



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

Agenda

Tuesday, November 9, 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 recommendations; 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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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.

AGENDA

Tuesday, November 9, 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.

Roll Call

Pledge of Allegiance

Closed Session Report

Special Presentations/General Communications

- a. **NAACP R & B Festival Committee Award Presentation to Councilmember Lauren Hammond and Councilmember Bonnie Pannell.**
- b. **Recognition and Commendation of Sacramento Police Department Peer Support Unit [Waters]**

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

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

Consent Calendar (Items 1- 14) **Estimated Time: 5 minutes**

All items listed under the Consent Calendar are considered and acted upon by one motion. Anyone may request an item be removed for separate consideration.

1. **(City Council/Financing Authority/Housing Authority/Redevelopment Agency) Approval of Minutes for October 26, 2010.**

Location: (Citywide)

Recommendation: Approve the City Council, Financing Authority, Housing Authority, and Redevelopment Agency Minutes for October 26, 2010.

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

Consent Calendar (Continued)

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

Location: (Citywide)

Recommendation: Confirmation of board/commission appointments to: 1) Sacramento Army Depot Redevelopment Advisory Committee-David Higgins (Category A) and Ethel Gilliam (Category B-2); 2) Community Racial Profiling Commission-Reverend Odeye Ashiya (Category D-5).

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

3. **(Pass for Publication) Ordinance Amendment: Fire Cost Recovery**

Location: (Citywide)

Recommendation: 1) Review an Ordinance adding City Code Chapter 8.128 Relating to Fire Cost Recovery; and 2) pass for publication the Ordinance title as required by Sacramento City Charter section 32(c), to be adopted on November 16, 2010

Contact: Lloyd Ogan, Operations Deputy Chief, Fire Department, (916) 808-1300, Mark Prestwich, Special Projects Manager, City Manager's Office, (916) 808-5380, Fire Department.

4. **(Pass for Publication) Ordinance Amendment: Nomination of Hall, Luhrs & Co. Building, 914 2nd Street (M10-013) and Bell & Cupola**

Location: 914 2nd Street, 5990 H Street (District 1)

Recommendation: 1) Review an Ordinance placing the properties located at 914 2nd Street and 5990 H Street in the Sacramento Register of Historic and Cultural Resources (Register) as Landmarks, specifying each property's significant features and characteristics; and 2) pass for publication the Ordinance title as required by Sacramento City Charter 32c to be adopted November 16, 2010.

Contact: Susanne Cook, Associate Planner, (916) 808-5375, Roberta Deering, Senior Planner for Historic Preservation, (916) 808-8259, Community Development Department.

5. **Agreement: Environmental Review and Supporting Grant Application: Powerhouse Science Center**

Location: 400 Jibboom Street (District 1)

Recommendation: Adopt 1) a **Resolution** a) receiving and filing the Environmental Assessment; and b) approving the Cultural Resources Treatment and Monitoring Agreement with the Shingle Springs Band of Miwok Indians; and 2) a **Resolution** supporting the Powerhouse Science Center Inc.'s submittal of Proposition 84 Nature Education Facilities Program application for the Earth & Space Sciences Center to the State Department of Parks & Recreation.

Contact: Jennifer Witz, Junior Analyst, (916) 808-2796, Economic Development Department.

Consent Calendar (Continued)

6. Grant/Agreement: California Task Force Seven (CA TF-7), Urban Search and Rescue (US&R) Team's Hurricane Earl Blue Incident Support Team (IST) Deployment (G12702200)

Location: (Citywide)

Recommendation: Adopt a **Resolution** 1) authorizing the City Manager, or his designee, to execute the agreement (EMW-2008-CA-1498, Amendment M013) accepting federal funding in the amount of \$14,000 for the CA TF-7 US&R Team Hurricane Earl Blue IST Deployment; 2) establishing an operating grant for CA TF-7 US&R Hurricane Earl Blue IST Deployment (G12702200); and 3) establishing an \$14,000 revenue and expenditure budget for the CA TF-7 US&R Hurricane Earl Blue IST Deployment (G12702200).

