



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

DRAFT Minutes

Tuesday, May 25, 2010

6:00 P.M.

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, District 5
Kevin McCarty, District 6
Robbie Waters, Vice Mayor, District 7
Bonnie Pannell, District 8

CHARTER OFFICERS

Eileen Teichert, City Attorney
Shirley Concolino, City Clerk
Gus Vina, Interim 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, May 25, 2010

6:00 P.M.

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.

Regular session called to order by Mayor Kevin Johnson at 6:01 p.m. Tuesday, May 25, 2010 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, and Mayor Kevin Johnson.

Absent: Member Robbie Waters.

Pledge of Allegiance—led by Samantha Poeppelman, student participant in Youth @ City Council Program.

Closed Session Report – None.

Special Presentations/General Communications

- a. **Recognition of Hope Productions Foundation**
Action: Presented by Member Pannell to Debbie Gabelich, CEO.
- b. **Summary Report of the Midtown Property Business Improvement District Activity through Spring of 2010**
Action: Presented by Rob Kerth.

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

(Actual Time: 13 minutes)

1. Safeguard and Homelessness
 - a. Tracie Rice-Bailey
 - b. John Reigher
2. Police Racial Discrimination
 - a. Robert Ramirez

Consent Calendar (Items 1 - 22) **Estimated Time: 5 minutes** (Actual Time: 1 minute)

Action: Moved/Seconded: Member Bonnie Pannell/Member Robert King Fong

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

Absent: Member Robbie Waters.

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 May 11, 2010.

Location: (Citywide)

Action: Approved the City Council, Financing Authority, Housing Authority, and Redevelopment Agency Minutes for May 11, 2010.

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

2. **Confirmation of Board and Commission Appointments**

Location: (Citywide)

Action: Confirmed board/commission appointment(s): 1) Compensation Commission – Evelyn Chin and David Kawada; 2) Del Paso Heights Redevelopment Advisory Committee – Kaying Thao (Category A), Mirna Pelayo (Category A) and Anthony Colson (Category B); 3) Sacramento Army Depot Redevelopment Advisory Committee – Jerry Mayberry (Category A), Jay Narayan (Category A), Doug Smoot (Category A) and Jeff Coburn (Category C); 4) Sacramento City/County Bicycle Advisory Committee – Kevin Boll and Christian Farland (Category A); 5) Sacramento Disabilities Advisory Commission – Darlene Anderson and Evangeline Skierka; 6) Small Business Development & Employment Advisory Board – Ognian Gavrilov (Category B) and Debra Ichimura (Category C) and 7) Sacramento Tourism Business Improvement District – Howard Harris (Category A).

Contact: Stephanie Mizuno, Assistant City Clerk, (916) 808-8093, Katia Ligaiviu, Deputy City Clerk, (916) 808-7200, Office of the City Clerk.

3. **Open an Application Period for Various Boards and Commissions**

Location: (Citywide)

Action: Opened an application period on 05/26/10 with applications due 06/25/10 for: 1) Compensation Commission; 2) Sacramento Disabilities Advisory Commission and 3) Small Business Development & Employment Advisory Board.

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

4. **Ordinance Amendment: Administrative Provisions of the Building Code Addressing Building Permit Applications, Processing, and Inspections**

(Passed for Publication on 5-18-10, Published on 5-21-10)

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, and Mayor Kevin Johnson.

Absent: Member Robbie Water.

Removed by Member Sheedy for discussion and a motion **passed** to adopt **Ordinance No. 2010-014** repealing and re-enacting Chapter 15.08 of Title 15 of the Sacramento City Code, and making conforming amendments to section 3.36.010 and Chapter 15.10.

Contact: Emilie Schell, Program Analyst, (916) 808-5908, Carl Hefner, Chief Building Official, (916) 808-8779, Community Development Department.

