Vote
3. David Leeper Moss-Safe Ground
4. Tracie Bailey-Safe Ground
5. Daniel Costa-Violent Assault and Neighborhood Issues
6. Bill Grant-Various Issues

Consent Calendar (Items 1 - 12) Estimated Time: 5 minutes

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

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

Absent: Member Steve Cohn

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 August 11, 2009.

Location: (Citywide)

Action: Approved the City Council, Financing Authority, Housing Authority, and Redevelopment Agency Minutes for August 11, 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 for: 1) Animal Care Services Citizens Advisory Committee to open 08/26/09 with applications due 09/25/09 and 2) Sacramento Metropolitan Arts Commission to open 08/26/09 with applications due 09/25/09.

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

3. (Pass for Publication) Changes to the Noise Variance Procedures (M09-027)

Location:

Action: 1) Reviewed a Resolution a) determining the project is exempt from environmental review; b) an Ordinance amending Section 8.68.260 of the City Code relating to noise variances; and 2) passed for publication the Ordinance title as required by Sacramento City Charter 32(c) to be adopted September 8, 2009.

Contact: Sandra Yope, Senior Planner, (916) 808-7158; Joy Patterson, Principal Planner, (916) 808-5607, Community Development Department.

4. Curtis Park Village Project

Location: (District 5)

Action: Adopted **Resolution No. 2009-547** approving a \$900,000 Brownfield Revolving Loan Fund (BRLF) loan to Calvin Elk Grove-Florin, LLC for environmental clean-up at the Curtis Park Village Project.

Contact: Diana Sasser, Project Manager, (916) 808-5519; James Rinehart, Economic Development Manager, (916) 808-5054, Economic Development Department.

5. **Contract: Valley Hi Park Improvements (L19171000)**

Location: 8185 Center Parkway (District 7)

Action: Adopted **Resolution No. 2009-548** 1) approving the contract specifications for Valley Hi Park and awarding the contract to Parker Landscape Development, Inc. for an amount not to exceed \$298,427; and 2) authorizing the City Manager to execute the contract with Parker Landscape Development, Inc. for an amount not to exceed \$298,427 for the project.

Contact: Roy Tatman, Associate Landscape Architect, (916) 808-5326 J.P. Tindell, Park Planning and Development Manager, (916) 808-1955, Parks and Recreation Department.

6. **Grant: Recovery Act-Edward Byrne Memorial Justice Assistance Program**

Location: (Citywide)

Action: Adopted **Resolution No. 2009-549** 1) authorizing the City Manager, or designee, to accept \$2,527,660 of federal grant funding through the *Recovery Act*: Edward Byrne Memorial Justice Assistance Grant Formula Program: Local Solicitation administered through the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance; 2) authorizing the City Manager or designee to establish a grant project for the Edward Byrne Memorial Assistance Grant Formula Program and 3) authorizing the City Manager, or designee, to adjust the necessary grant revenue and expenditure budgets to implement the \$2,527,660 grant.

Contact: Jim Maccoun, Captain, (916) 808-0841, Police Department.

7. **FY2009 COPS Hiring Recovery Program Grant Award Acceptance**

Location: (Citywide)

Action: Adopted **Resolution No. 2009-550** authorizing the City Manager, or his designee to 1) accept, on behalf of the City of Sacramento, federal grant funding of \$9,554,860 through the Community Oriented Policing Services (COPS) Hiring Recovery Program grant administered through the U.S. Department of Justice, Office of Community Oriented Policing Services; 2) establish a grant project for the COPS Hiring Recovery Program; 3) adjust the Police Department's Grant Expenditure and Grant Revenue budgets by \$9,554,860; 4) restore funding to thirty-five (35.0) Full Time Equivalent (FTE) positions in the Sacramento Police Department that were previously unfunded.

Contact: Jim Maccoun, Captain, (916) 808-0841, Police Department.