Contact: Ed Vasques, Assistant Chief, (916) 808-1690, Denise Pinkston-Maas, Support Services Manager, (916) 808-1604, Fire Department.

7. Agreement: Issuance of Revocable Permit at North Laguna Creek Park

Location: 6400 Jacinto Avenue (District 8)

Recommendation: Adopt a **Resolution** 1) authorizing the City Manager or the City Manager's designee to execute a ten-year Agreement for Issuance of a Revocable Permit with one ten-year renewal option with Clear Wireless LLC for installation and maintenance of communications equipment at the North Laguna Creek Park; and 2) authorizing the City Manager or the City Manager's designee to establish the necessary financial accounts needed for the administration of the Neighborhood Enhancement Program/Project that will be funded from the proceeds of this agreement.

Contact: Bill Sinclair, Program Manager, (916) 808-1905, General Services Department, Mary de Beauvieres, Principal Planner, (916) 808-8722, Parks and Recreation Department.

8. Agreement: Issuance of Revocable Permit at Samuel C. Pannell Meadowview Community Center

Location: 2450 Meadowview Road (District 8)

Recommendation: Adopt a **Resolution** 1) authorizing the City Manager or the City Manager's designee to execute a ten-year Agreement for Issuance of a Revocable Permit with one ten-year renewal option with Clear Wireless LLC for installation and maintenance of communications equipment at the Samuel C. Pannell Meadowview Community Center; and 2) authorizing the City Manager or the City Manager's designee to establish the necessary financial accounts needed for the administration of the Neighborhood Enhancement Program/Project that will be funded from the proceeds of this agreement.

Contact: Bill Sinclair, Program Manager, (916) 808-1905, General Services Department, Mary de Beauvieres, Principal Planner, (916) 808-8722, Parks and Recreation Department.

Consent Calendar (Continued)

9. **(Pass for Publication) Ordinance Amendment: Social Host Liability for Alcohol Consumption by Minors**
Location: (Citywide)
Recommendation: 1) Review an Ordinance adding Article IV to Chapter 9.12 of the Sacramento City Code relating to social host liability for alcohol consumption by minors; and 2) pass for publication the Ordinance title as required by Sacramento City Chapter 32 (c) to be adopted on November 16, 2010.
Contact: Derrick Lim, Manager, Neighborhood Services / Special Events, (916) 808-2260, Parks and Recreation Department.
10. **(Redevelopment Agency) Third Avenue and Broadway Improvement Project**
Location: Oak Park Redevelopment Project Area (District 5)
Recommendation: 1) Adopt a **Redevelopment Agency Resolution** a) amending the 2010 Sacramento Housing and Redevelopment Agency budget by appropriating \$55,000 of Oak Park Tax Exempt Bond Developers Assistance funds to the 3rd Avenue and Broadway Improvement Project; b) authorizing the Executive Director or her designee to execute an Individual Project Agreement with the City of Sacramento in the amount of \$55,000; and c) making related findings.
Contact: Chris Pahule, Assistant Director, (916) 440-1350, Sacramento Housing and Redevelopment Agency.
11. **Summary Vacation of the Irrevocable Offer of Dedication and Public Utility Easement West of Opportunity Street at 53 Morrison Avenue**
Location: West of Opportunity Street on the parcel located at 53 Morrison Avenue (District 2)
Recommendation: Adopt a **Resolution** vacating the irrevocable offer of dedication (IOD) and the public utility easement (PUE).
Contact: Jerry Lovato, Senior Engineering Technician, (916) 808-7918, Thomas Adams, Engineering Technician, (916) 808-7929, Transportation Department.
12. **3rd Avenue and Broadway Plaza Improvement Project (T15116100)**
Location: (District 5)
Recommendation: Adopt a **Resolution** 1) establishing a new Capital Improvement Project for project; 2) appropriating \$55,000 in Sacramento Housing and Redevelopment Agency (SHRA) Oak Park 2005 Tax Exempt Bond Developers Assistance funds (Fund 3701) to the project; and 3) transferring \$20,000 (Fund 2007) from the Major Street Improvement Project (T15118000) to the project
Contact: Mehrdad Nazeri, Associate Civil Engineer (916) 808-7460, Ryan Moore, Supervising Engineer (916) 808-8279, Transportation Department.

