



REPORT TO COUNCIL City of Sacramento

915 I Street, Sacramento, CA 95814-2604
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CONSENT
June 16, 2009

Honorable Mayor and Members of the City Council, Financing Authority
Housing Authority, and Redevelopment Agency

Title: Approval of Council Minutes

Location/Council District: (Citywide)

Recommendation:

Approve the evening City Council, Financing Authority, Housing Authority and
Redevelopment Agency for June 2, 2009.

Contact: Shirley Concolino, City Clerk, (916) 808-7200

Presenters: None

Department: City Clerk

Division: None

Organization No: 0700

Financial Considerations: None.

Environmental Considerations: None.

Policy Considerations: None.

ESBD Considerations: Not Applicable.

Respectfully Submitted by:


Shirley Concolino, City Clerk

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Minutes for June 2, 2009



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

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

DRAFT Minutes

Tuesday, June 2, 2009

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

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

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.

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/>.

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DRAFT MINUTES

Tuesday, June 2, 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 6:04 p.m. Tuesday, June 2, 2009 at the Sacramento City Hall Council Chamber.

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

Absent: Member Lauren Hammond; and Member Kevin McCarty arrived at 6:08 pm.

Pledge of Allegiance - led by Member Robbie Waters.

Closed Session Report - None.

Special Presentations/General Communications

a. **George H. Clark Scholarship Recipient**

Action: Presented by Felisberto Cedros and Mary Shelton to Chin Yan Yu

b. **Pops in the Park Concert Series**

Action: Presented by Lisa Schmidt

c. **Recognizing the World Sports Cupstacking Championship**

Action: Continued to June 9, 2009

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

1. Ron Emslie-Property weeds in Oak Park-Town Hall meetings
2. Clara McKeithern-Property weeds and high grass
3. Sheila Boxley-Child Death Report
4. John Lambeth- Child Death Review Team Report-Child Abuse Prevention Center

Consent Calendar (Items 1 - 14) Estimated Time: 05 minutes

Action: Moved/Seconded: Member Robbie Waters/Member Bonnie Pannell

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

Absent: Member Lauren Hammond

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 19, 2009

Location: (Citywide)

Action: Approved the City Council, Financing Authority, Housing Authority, and Redevelopment Agency Minutes for May 19, 2009.

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

2. Open an Application Period for the Parks and Recreation Commission

Location: (District 3)

Action: Opened an application period for the Parks and Recreation Commission to open 06/03/09 with applications due 06/19/09.

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

3. Confirmation of Appointment to the Sacramento Area Sewer District Board (formerly CSD-1)

Location: (District 3)

Action: Adopted **Resolution No. 2009-342** confirming the appointment of Bonnie Pannell to replace Sandy Sheedy as the "alternate" member to the Sacramento Area Sewer District Board as required by SB1663.

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

4. (Redevelopment Agency) New Seasons (Formerly Greystone) Apartments

Location: 3545 41st Street/Franklin Redevelopment Area, County District 2

Action: Adopted **Redevelopment Agency Resolution No. 2009-033** a) authorizing the acceptance of a loan of \$1.1 million of County Aggregated Low/Moderate Housing funds to the Franklin Boulevard Joint Project Area; b) approving a loan commitment of \$4.9 million to New Seasons Apartments of which \$3.1 million is from Franklin Boulevard Joint Project Area Low/Moderate Tax Increment (TI) funds and \$1.8 million County HOME Funds; c) delegating authority to the Redevelopment Agency of the County to enter into and execute a Commitment Letter, Owners Participation Agreement and related documents with Avalon Communities, LLC and DAVCO Communities, LLC, or related entity; d) authorizing the Executive Director or her designee to execute all necessary documents for the loan between Franklin Boulevard Joint Redevelopment Project Area and County Aggregate Low/Moderate Housing fund.

Contact: Lisa Bates, Deputy Executive Director, (916) 440-1330, Christine Weichert, Assistant Director, Housing and Community Development, (916) 440-1353, Sacramento Housing and Redevelopment Agency.

