



**Supplemental Material Received at  
the Meetings of  
City Council, Redevelopment Agency,  
Housing Authority, and  
Financing Authority**

**For**

**June 12, 2007**

**Item #33: Housing Case Fees and Penalties – Findings of Fact for Special Assessment Liens**

- a. Letter to Mayor and Councilmembers from Katherine Bowers expressing support for property owner Steven Cvitanov.
- b. Letter to Mayor and Councilmembers from Steven Cvitanov, property owner at 2312 H Street, requesting that the liens be rescinded.

**Item #36: FY2007/08 Proposed Budget and 2007-2012 Proposed Capital Improvement Program (CIP): Changes and Technical Adjustments, Reports Back, Growing our Business and Future Fiscal Considerations**

- a. Powerpoint presentation submitted by Budget staff.

**Item #43: Call-up: 5<sup>th</sup> Avenue Duplexes**

- a. Statement to Council from Fred Milstein (and 35 neighbors) outlining their position on the issues.
- b. A collage of photographs presented to the Council by Steve Johnson showing the condition of the alley behind the project property.

**Item #44: Adoption of the FY2007/08 Operating and Capital Improvement Program (CIP) Budgets**

- a. Additional document providing the status of report back issues submitted to the Council by Budget Manager Leyne Milstein.

**Item #48: 2030 General Plan – Preferred Land Use Alternative**

- a. Additional map with updated information to the Council by Planning staff Tom Pace.
- b. Three letters to the Council submitted by Jim Randlett suggesting consideration of various transportation alternatives.
  - 1. Email from Dan Murphy President of the Sierra Curtis Neighborhood Association
  - 2. Letter from Assembly Member Dave Jones and Senator Darrell Steinberg.
  - 3. Petition from Land Park Community Association and Southside Park Neighborhood Association.

**Public Comments – Matters Not on the Agenda (evening)**

- a. Documents submitted to the Council by Bill Grant.

Mayor Heather Fargo  
Councilman Steve Cohn, District 3  
All other members of the Sacramento City Council

Re: Request for repeal of Notice and Order lien intended to be served on Steven Cvitanov, owner of a historically designated residence at 2312 H Street set for lien hearing by City Council on July 12, Item #33.

Honorable Mayor Fargo and Council Members:

My name is Katherine Bowers and I will be attending today's City Council meeting to support Steven Cvitanov in protesting the lien hearing in the amount of \$752.50 set for placement on his historical property at 2312 H Street.

I have been personally aware and party to all events, which have led to this hearing (nearly 2 years-worth). I have been present at most attempts by Mr. Cvitanov to rectify his mistake in judgment as to maintaining his home and have personally attempted to help him make progress in trying to meet the city's requests for compliance in this situation.

The action set to approve the lien at today's hearing needs to have the history of this case considered, which should never have cost either the City, or the property owner close to the expenditure already paid for such a travesty of purpose.

I have found the City's "process" for rectifying a "mistake" simply baffling, misleading, untruthful, private-party self-serving, and of course unfair. This has already cost Mr. Cvitanov untold amounts of time over the past two years, thousands of dollars for construction (for the replacement of 5 deteriorated, non-original side windows), demolition and reconstruction, fines, penalties and genuine mental anguish.

The City, also, has paid a high cost to follow through to this point. Had there been a 5<sup>th</sup> member of the Review Board (able to be present) at the Notice and Order Appeal Hearing on this issue a 2-2 vote for throwing this out would not have ended in an unprecedented lowering of the original fine (lien) amount by half, and the time taken for this meeting would not have had to be scheduled and paid for...as just one example.

I am personally aware of underlying agendas certain parties had to use their positions of power within the City to not only initiate this situation, but possibly influence particular outcomes through collusion, conflict of intent and misleading information.

I am attaching a letter I would like added to the record which was submitted to the City's Preservation Board in March 2006 - at which time the "process" which has brought us here today could have been rectified as well, and not wasted City resources any further than then for such narrow-minded and self-serving purposes.