8. **2009 Sacramento Area Council of Government (SACOG) Community Design Grant Applications**

Location: Del Paso Boulevard Streetscape Project (District 2); Railyards West End Tunnel Project (District 1); Docks Promenade Phase II Project (District 4)

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

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

No: Member Steve Cohn

Removed from Consent Calendar for public comment heard from Brice Anderson, John Fierro, and Ned Allison; a motion **passed** directing staff to bring issue back as a workshop with recommendations on how to include “65th Street” into future grant awards; and adopted **Resolution No. 2009-551** directing staff to submit applications to SACOG’s Community Design Grant Program for three projects

Contact: Ryan Moore, Supervising Engineer (916) 808-8279; Lucinda Willcox, Program Manager (916) 808-5052, Transportation Department.

9. Contract: 2009 Federal Street Overlay Project Phase I (R15072016)

Location: (District 1, 2, 5, 7, 8)

Action: Adopted **Resolution No. 2009-552:** 1) approving Program Supplement No. N121 for the 2009 Federal Street Overlay Project Phase I (R15072016); 2) amending the FY08/09 Capital Improvement Program revenue and expenditure budgets by appropriating \$5,746,013 (Fund 3703) for the construction of Phase I and Phase II; 3) approving striping plans and specifications; 4) awarding the construction contract to Granite Construction Company for an amount not to exceed \$4,808,963 and 5) authorizing the City Manager to execute the contract.

Contact: Zuhair Amawi, Associate Civil Engineer, (916) 808-7620; Tim Mar, Supervising Engineer, (916) 808-7531, Transportation Department.

10. Contract: 2009 Federal Street Overlay Project Phase II (R15072018)

Location: (District 2, 3, 4, 6)

Action: Adopted **Resolution No. 2009-553:** 1) approving Program Supplement No. N122 for the 2009 Federal Street Overlay Project Phase II (R15072018); 2) amending the FY08/09 Capital Improvement Program revenue and expenditure budgets by appropriating \$2,310,610 (Fund 3703) to the project for construction; 3) approving the transfer of \$501,000 (Fund 2028) from the Overlays and Seals Program (R15072000) to the 2009 Federal Street Overlay Project Phase II (R15072018); 4) approving striping plans and specifications; 5) awarding the construction contract to Teichert Construction Company for an amount not to exceed \$2,894,661; and 6) authorizing the City Manager to execute the contract.

Contact: Zuhair Amawi, Associate Civil Engineer, (916) 808-7620; Tim Mar, Supervising Engineer, (916) 808-7531, Transportation Department.

11. Curtis Park Village Combined Sewer Regional Storage Project (X14010001)

Location: (District 5)

Action: Adopted **Resolution No. 2009-554** adopting the Mitigated Negative Declaration and Mitigation Monitoring Program for the Curtis Park Village Combined Sewer Regional Storage Project (the “Project”); and 2) Adopted **Resolution No. 2009-555** authorizing the City Manager to execute Supplemental Agreement No. 1 to City Agreement No. 2006-0001 with West Yost Associates to complete the final design and provide related services for the Project, increasing the contract not-to-exceed amount from \$144,959 to \$642,609.

Contact: David L. Brent, Engineering Services Manager, 808-1420; Rick Batha, Supervising Engineer, 808-1448, Utilities Department.

12. **Sacramento's Homelessness and Rapid Re-Housing Program (HPRP) Update and Applications to State Department of Housing and Community Development**
Location: (Citywide)

Action: Moved/Seconded: Member Lauren Hammond/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.

Removed from Consent Calendar for public comment heard from Lynnette Davis; a motion **passed** to adopt **Resolution No. 2009-556** authorizing the Sacramento Housing and Redevelopment Agency (SHRA) to 1) execute all required certifications, apply for, and accept the State of California Department of Housing and Community Development (HCD) HPRP funds in an amount not to exceed \$4.8 million; 2) sign Standard Agreements and any subsequent amendments; and 3) perform any and all responsibilities in relationship to the contract.

Contact: Lisa Bates, Deputy Executive Director, (916) 440-1319; Cindy Cavanaugh, Assistant Director, Sacramento Housing and Redevelopment Agency.