Consent Calendar (Continued)

13. **September 2010 Monthly Investment Transactions Report**

Location: (Citywide)

Recommendation: Receive and file.

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

14. **CalRecycle Curbside Supplemental Payment Program**

Location: (Citywide)

Recommendation: Adopt a **Resolution** authorizing the City Manager or his designee to 1) submit a Curbside Supplemental Payment Program application to the California Department of Resources Recycling and Recovery (CalRecycle); 2) execute all documents and agreements necessary to accept and appropriate funds from CalRecycle, contingent upon receipt of funds; and 3) amend the Solid Waste (Fund 6007) FY2010/11 operating revenue and expenditure budgets for the residential recycling operations.

Contact: Edison Hicks, Integrated Waste General Manager, 808-4949, Marty Strauss, Integrated Waste Planning Superintendent, 808-4934, Chris Thoma, Waste Reduction Coordinator, 808-4833, Utilities Department.

Public Hearings (Items 15 and 16)

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

15. **Estimated Time: 30 minutes**

Approval of a Disposition and Development Agreement (DDA) and Financing for the Broadway/Martin Luther King Jr. Boulevard (MLK) Development Site (Noticed on 10-25-10 and 11-01-10)

Location: Broadway and Martin Luther King Jr. Boulevard, Oak Park Redevelopment Area (District 5)

Recommendation: Conduct joint public hearings as required under Health and Safety Code § 33431 and 33433 for the proposed negotiated sale of Agency-owned real estate, and upon completion adopt 1) a **City Resolution** a) authorizing the Sacramento Housing and Redevelopment Agency (SHRA) to allocate up to \$1,580,000 in City Home Investment Partnership Program (HOME) funds to finance the project at Broadway and Martin Luther King Jr. Boulevard (Project); b) authorizing SHRA to amend the budget to transfer \$1,580,000 in HOME funds to the project; and c) authorizing SHRA to enter into a loan commitment and loan agreement for up to \$5,325,000 with The Related Companies of California, LLC or related entity (Developer); and 2) a **Redevelopment Agency Resolution** a) authorizing the Executive Director to convey the land to the Developer; b) authorizing the Executive Director to enter into a Disposition and Development Agreement (DDA) and related documents with the Developer; c) authorizing the Executive Director to amend the budget and to execute a seller carry-back loan of up to \$728,000; d) authorizing the Executive Director to amend the budget to transfer \$2,376,800 in 2005 Oak Park Taxable Tax Allocation Revenue Bonds (TARB), \$525,000 in Oak Park Tax Increment

(Oak Park TI), and \$843,200 in Aggregated Low/Moderate Tax Increment fund (Aggregated

Public Hearings (Continued)

Low/Mod TI) comprised of \$839,400 advanced from Oak Park Tax Increment (TI) to the project; e) authorizing the Executive Director to advance the Oak Park TI; f) authorizing the Executive Director to enter into a loan commitment and loan agreement for up to \$5,325,000 with the Developer, of which \$260,000 will be used for a predevelopment loan; and g) authorizing the Executive Director to execute a predevelopment loan agreement and related documents with the Developer

Contact: Christine Weichert, Assistant Director, Housing and Community Development, 440-1353; Jeree Glasser-Hedrick, Redevelopment Program Manager, Housing and Community Development, 440-1302, Sacramento Housing and Redevelopment Agency.