5. (Redevelopment Agency) Request for Qualifications: Hotel Berry

Location: 729 L Street (District 1)

Action: Adopted **Redevelopment Agency Resolution No. 2009-034** approving the release of a Request for Qualifications to select a non-profit developer for the Hotel Berry site.

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.

6. Requesting Consent from the Sacramento County District Attorney to the City Attorney's Prosecution of State Law Misdemeanor Committed Inside the City Limits [To Be Delivered]

Location: (Citywide)

Action: **Withdrawn by City Manager** to adopt a Resolution requesting that the Sacramento County District Attorney consent to the City Attorney's prosecution of state law misdemeanors committed inside the City limits; and 2) that the City Manager transmit this Resolution to the Sacramento County District Attorney, County Executive Office and the County Board of Supervisors.

Contact: Gus Vina, Assistant Manager, (916) 808-7138, Office of the City Manager, Eileen Teichert, City Attorney, (916) 808-5326, Office of the City Attorney.

7. Ordinance Amendment: Appeal Hearing Body for Decisions on Tree Removal and Maintenance Permits (M08-042) (Passed for publication on 5-26-09, published on 5-29-09) [To Be Delivered]

Location: (Citywide)

Action: Adopted 1) **Resolution No. 2009-344** determining the project is exempt from environmental review; and 2) **Ordinance No. 2009-030** amending Title 12 of the City Code relating to appeals of decisions on tree removal and maintenance permits.

Contact: Sandra Yope, Senior Planner, (916) 808-7158, Joy Patterson, Principal Planner, (916) 808-5607, Community Development Department, Joe Benassini, Urban Forest Manager, (916) 808-6258, Transportation Department.

8. Agreement: Panhandle (M05-031 / P05-077)

Location: South of Elkhorn Boulevard, north of Del Paso Road, west of Sorento Road (District 1)

Action: **Continued to June 9, 2009** to adopt a Resolution approving a tax-exchange agreement between the City and the County of Sacramento relating to a proposed annexation of land in the Panhandle area to the City of Sacramento.

Contact: Scot Mende, New Growth Manager, (916) 808-4756, Community Development Department and Leyne Milstein, Finance Director, (916) 808-8491, Finance Department.

9. Citywide Landscaping and Lighting Assessment District - Initiate Annual Proceedings Fiscal Year (FY) 2009/10

Location: (Citywide)

Action: Adopted 1) **Resolution No. 2009-346** directing filing of the annual report; and 2) **Resolution No. 2009-374** approving the Engineer's Annual Report and Intention to Order Maintenance of Improvements for FY2009/10 for the Citywide Landscaping and Lighting Assessment District and setting a time and place for a public hearing for June 23, 2009.

Contact: Brian Wong, Program Specialist, (916) 808-5778, Mark Griffin, Fiscal Manager, (916) 808-8788, Finance Department.

10. Agreement: Professional Auditing Services

Location: (Citywide)

Action: Adopted **Resolution No. 2009-348** authorizing the City Manager or the City Manager's designee to execute an agreement with Macias Gini & O'Connell LLP to conduct the City's required independent financial and compliance audits for the fiscal year ending June 30, 2009, with the option of auditing the financial statements for each of the four subsequent fiscal years.

Contact: Dennis Kauffman, Accounting Manager, (916) 808-5843, Finance Department.

11. Capital Improvement Program (CIP): 4th "R" Shade Structures Project (L19803100)

Location: Various Elementary Schools / Various Council Districts

Action: Adopted **Resolution No. 2009-349** 1) establishing a new CIP for the project; and 2) appropriating \$175,000 from the 4th "R" Fund, Fund 6012, to the project.

Contact: Dennis Day, Associate Landscape Architect, (916) 808-7633, J.P. Tindell, Park Planning and Development Manager, (916) 808-1955, Parks and Recreation Department.

12. Parks and Recreation Safety Implementation Plan: Chorley Park Master Plan Update (L19808500)

Location: 7063 20th Street (District 5)

Action: Adopted 1) **Resolution No. 2009-350** approving the Mitigated Negative Declaration and Mitigation Monitoring Plan for the project; and 2) **Resolution No. 2009-351** approving the Chorley Park Master Plan Update.