Public Hearings (Items 13 - 15)

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

13. **Estimated Time: 15 minutes**

Nomination of 4623 T St. (M09-011), 6125 Riverside Blvd. (M09-012), and 1210 H Street (M09-013) as Landmarks for listing in the Sacramento Register of Historic and Cultural Resources (Noticed on 8-7-09; Passed for Publication 8-11-09)
(Continued from 8-18-09)

Location: 4623 T Street, Assessor's Parcel Number 011-0043-002-0000, (District 6); 6125 Riverside Boulevard, Assessor's Parcel Number 029-0010-008-0000, (District 4); 1210 H Street, Assessor's Parcel Number 006-0051-003-0000, (District 3).

Action: Moved/Seconded: Member Steve Cohn/Member Kevin McCarty

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 Linda Whitney and William Burg; and upon conclusion a motion **passed** to adopt **Ordinance No. 2009-039** placing the properties located at 4623 T St., 6125 Riverside Blvd., and 1210 H Street in the Sacramento Register of Historic and Cultural Resources (Register) as Landmarks.

Contact: Roberta Deering, Senior Planner for Historic Preservation, (916) 808-8259; William Crouch, Urban Design Manager, (916) 808-8013, Community Development Department.

14. **Estimated Time: 20 minutes**
City Reasonable Accommodation Ordinance (LR09-001) (Noticed on 8-14-09)
(Passed for Publication on 8-18-09; Published on 8-21-09)
Location: (Citywide)
Action: Moved/Seconded: Member Lauren Hammond/Member Kevin McCarty
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 no public comment and upon conclusion a motion **passed** to adopt **Ordinance No. 2009-040** establishing a formal procedure for individuals with disabilities seeking access to housing to request reasonable accommodation in the application of the City's land use and zoning standards, regulations, policies, and procedures.
- Contact:** Greg Sandlund, Assistant Planner, (916) 808-8931; Jim McDonald AICP, Senior Planner, (916) 808-5723, Community Development Department.

15. **Estimated Time: 5 minutes**
Extension: Medical Marijuana Dispensaries Moratorium (Noticed on 8-14-09)
(4/5 Vote Required)
Location: (Citywide)
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 Lanetee Davies and Ryan Landers; and upon conclusion a motion **passed** to adopt **Ordinance No. 2009-041** extending the 45-day moratorium on medical marijuana dispensaries in the City of Sacramento for an additional ten months and fifteen days.
- Contact:** Michelle Heppner, Special Projects Manager, (916) 808-1226, Office of the City Manager.

Discussion Calendar/Staff Reports (Items 16 - 22)

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

16. **Estimated Time: 15 minutes**
Parks and Recreation Commission – Consideration of Applicants
Location: (Citywide)
Action: Moved/Seconded: Member Steve Cohn/Member Kevin McCarty
Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, and Robbie Waters.
No: Member Ray Tretheway and Mayor Kevin Johnson.

Received public comment heard from George Raya; Member Cohn added Cynthia Torrez, Planning Area 1, for appointment consideration; and a motion **passed** 1) directing staff to return directly to Council with an ordinance amendment allowing Councilmembers to appoint Parks and Recreation Commission members by district; 2) return directly to Council within 30 days with an Ordinance amendment allowing Councilmember to appoint Planning Commission members by district and 3) continue to vet “at large” appointments through Personnel and Public Employees Committee.

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

17. Estimated Time: 10 minutes
Community Reinvestment Capital Improvement Program (CRCIP) and 2006 Capital Improvement Revenue Bonds (2006 CIRBs)

Location: (Citywide)

Action: Moved/Seconded: Member Lauren Hammond/Member Kevin McCarty

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 1) Accept the CRCIP status report; 2) adopt **Resolution No. 2009-557** authorizing the City Manager to amend the FY2009/10 Approved Budget to include the addition of 11.5 full time equivalent (FTE) positions and the allocation of \$1.47 million in general funds from Non-Department to the Parks and Recreation, General Services, and Convention, Culture and Leisure Departments to address operations and maintenance of the newly constructed CRCIP facilities; and 3) direct the City Treasurer and City Manager to report back to Council in six months with the next status report including an update on interest earnings.

Contact: Gus Vina, Assistant City Manager, (916) 808-7138, Office of the City Manager; Russell Fehr, City Treasurer, (916) 808-5168, Office of the City Treasurer; Dawn Holm, Principal Management Analyst, (916) 808-5574, Finance Department.