- 5. Annual Proceedings for Fiscal Year (FY) 2010/11) North Franklin Property and Business Improvement District (PBID)**
Location: North Franklin Commercial Corridor (District 5)
Action: Adopted **Resolution No. 2010-267** adopting the District annual budget and levying an assessment for FY2010/11.
Contact: Sini Makasini, Administrative Analyst, (916) 808-7967, Mark Griffin, Fiscal Manager, (916) 808-8788, Finance Department.
- 6. Initiation of Proceedings: Mack Road Property and Business Improvement District (PBID) No. 2010-02**
Location: Mack Road Commercial Corridor (District 8)
Action: **Continued to June 1, 2010** to adopt a Resolution of Intention establishing the Mack Road PBID.
Contact: Sini Makasini, Administrative Analyst, (916) 808-7967, Mark Griffin, Fiscal Manager, (916) 808-8788, Finance Department.
- 7. Fiscal Year (FY) 2010/11 Annual Proceedings: Stockton Boulevard Property and Business Improvement District (PBID)**
Location: (Districts 5 and 6)
Action: **Continued to June 1, 2010** to adopt the Stockton Boulevard PBID (District) annual budget and levying an assessment for FY2010/11.
Contact: Jodie Vong, Administrative Analyst, (916) 808-8243, Mark Griffin, Fiscal Manager, (916) 808-8788, Finance Department.
- 8. Agreements: Energy Efficiency and Conservation Block Grant (EECBG) Funding for the Home Performance Rebate and Small Business Energy Efficiency Pilot Programs (Continued from 5-18-10)**
Location: (Citywide)
Action: Adopted **Resolution No. 2010-270** authorizing the City Manager or the City Manager's designee to execute Memorandums of Understanding (MOUs) between the City of Sacramento and Sacramento Municipal Utility District (SMUD) to sub-grant EECBG funds for: 1) the Home Performance Rebate program in an amount not to exceed \$908,000; and 2) the Small Business Energy Efficiency Pilot Program in an amount not to exceed \$500,000.
Contact: Yvette Rincon, Sustainability Program Manager, (916) 808-5827, General Services Department.
- 9. Camellia Park Master Plan**
Location: 6650 Cougar (District 6)
Action: Adopted **Resolution No. 2010-271** approving the Camellia Park Master Plan.
Contact: Roy Tatman, Associate Landscape Architect, (916) 808-5326, J.P. Tindell, Park Planning and Development Manager, (916) 808-1955, Parks and Recreation Department.

10. Grant: Application for and Acceptance of U.S. Department of Justice, Edward Byrne Memorial Justice Assistance

Location: (Citywide)

Action: Adopted **Resolution No. 2010-272** 1) authorizing the City Manager, or his designee, to apply for, on behalf of the City of Sacramento, a \$557,101 grant from the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance, 2) if the grant is awarded, authorizing the City Manager, or his designee, to accept on behalf of the City of Sacramento, a grant of \$557,101 from the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance, 3) establishing a grant project for the grant; and 4) increasing the Police Department's grant expense and revenue budgets in the amount of \$557,101.

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

11. Grant: Fiscal Year (FY)2009/10 Citizen's Option for Public Safety (COPS) Externally Funded Program

Location: (Citywide)

Action: Adopted **Resolution No. 2010-273** 1) authorizing the City Manager, or designee, to accept \$745,298 in grant funding from the State of California's Citizen Option for Public Safety (COPS) Program, 2) increasing the Police Department's Grant Operating and Grant Revenue budgets in an amount of \$745,298; 3) authorizing the City Manager, or designee, to establish a grant project (G11007000); and 4) authorizing the City Manager, or designee, to execute any contracts, agreements or change orders necessary to implement this program.

Contact: Jim Beezley, Lieutenant, (916) 808-0854, Police Department.

12. (City Council/Housing Authority/Redevelopment Agency) Personnel Rules and Reclassification of Senior Human Resources Analyst to Exempt Status

Location: (Citywide)

Action: Adopted 1) a **City Resolution No. 2010-274**; 2) **Housing Authority Resolution No. 2010-005**; and 3) **Redevelopment Agency Resolution No. 2010-023** approving the SHRA Personnel Rules and status changes for SHRA Senior Human Resources Analyst classification.