Contact: Dennis Day, Associate Landscape Architect, (916) 808-7633, Jonathan Rewers, Parks and Recreation Analyst, (9016) 808-7590, J.P. Tindell, Park Planning and Development Manager, (916) 808-1955, Parks and Recreation Department.

- 13. Agreement: Vehicular Traffic Options on K Street Mall/Accessibility and Pedestrian Improvements**
Location: K Street between 8th Street and 12th Street. Carleton Tract/Colonial Heights. (Districts 1 and 5)
Action: Adopted **Resolution No. 2009-352** 1) establishing T15095300 as a new capital improvement project for the Study of Vehicular Traffic Options on the K Street Mall; 2) establishing T15095400 as a new capital improvement project for Accessibility and Pedestrian Improvements in Council District 5; 3) approving the transfer of \$148,000 from the FY06 Economic Development Project (T15066100) (Fund 2007) and \$52,000 from FY07 Economic Development Project (T15076000) (Fund 2007) to the Study of Vehicular Traffic Options on the K Street Mall (T15095300); 4) appropriating \$348,000 (Fund 2700) to the Accessibility and Pedestrian Improvements Project in District 5 (T15095400); and 5) authorizing the City Manager to execute a professional services agreement with DKS Associates, for the Study of Vehicular Traffic Options on the K Street Mall, in an amount not to exceed \$174,518.
Contact: Edward Williams, Associate Civil Engineer, (916) 808-8288, Ryan Moore, Supervising Civil Engineer, (916) 808-8279, Transportation Department.

- 14. Agreements: 2009 Drought Water Bank (Continued from 5-26-09)**
Location: (Citywide)
Action: Adopted **Resolution No. 2009-354** 1) authorizing the execution of a Sellers Agreement with the California Department of Water Resources (DWR); 2) authorizing a Consent to Groundwater Substitution Transfer agreement with Sacramento Suburban Water District (SSWD); and 3) authorizing the City Manager and the City Manager's designees to file a petition with the State Water Resources Control Board for temporary transfer of surface water and to take such other administrative actions as may be necessary to effectuate the sale of surface water to the 2009 Drought Water Bank.
Contact: David L. Brent, Engineering Services Manager, (916) 808-1420, Dan Sherry, Supervising Engineer, (916) 808-1419, Utilities Department.

Public Hearings (Items 15 - 17)

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

- 15. Estimated Time: 10 minutes**
(City Council/Redevelopment Agency) Disposition and Development Agreement and Loan for La Valentina (Noticed on 5-11-09 and 5-18-09)
Location: 12th Street between C Street Alley and E Street, Alkali Flat Redevelopment Area (District 3)
Action: Moved/Seconded: Member Steve Cohn/Member Ray Tretheway
Yes: Members Steve Cohn, Robert King Fong, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, Robbie Waters and Mayor Kevin Johnson
Absent: Member Lauren Hammond

Conducted a public hearing pursuant to Health and Safety Codes § 33433 and 33431 and upon conclusion a motion **passed** to adopt: 1) **City Resolution 2009-354** a) authorizing the Sacramento Housing and Redevelopment Agency (SHRA) to enter into a loan agreement for up to \$3,000,000 with Domus Development, L.L.C. or a related entity (Developer); b) authorizing amendment of the SHRA budget to allocate \$700,000 in City Home Investment Partnership Program (HOME) funds as a loan to the Developer for construction and permanent financing of the Project; and c) authorizing amendment of the SHRA budget to allocate \$700,000 in City Housing Trust Fund (HTF) funds as a loan to the Developer for construction and permanent financing of the Project; and 2) a **Redevelopment Agency Resolution No. 2009-035** a) approving and authorizing the Executive Director, or her designee, to execute the Disposition and Development Agreement (DDA) and related documents with the Developer for the acquisition and development of the property; b) authorizing the Executive Director, or her designee, to execute a loan agreement and related documents of up to \$3,000,000 to the Developer for the Project; c) authorizing the Executive Director, or her designee, to amend the SHRA budget to allocate \$1,600,000 in Alkali Flat Tax Increment Funds as a loan to the Developer for construction and permanent financing of the Project; d) accepting up to \$631,000 in grant funds from the Cal-Resuse Program of the California Pollution Control Financing Authority (CPCFA); and e) approving the use of CPCFA funds for the environmental remediation of the property.

