



REPORT TO COUNCIL

City of Sacramento

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915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org

CONSENT
November 23, 2010

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

Approval of Council Minutes for November 9, 2010

Location/Council District: (Citywide)

Recommendation:

Approve the City Council, Financing Authority, Housing Authority and Redevelopment Agency minutes for November 9, 2010.

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

Presenters: None

Department: City Clerk

Division: None

Organization No: 04001011

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 November 9, 2010

APPROVED AS TO FORM:

CITY ATTORNEY

DRAFT MINUTES

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.

Regular session called to order by Vice Mayor Robbie Waters at 6:09 p.m. Tuesday, November 9, 2010 at the Sacramento City Hall Council Chamber.

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

Members Absent: Bonnie Pannell, Ray Tretheway and Mayor Kevin Johnson

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

Special Presentations/General Communications

- a. **NAACP R& B Festival Committee Award Presentation to Councilmember Lauren Hammond and Councilmember Bonnie Pannell.**
Action: Continued .
- b. **Recognition and Commendation of Sacramento Police Department Peer Support Unit [Waters]**
Action: Recognition given by Councilmember Robbie Waters.
- c. **Presentation of Crocker Art Museum Opening Memento to Councilmembers**
Action: Recognition given to Mayor and Councilmembers by Lial Jones, Crocker Art Museum Director

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

(Actual Time: 22 minutes)

1. Business Signs in Old Sacramento
 - a. Ben Mortel
 - b. James Sissom
2. Safeground
 - a. Tracie Rice-Bailey
3. Sutter Family Trust address
 - a. Dawn Casasula
4. Farewell to outgoing councilmembers
 - a. Samuel Jackson
5. Youth Violence
 - a. Rhonda Erwin

Consent Calendar (Items 1- 14) Estimated Time: 5 minutes (Actual Time: 8 minutes)

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

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

Absent: Members Bonnie Pannell, Ray Tretheway and Mayor Kevin Johnson,

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 October 26, 2010.

Location: (Citywide)

Action: Approved 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.

2. Confirmation of Board and Commission Appointments

Location: (Citywide)

Action: Confirmed 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)

Action: 1) Reviewed an Ordinance adding City Code Chapter 8.128 Relating to Fire Cost Recovery; and 2) passed for publication the Ordinance title as required by Sacramento City Charter section 32(c), **to be adopted on November 23, 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)

Action: 1) Reviewed 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) passed 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)

Action: Adopted 1) **Resolution No. 2010-634** 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) **Resolution No. 2010- 635** 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.

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)

Action: Adopted **Resolution No. 2010-636** 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)

Action: Adopted **Resolution No. 2010-637** 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)

Action: Adopted **Resolution No. 2010-638** 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.

9. (Pass for Publication) Ordinance Amendment: Social Host Liability for Alcohol Consumption by Minors

Location: (Citywide)

Action: 1) Reviewed 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) passed for publication the Ordinance title as required by Sacramento City Chapter 32 (c) **to be adopted on November 23, 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)

Action: 1) Adopted **Redevelopment Agency Resolution No. 201-040** 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)

Action: Moved/Seconded: Member Sandy Sheedy/Member Robert King Fong

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

Absent: Members Bonnie Pannell, Ray Tretheway and Mayor Kevin Johnson.

Public comment given by Adam Mahoney after which a motion **passed** adopting **Resolution No. 2010-639** 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)
Action: Adopted **Resolution No. 2010-640** 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.
13. **September 2010 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.
14. **CalRecycle Curbside Supplemental Payment Program**
Location: (Citywide)
Action: Adopted **Resolution No. 2010-641** 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** (Actual Time: 7 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)
Action: Moved/Seconded: Member Lauren Hammond/Member Robert King Fong
Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Sandy Sheedy and Robbie Waters.
Absent: Members Bonnie Pannell, Ray Tretheway and Mayor Kevin Johnson.
 Conducted a joint public hearing as required under Health and Safety Code § 33431 and 33433 for the proposed negotiated sale of Agency-owned real estate, with public comment given by Diane Hollins-Gunning, upon conclusion a motion **passed** adopting
 1) **City Resolution No. 2010-642** 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) **Redevelopment Agency Resolution No. 2010-041** 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 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** (Actual Time: 2 hours)
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)

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

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

Absent: Members Bonnie Pannell, Ray Tretheway and Mayor Kevin Johnson.

Conducted a public hearing with public comment given by Doug White, Lanette Davies, Steven Norby, Jeanne Larsson, Ryan Landers, Sioux Columbe, James Anthony, Michael Aberle, Max Del Real, Sapriecia Smith, Najjiyya Arnold, Joy Cole, Gerardo Perez, Glenda Driver and Matt Gray; and upon conclusion a motion **passed** adopting 1) **Ordinance No. 2010-037** as amended adding Chapter 5.150 of the Sacramento City Code and repealing Ordinances 2009-033 and 2009-041, relating to medical marijuana dispensaries, 2) **Ordinance No. 2010-038** 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) a **Resolution No. 2010-644** as amended setting fees under Chapter 5.150 of the Sacramento City Code relating to the Medical Marijuana Dispensaries Program, 4) **Resolution No. 2010-645** as amended setting fees under Chapter 17.196 of the Sacramento City Code relating to a special permit to operate a medical marijuana dispensary, and 5) **Resolution No. 2010-646** as amended 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** (Actual Time: 3 minutes)

Recycling Monitoring Program

Location: (Citywide)

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

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

Absent: Members Bonnie Pannell, Ray Tretheway and Mayor Kevin Johnson.

A motion **passed** adopting **Resolution No. 2010-643** 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** (Actual Time: 1 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)

Continued to November 16, 2010 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

1. Report Back

- a. Member Robbie Waters
 - 1. Investigate the Sacramento Satellite TV Company's use of city hall address as a place of business
- b. Member Steve Cohn
 - 1. Requested Resolution supporting California High-Speed Rail Statewide System to return on November 16 agenda for Council approval.
- c. Member Robert King Fong
 - 1. Requested workshop regarding the railyard options not just site-specific but in the full context of downtown and the region

2. Board/Commission Appointments

- a. 65th Street Redevelopment Advisory Committee
 - 1. Juan Diego Ochoa

Adjourned – 9:07 p.m.