18. Estimated Time: 15 minutes
Exclusive Right to Negotiate – Digital Billboards

Location: (Citywide)

Action: Moved/Seconded: Member Sandy Sheedy/Member Ray Tretheway

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 **Resolution No. 2009-558:** 1) authorizing exclusive negotiations with Clear Channel Outdoor, Inc. for 120 days on terms of construction and operation of multiple digital billboards on City-owned sites and related removal of existing billboards; and 2) directing staff to return with proposed negotiated terms for the Council’s consideration and possible approval.

Contact: Tom Zeidner, Senior Development Project Manager, (916) 808-1931, Economic Development Department.

19. **Estimated Time: 15 minutes**
Sacramento Charter Review Committee - Revised Scope and Timeline (To Be Delivered)
Location: (Citywide)
Action: Moved/Seconded: Member Kevin McCarty/ Lauren Hammond
Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, and Robbie Waters
No: Mayor Kevin Johnson
Reviewed actions for the amendment of Resolution 2009-05, forming the 2009 Charter Review Committee with public comment heard from Bill Camp; and a motion **passed** to adopt **Resolution No. 2009-559**, amending Resolution 2009-095 revising the scope of work and timelines of the Committee as illustrated in Attachment 3 of the report.
Contact: Eileen Teichert, City Attorney and Matthew Ruyak, Supervising Deputy Attorney, (916) 808-5346, Office of the City Attorney.
20. **Estimated Time: 20 minutes**
Charter Review Committee Progress Report
Location: (Citywide)
Action: Received and filed the August Charter Review Committee Progress Report as transmitted in accordance with Resolution 2009-095.
Contact: William H. Edgar, Chair, Charter Review Committee, (916) 392-4909.
21. **Estimated Time: 20 minutes**
Strong Mayor Initiative Legal Issues and Options (To Be Delivered)
Location: (Citywide)
Action: Moved/Seconded: Member Steve Cohn/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 continue to **September 8, 2009** the review of Strong Mayor Initiative legal issues and options for correcting those legal issues.
Contact: Eileen Teichert, City Attorney, (916) 808-5346, Office of the City Attorney.
22. **Estimated Time: 20 minutes**
Recommended Staffing Level and Budget for Proposed City Independent Budget Analyst (To Be Delivered)
Location: (Citywide)
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, Ray Tretheway, Robbie Waters and Mayor Kevin Johnson.

An Intent Motion **passed** to adopt an Ordinance after a workshop to discuss details of implementation possibly combining the City Auditor and Independent Budget Analyst positions.

Contact: Russ Fehr, Treasurer, (916) 808-5832, Office of the City Treasurer.

23. Estimated Time: 20 minutes
Status Report: 800 K/L Proposed Development [To Be Delivered]

Location: 800-816 K Street and 809-815 L Street (District 1)

Action: Public comment heard from Bill Camp, Brian Larson, Daisy Mera, Jon Marshack, William Burg, Margaret Buss, Vivian Gerlach, Cline Moore, and Michael Ault; directed staff to 1) issue a Request for Qualifications (RFQ); and 2) continue to negotiate with USA Hospitality for 90 days for the project including preserving Bell View Hotel to the extent possible.

Contact: Denise Malvetti, Senior Project Manager, (916) 808-7064 and Leslie Fritzsche, Downtown Development Manager, (916) 808-5450, Economic Development Department.

Council Comments-Ideas, Questions and Meeting/Conference Reports

1. Report Back

- a. Member Robbie Waters and Lauren Hammond-Responsibility by Flores Paving for cost of broken sewer pipes at 2771 29th Avenue
- b. Mayor Johnson-begin initial consideration for potential safe ground locations

2. Board and Commission Appointments

- a. Sacramento Youth Commission
 - 1. T'Keyah Greer (District 1)
 - 2. Christopher Crump (District 8)
 - 3. Jordan Gonzales (District 7)
 - 4. Jamee Hawthorn (District 7)
 - 5. Sammie Lawrence IV (A6)
 - 6. Margarita Aguilar (A6)
 - 7. Maris Elena Kolokotronis (A3)
 - 8. Olivia Godby (A3)
- b. Sacramento Sports Commission
 - 1. Rhonda Smira Nobili (Category A1)

Adjourned at 10:09 pm.