16. Estimated Time: 1 hour and 30 minutes

Ordinance Amendment: Medical Marijuana Dispensaries (M10-015) (Passed for Publication on 10-26-10, published on 10-29-10, Noticed on 10-27-10)

Location: (Citywide)

Recommendation: Conduct a public hearing and upon conclusion adopt 1) an **Ordinance** adding Chapter 5.150 of the Sacramento City Code and repealing Ordinances 2009-033 and 2009-041, relating to medical marijuana dispensaries, 2) an **Ordinance** amending Sections 17.16.010, 17.24.030, 17.24.050, 17.108.020, and 17.108.030 of Title 17 of the Sacramento City Code (the Zoning Code) relating to medical marijuana dispensaries (M10-015); 3) Approve a Resolution setting fees under Chapter 5.150 of the Sacramento City Code relating to the Medical Marijuana Dispensaries Program, 4) Approve a Resolution setting fees under Chapter 17.196 of the Sacramento City Code relating to a special permit to operate a medical marijuana dispensary, and 5) Approve a Resolution amending the Fiscal Year 2010/11 Operating Budget to add 1.0 FTE Program Analyst in the Finance Department, 1.0 FTE Zoning Investigator, and 1.0 FTE Customer Service Representative in the Community Development Department and adjust line item budgets for revenue and expenditures accordingly.

Contact: Michelle Heppner, Special Projects Manager, 808-1226, Office of the City Manager.

Discussion Calendar (Items 17 and 18)

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

17. **Estimated Time: 10 minutes**
Recycling Monitoring Program
Location: (Citywide)

Recommendation: Adopt a **Resolution** 1) reinstating the Recycling Monitoring Program within the Community Development Department (CDD); 2) amending the Fiscal Year (FY)2010/11 Operating Budget re-funding 1.0 FTE in the Community Development Department, and adjust the labor budgets for these changes; and 3) appropriating \$50,000 in ongoing Citywide Landscaping and Lighting funds (Fund 2232) from the Department of Transportation Street Services operating budget to the Community Development Department, and appropriate \$50,000 in Gas Tax (Fund 2002) to the Department of Transportation Street Services operating budget.

Contact: Max Fernandez, Director, Community Development Department, (916) 808-7940, Jerry Way, Director, (916) 808-6381, Transportation Department.

18. **Estimated Time: 45 minutes**
City/County/BLT In-Region Municipal Solid Waste (MSW) Disposal; Purchase of Recyclables; and Settlement and Release Agreement [2/3 Votes Required] [To Be Delivered]
Location: (Citywide)

Recommendation: Adopt a **Resolution** (1) (a) suspending competitive bidding as in the best interest of the City, and (b) authorizing the City Manager to execute the attached Amended Service Agreement Between the City of Sacramento and BLT Enterprises Sacramento, LLC for Municipal Solid Waste Transfer, Transport, Disposal, Processing and Recovered Materials Diversion [2/3 vote]; (2) (a) suspending competitive bidding as in the best interest of the City, and (b) authorizing the City Manager to execute the attached agreement with the County of Sacramento for transfer of municipal solid waste at the North Area Recovery Station (NARS) [2/3 vote]; (3) authorizing the City Manager to execute the attached Amended Agreement for Purchase of Recyclables Between the City of Sacramento and BLT Enterprises of Sacramento, LLC; and (4) authorizing the City Manager to execute the attached Agreement Concerning Settlement and Release of Outstanding Amounts Owed or Claimed Between the City of Sacramento and BLT Enterprises of Sacramento, LLC, to pay \$323,706.58 for settlement of EIR costs and claimed overpayments by the City.

Contact: Marty Hanneman, Director, (916) 808-7508, Edison Hicks, Integrated Waste General Manager, (916) 808-4949, Utilities Department.

Council Comments-Ideas, Questions and Meeting/Conference Reports

Adjournment