I do not intend on reading the attached letter into the record today, but would hope you could get some enlightenment from the content.

Please consider not assessing Mr. Cvitanov a lien of \$752.50.

Thank you for your time and consideration.

*Katherine Bowers*  
Katherine Bowers

916-844-1186

*Letter to the Design Review Board,  
March 2006*

To whom it may concern:

This letter is intended to offer support for reconsideration of the findings of the Sacramento City Historical Preservation staff on January 31, 2006 as to the refusal of a change in windows project initiated by the owner of a historical Sacramento City Victorian located at 2312 H Street. (Steven Cvitanov, owner of the home of the window change out project, received a denial of the project as already completed; with staff recommendations for removal of the newly installed vinyl windows and reinstallation of wooden windows in their place.) The appeal on this issue is set to be heard and considered at the Wednesday, March 15, 2006 meeting of the City of Sacramento Design and Review Board at 5:30 p.m. and for which due process Mr. Cvitanov has paid.

Albeit the City of Sacramento's staff has been more than willing – after the facts – to accommodate Mr. Cvitanov in his numerous attempts to rectify his mistake of initiating this project without seeking a permit, (resulting in a red tag and stop work order, as well as a subsequent Notice and Order with pending fines, lien action and/or demolition of the structure as options to non-compliance;) as well as numerous attempts to comply with what has been demonstrated to be a very confusing and (in my opinion) far from supportive process for preserving a historically designated structure under the City's Preservation Board purview.

Mr. Cvitanov has made attempts to rectify the problem in a timely manner. But as personally observed, and noted in paperwork from the city, Mr. Cvitanov was thwarted in many of his attempts to move forward in a timely manner by numerous delays – negligence of staff to record and advise authorities of a timely response on his part; staff appointment delays; misleading direction as to what had to be done; no advice initially as to how important time was to the process; staff vacations; holidays; and refusal to accept payment for this mistake. Then, add to this - the very bane of the existing problem - a contributing person/factor to the rotting window problem in the first place happens to be in a position of power to make decisions on this matter as a representative of the City of Sacramento - again in my opinion, warranting extra attention be paid to this appeal.

I am sure the Preservation staff has good intentions and takes their jobs (paid positions) seriously, but in this particular case, it is very important that the underlying reason for this project being brought to their attention in the first place be something that city officials are made aware of, and possibly keep the appearance of private use of public power from embarrassing the City.

The very Review Board set to hear Mr. Cvitanov's appeal of the Preservation Board's decision and staff recommendations has as its Vice-Chairman Mr. Jon B. Marshak, next door neighbor of Mr. Cvitanov. Mr. Marshak could be considered to be part of the initial cause of more rapid deterioration of the original windows in Mr. Cvitanov's home; could have contributed to the need for the replacement of the windows; resulting in the project under scrutiny and up for appeal.

Let me share with you an example: I have personally observed Mr. Marshak watering his yard and allowing his automatic sprinkler systems to water the side of Mr. Cvitanov's home, sidewalk, entry and front entry stairs on the circa 1880's home Mr. Cvitanov takes pride in keeping up and preserving with his own money. Mr. Marshak's property abuts Mr. Cvitanov's property with a limited lot line (undefined in the front area of both yards) and on the side of Mr. Cvitanov's house where three windows had to be replaced because of water damage/rot. I am not saying here that sprinklers in Mr. Marshak's yard caused the problem, but there can be no doubt that five years of this type of action sure could add to the deterioration of very old wooden windows.

Issues such as this are considered civil matters, and should be dealt with in that arena, but it is also apparent that Mr. Marshak may need to have himself excused from the Design and Review Board in considering this appeal – if not be relieved of his position altogether – if this is the way he uses this position to deal with personal problems; making the City of Sacramento appear to be

more than biased in their dealings with privately-owned homes and structures within the city's historic district.