Contact: La Shelle Dozier, Executive Director, (916) 440-1319, James Shields, Director of Administration, (916) 440-1308, Sacramento Housing and Redevelopment Agency.

13. **Light Emitting Diode (LED) Street Light Pilot Phase 1 Project (T15115200)**
Location: Del Paso Boulevard (District 2), Arden Way (District 3), J Street (District 3), 46th Street (District 3), and Pocket Road (District 7.)
Action: Moved/Seconded: Member Steve Cohn/Member Sandy Sheedy
Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, and Mayor Kevin Johnson.
Absent: Member Robbie Waters.
Withdrawn for public comment heard from Roxanne Fuentez and a motion **passed** adopting **Resolution No. 2010-275** 1) establishing a new Capital Improvement Project for the project; and 2) appropriating funds in the amount of \$40,000 (Fund 3702) to the project.
Contact: Sompol Chatusripitak (916) 808-5961, Tim Mar, Supervising Engineer (916) 808-7531, Transportation Department.
14. **Contract: Willow Creek Streetscapes Maintenance**
Location: (District 1)
Action: Adopted **Resolution No. 2010-276** awarding a one-year non-professional services agreement for the maintenance of the Willow Creek Streetscapes with Dominguez Landscape for an amount not to exceed \$36,088 and options to extend the agreement for up to two additional one-year periods, with the total amount of the agreement including the optional two one-year extensions not to exceed \$116,364.
Contact: Juan Montanez, Street Services Manager, (916) 808-2254, Erick Talavera, Program Specialist, (916) 808-2272, Transportation Department.
15. **Agreement: Sacramento Intermodal Transportation Facility, Track Relocation Project (T15029000)**
Location: Downtown near Sacramento Valley Station, between I Street Bridge and 7th Street. (District 1)
Action: Adopted **Resolution No. 2010-277** accepting \$6.2 million American Recovery and Reinvestment Act (ARRA) High Speed Intercity Passenger Rail funds and approving agreements.
Contact: Hinda Chandler, Senior Architect, (916) 808-8422, Transportation Department.
16. **Agreement: Intelligent Transportation System (ITS) Expansion Project (T15088000)**
Location: Florin Road (Districts 4, 5, and 8), Fruitridge Road (Districts 5 and 6), Pocket/Meadowview/Mack Road (Districts 7 and 8), Power Inn Road (District 6), West El Camino Avenue (District 1), and 65th Street (Districts 3 and 6)
Action: Adopted **Resolution No. 2010-278** 1) authorizing the City Manager to execute Program Supplement No. 0G96 Rev. 000 with Caltrans in the amount of \$2,862,000 for project; 2) appropriating funds in the amount of \$2,862,000 (Fund 3704) to the project; and 3) transferring funds in the amount of \$245,000 (Fund 2001) from the Major Street Improvements Project (T15108000) to the ITS project.

Contact: Sompol Chatusripitak (916) 808-5961, Tim Mar, Supervising Engineer (916) 808-7531, Transportation Department.

17. Agreement: Environmental Protection Agency (EPA) WaterSense Promotional Partnership

Location: (Citywide)

Action: Adopted **Resolution No. 2010-279** authorizing the Department of Utilities to become an EPA WaterSense Promotional Partner by entering into Partnership Agreement to allow the Department of Utilities and the City of Sacramento to strengthen water conservation outreach efforts with a credible, national brand and a strong, consistent message.

Contact: Jessica Hess, Media and Communications Specialist (916) 808-8260, Utilities Department.

18. Agreement: City of Sacramento and Sacramento Suburban Water District Mutual Assistance

Location: 4522 Bell Avenue (District 2)

Action: Adopted **Resolution No. 2010-280** authorizing the Interim City Manager or designee to execute a Mutual Assistance Agreement with the Sacramento Suburban Water District for an emergency water system intertie near the intersection of Bell Avenue and Astoria Street.