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.

16. **Estimated Time: 30 minutes**
Proposed 2009-2014 Capital Improvement Program (CIP) and Fiscal Year (FY) 2009/10 Capital Improvement Budget
Location: (Citywide)

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

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

Absent: Member Lauren Hammond and Kevin McCarty

Reviewed and discussed the 2009-2014 CIP and FY2009/10 CIP Budget, and upon conclusion, a motion **passed** to adopt an intent motion to approve the FY2009/10 CIP Budget as proposed, excluding the Utilities CIP Program which will be presented separately on June 9, 2009.

Contact: Leyne Milstein, (916) 808-8491, Finance Director, Dawn Holm, Principal Management Analyst, (916) 808-5574, Finance Department.

17. **Estimated Time: 30 minutes**
Report Back: FY2009/10 Budget Development
Location: (Citywide)

Action: Received and filed.

Contact: Leyne Milstein, (916) 808-8491, Finance Director, Finance Department.

Discussion Calendar/Staff Reports (Items 18 and 19)

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

18. Estimated Time: 20 minutes

Annual Report: Sacramento Youth Commission

Location: (Citywide)

Action: Received and filed.

Contact: Christina Demoss-Giffin, Youth Resource Coordinator, (916) 808-6111, Office of the City Manager.

19. Estimated Time: 1 hour and 20 minutes

Agreements: Sacramento Intermodal Transportation Facility Project (T15029000 and T15029005)

Location: Downtown between I Street Bridge and Seventh Street (District 1)

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

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

Absent: Member Lauren Hammond

Public comment heard from Mike Barnbaum, William Burg, Richard Tolmath, Jim Wiley, and Kay Knepprath.

1) a motion **passed** to adopt **Resolution No. 2009-355** adopting the Mitigated Negative Declaration and the Mitigation Monitoring Program for the Track Relocation and Sacramento Valley Station Improvements Project;

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

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

Absent: Member Lauren Hammond

2) a motion **passed** to adopt **Resolution No. 2009-356** receiving and filing the Environmental Assessment and Section 4(f) Evaluation Report for the project and approving the programmatic agreement regarding Final Identification and Evaluation of Historic Properties;

Action: Moved/Seconded: Member Steve Cohn/Member Sandy Sheedy

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

No: Member Ray Tretheway

Absent: Member Lauren Hammond

3) a motion **passed** to adopt **Resolution No. 2009-357** rescinding Resolution 2004-853 and approving the "Don't Move the Depot" Alternative;

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

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

Absent: Member Lauren Hammond

4) a motion **passed** to adopt **Resolution No. 2009-358 as amended** authorizing the agreement with Union Pacific Railroad for track design;

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

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

Absent: Member Lauren Hammond

5) a motion **passed** to adopt **Resolution No. 2009-359** authorizing the Transportation Director to apply to the California Utilities Commission for an order authorizing construction of grade separated crossings of the Union Pacific Railroad Tracks; and

6) **Withdrawn by staff** to adopt a Resolution authorizing the execution of a possession and use agreement for parcel B and an easement agreement for pedestrian tunnel access with S. Thomas Enterprises of Sacramento, LLC.

Contact: Hinda Chandler, Senior Architect, (916) 808-8422, Jon Blank, Supervising Engineer, (916) 808-7914, Transportation Department.

Council Comments-Ideas, Questions and Meeting/Conference Reports

1. Report Back

- a. Member Sandy Sheedy-Ordinance requiring permits for news racks to Law and Legislation Committee
- b. Member Sandy Sheedy-Report back from Economic Development regarding opportunities to bring in film making to the City
- c. Member Kevin McCarty- (1) City Attorney to explore regulations to disallow body dumping at hospitals and (2) refer to Law and Legislation Committee review of Los Angeles' model that deals with body dumping.

2. Board and Commission Appointments

- a. Transportation Programming Guide Community Advisory Committee
 1. F. Jordan Lang (Category C)

Adjourned - at 8:03 pm.