Obviously it is hard enough for a private individual to afford to preserve and maintain the up keep on a home built more that 120 years ago and stay within the boundaries of original structural integrity and design. But when a privately-owned residence is upgraded to preserve its integrity, look, and to withstand weathering, and other possible external sources by utilizing custom-built vinyl clad windows (more resistant to weather and water than wood, and identically matching the rotted windows replaced) all options should be offered to the homeowner to rectify any problems and possible errors in judgment should be tempered with consideration for the well-being and preservation of the historic structure.

Mr. Cvitanov attempted to state the reasoning for his decision to have vinyl windows replace the lower level windows in his home, but was not given consideration, even though precedence set by neighboring homes of similar era and under similar private ownership show diverse window replacement (vinyl, aluminum, and simply different than the rest of the windows in the home.)

Regardless of complicity and conflict of intent in Mr. Cvitanov's case, it is my request to the City of Sacramento to stand by all the citizens of Sacramento who are taxpaying, private owners of the historic structures within its bounds and help them to preserve their valuable heritage. As well, I feel that the City should act to alleviate being made party to personal agendas - however well concealed - where a person in a position of power takes it upon himself to initiate any action, or even appears to have involvement in an action associated with his position. As this is the case here, the City should take strides to deal with the matter of Mr. Marshak's position on the City Design and Review Board separately from hearing Mr. Cvitanov's appeal.

The City of Sacramento Design and Review Board should consider Mr. Cvitanov's appeal of the Preservation Board's decision and approve his window replacement project as completed.

Thank You,

*Katherine Bowers*  
Katherine Bowers

916-844-4186



There was no response to this request by the property owner for an appointment for several days, and so the property owner attempted to make contact with Ellen Schmidt from his residence. It was approximately 10 days after the property owner's first visit to the planning department that Ellen Schmidt did contact him and scheduled an appointment – for two to three weeks later. The applicant shows up for his scheduled appointment with Ms. Schmidt and has to wait for approximately two hours before meeting with her for the scheduled appointment. During the meeting with Ms. Schmidt the applicant is given the Preservation application. The applicant is told at this time that site elevations are not necessary. The applicant states the elevations were already in process of being produced, and already paid for. The applicant was also told to get the application completed as soon as possible.

At this point, there was no indication that time was of the essence in securing the application for the windows in regards to the time period of the stop work order as the applicant was told to try to get it done as soon as possible. Then, a letter from City Code Enforcement was received by the homeowner, dated August 23, 2005. This certified letter indicated the homeowner was under scrutiny by code enforcement for a substandard structure and was required to contact the officer, Kyle Caluya within 10 business days to obtain the necessary permits to comply, or would face fines, processing fees for a lien on title, and listed the window change out without Design Review Historical approval, and window change out without permit or planning approval as the violations. This letter was immediately responded to by the homeowner. The Code Enforcement agent indicated the Preservation Director Roberta Dearing needed to be contacted. The applicant attempted to do so on August 25, 2005 but was only able to request a call back on her voice mail. No call was returned to the applicant. At this point, the applicant for this appeal did not realize that he was under a time constraint, and was confident he was following the steps necessary to comply with correcting this issue. The applicant did have his meeting with Ellen Schmidt, preservation planner in September when he was given the paperwork to fill out and return for permit approval. No time was set for submission of this paperwork and the homeowner set about getting what he was told was necessary to complete the application for a permit (elevation drawings, photos and paperwork associated with the kind of windows he had used for replacement.)

No further contact was made with the applicant until November when another letter from Code Enforcement indicated a Notice and Order had been placed on the property and was being pursued because of lack of compliance in obtaining a permit on the part of the property owner. Again the applicant contacts the code enforcement officer and seeks advice as to how to now stop the Notice and Order from progressing while he is attempting to comply. The applicant does go to the planning department in person with Notice and Order in hand to try to stop this process. He files for an appeal to the Notice and Order on November 23, 2005 when the applicant is given the opportunity to submit his application to Preservation for approval, pays for the permit, and is informed that there is an appeals process for a Notice and Order. The applicant is told while at the planning department at this time that he should state his case in this venue because he had begun the process and in fact was in process to obtain permits, and so was wrongfully being Noticed.