Contact: David L. Brent, Engineering Services Manager, (916) 808-1420, Dan Sherry, Supervising Engineer, (916) 808-1411, Utilities Department.

19. Contract: Capitol / L Alley Sewer & Water Replacement, 17th to 18th St. (X14010050) (Continued from 5-18-10)

Location: 17th to 18th Streets between Capitol Avenue and L Street (District 3)

Action: Adopted **Resolution No. 2010-281** 1) approving the plans and specifications for the project; and 2) awarding the contract to Biondi Paving, Inc. to replace combined sewer system pipeline and water main in the alley between Capitol Ave and L Street from 17th to 18th Street for an amount not to exceed \$186,679.

Contact: David L. Brent, Engineering Services Manager, (916) 808-1420, Rick Batha, Supervising Engineer, (916) 808-1448, Dan Sherry, Supervising Engineer, (916) 808-1419, Utilities Department.

20. Contract: Fremont Area Sewer Rehabilitation – Phase 2 (X14010039)

Location: 5th Street, Fremont Way, Riverside Boulevard & Kit Carson Street (District 4)

Action: Adopted **Resolution No. 2010-282** approving the plans and specifications for the project and awarding the contract to PIPEnology, Inc. for the construction of the project for an amount not to exceed \$405,250.

Contact: David L. Brent, Engineering Services Manager, (916) 808-1420, Rick Batha, Supervising Engineer, (916) 808-1448, Utilities Department.

Public Hearings (Items 21 - 23)

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

21. **Estimated Time: 2 minutes (Actual Time: 0 minutes)**
Marina Fee Revision (Noticed on 3-5-10 and 3-12-10, Continued from 3-23-10, 5-11-10)
Location: (Citywide)
Action: Continued to June 15, 2010.
Contact: Clair Camper, Marina Manager, (916) 808-5712, Barbara Bonebrake, Director, Convention, Culture & Leisure, (916) 808-8225, Convention, Culture and Leisure Department.

22. **Estimated Time: 5 minutes (Actual Time: minutes)**
Temporary Street Closure of The Alleyway Bounded by Folsom Boulevard, 36th, 37th and M Streets; Temporary Closure Proceeding No. TSC10-02
(Noticed on 5-7-10)
Location: Folsom Boulevard, 36th, 37th and M Streets (District 3)
Action: Moved/Seconded: Member Steve Cohn/Member Sandy Sheedy
Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, and Mayor Kevin Johnson.
Absent: Member Robbie Waters.
Action: Conducted a public hearing with public comment heard from Ed Kilvian, Julie Clary, and Ann Hafter; and upon conclusion, a motion **passed** adopting **Resolution No. 2010-283** authorizing the temporary closure of the alleyway located between Folsom Boulevard, 36th, 37th and M Streets.
Contact: Jerry Lovato, Senior Engineering Technician, (916) 808-7918, Thomas Adams, Engineering Technician, (916) 808-7929, Transportation Department.

23. **Estimated Time: 5 minutes (Actual Time: minutes)**
Transit Overlay Zone Amendment (LR10-002) (Passed for Publication on 4-27-10, Published on 4-30-10, Noticed on 5-7-10)
Location: (Citywide)
Action: Moved/Seconded: Member Ray Tretheway/Member Sandy Sheedy
Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, and Mayor Kevin Johnson.
Absent: Robbie Waters.
Action: Conducted a public hearing with no public comment; and upon conclusion, a motion **passed** adopting **Ordinance No. 2010-015** amending sections 17.178.020, 17.178.055, and 17.178.060 of Title 17 of the Sacramento City Code (the Zoning Code) relating to the applicability of the Transit Overlay (TO) zone.
Contact: Fedolia "Sparky" Harris, Department of Transportation, Senior Planner, (916) 808-2996; Jim McDonald, Community Development Department, Senior Planner, (916) 808-5723, Transportation Department.

Discussion Calendar/Staff Reports (Items 24 and 25)

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

24. **Estimated Time: 20 minutes** (Actual Time: 20 minutes)
FloodSafe and the Central Valley Flood Protection Plan – Presentation by the State Department of Water Resources
Location: (Citywide)
Action: Received and filed.
Contact: David Brent, Engineering Manager, (916) 808-1420, Bill Busath, Supervising Engineer, (916) 808-1434, Utilities Department.
25. **Estimated Time: 1 hour** (Actual Time: 3 hours and 10 minutes)
Report Back: Arizona Illegal Immigration Legislation SB 1070
Location: (Citywide)
Action: Public comment heard from Angelo Andriani, Carl Dexter, Jorge Riley, Diniel Mitschele, Eric Leonetti, Dean Del Ben, Mirna Reyes-Bible, Andre Gayet, Paul Smith, Dany Stark, Lars Aspenlind, James Ricketts, Richard Southern, Gem Avara, Lynne Brown, Dwight Brown, Davi Rodrigues, Steve Vincent, Paul Asturi, Cristal Taylor, Will Price, Jose Borrego, Ken Macias, Lucy Garcia-Robles, Melinda Guzman, Arturo Aleman, Randy Lopez, Ralph Carmona, Eric Vega, Luis Cespedes, Efren Guttierrez, Lisbeth Cruz, Francisco Alarcon, Betty Williams, Francisco Garcia, Carolina Flores, Rebecca Sandoval, Arnulfo Hernandez, Marc Grossman, Phil Serna, Joshua Kaizuka, Debra Reiger, Linda Ng, Fatima Garcia, Shalom Rojas, Alex Garrios, Diana Rodriguez, Roy Grimes, Monica Nainsztein Rodriguez, Mercedes Azar, Juanita Ontiveros, John Riordan, David Deluz, Tom Bhe, Manny Hernandez, CT Weber, Dannetta Garcia, Amelia Zamora, Bill Camp, and Joe Cherry; and staff directed to **return as soon as practical within 2 weeks with a draft Resolution regarding the Arizona Immigration legislation including Sacramento economic sanctions as proposed by other cities for further discussion.**
Contact: Patti Bisharat, Interim Assistant City Manager, (916) 808-8197, Office of the City Manager, Eileen Teichert, City Attorney, (916) 808-5346, Office of the City Attorney.

Council Comments-Ideas, Questions and Meeting/Conference Reports

1. Report Backs

a. Mayor Kevin Johnson

1. City Attorney/City Manager-Agendize for June 15th a discussion on
1) proper language and comparisons of other cities for a Charter Reform Package on a range of issues including Executive Mayor and 2) consider Denver CO. and Seattle, WA in the comparison.

- b. Member Kevin McCarty
 - 1. City Attorney-Explore 1) an agreement with the District Attorney for the City to take some of the misdemeanor cases not prosecuted; 2) possible state legislation that would delegate the authority to the city and; 3) voter approval that would give the City prosecutorial power for unprosecuted misdemeanors.
 - 2. City Attorney-In addition to Mayor's request on Charter Reform: 1) timeline for implementation and 2) a Charter Review Commission (elected/serve a term/return with recommendations).
- c. Member Robert King Fong
 - 1. City attorney- Before the budget adoption return with the total of development fees undercharged or uncollected and how we can obtain the arrearages.
- d. Member Sandy Sheedy
 - 1. Charter Reform analysis should include for cities outside of California 1) an explanation of the differences in the systems of governance in the states in which those cities are located, particularly how those states treat Charter Cities; 2) what powers local government has that are unique to those states; 3) the manner in which those cities can and do operate; and 4) written timelines/deadlines for implementation.

2. Board/Commission Appointments

- a. Stockton Blvd. Redevelopment Advisory Committee
 - 1. Elgin M. Bradley

Adjourned –at 10:35 p.m.