The applicant did pay to secure an appeal of the Notice and Order and attended the Hearing of Notice and Order on December 14, 2005 where he was informed that it was not the appropriate place to appeal the replacement of his windows and seek a permit after the fact. During the hearing, Ellen Schmidt testified (under oath) that the applicant had not begun the process to obtain permits and comply, although the applicant had. At the Hearing on the Appeal of Notice and Order the applicant is told that within 30 days he had to submit an application to the Preservation Board, obtain a permit as soon as approvals and conditions were granted and have the work completed within 60 days of the permit issuance.

At this hearing Ellen Schmidt stated the use of vinyl windows as replacements on a Landmark structure would not be supported by Preservation staff. After the hearing, outside chambers, Ellen Schmidt attempted to arrange an on site inspection of the vinyl replacement windows but had to do it at an inconvenient time in the applicant's work schedule, and with the Christmas holiday

- E. Replacement of these windows with safe and efficient windows was the only sensible thing to do.
4. **Preservation Director Decision Under Appeal:** The vinyl replacement windows installed were not approved because the Preservation Director's staff said the window pane depth was slightly different than what was there originally. This was inaccurate, as the measurements taken off the newly installed windows were taken with screens in place and measured against an existing window without a screen in place; and according to the handout provided to homeowner, variances in dimension and profile in windows may be considered to accommodate dual/triple pane glazing, but was not in this case. The issue of the newly installed windows being of vinyl material (material not of like kind) is also allowed consideration under the Secretary of Interior's Guidelines, but is not the first choice, and was not given consideration in this case.
  5. **Staff Recommendation:** On the recommendation by staff to deny the project: Applicant appeals this recommendation and asks for approval, understanding that the Design Review and Preservation Board may either: A. Uphold the Preservation Director's decision and deny the appeal; or: B. Approve the project, or approve the project with conditions, and make findings that the project complies with the Secretary of the Interior's Standards and that the project is exempt from CEQA per CEQA Guidelines, Article 19, 15331 Historic Resource Restoration/Rehabilitation Exemption.

### **BACKGROUND INFORMATION CLARIFICATION**

#### **Secretary of Interior's Standards:**

Understanding that the City of Sacramento has adopted the Secretary of Interior's Standards for Treatment of Historic Properties as the basis for its review when taking action on projects involving designated historic properties, the owner of the property project under appeal realizes that there are criteria recommended for replacement of windows in historic structures, as well as things which are not recommended. The applicant has not done anything in replacing the windows installed in this project which is not recommended under these guidelines.

#### **Landmark:**

The Landmark Structure at 2312 H Street was so designated by the City's adoption of Ordinance No 3911, dated August 2, 1977. According to Preservation data offered in opposition to this appeal, the structure dates back to 1881, however, no permits are available to verify this year as to date of construction. No featured original characteristics can be verified by historic designation status applied to this property in 1977.

#### **Chronology of Events:**

On July 18, 2005 a City Building Inspector did post a Stop Work Notice and issued a Notice of Violation for the window replacements at 2312 H Street. The property owner did meet with the code enforcement agent at the property at that time and showed him all the work that had occurred. The newly installed windows had the original stickers from the manufacturer still adhered to the windows and could be seen as the property owner believed he had nothing to hide. The property owner did go down to the city planning department either the next day, or within two days of the red tag being issued. At the planning department the property owner asked for help in applying for a permit and having the stop work order removed. The property owner was given erroneous information at this time and led to believe there was nothing he could do about getting a permit or straightening things out until he made an appointment with a preservation planner, Ellen Schmidt. The property owner was also informed that he was "in a whole lot of trouble, might need to hire an engineer, needed architectural plans and site elevations," but could not do anything until he spoke with Ellen Schmidt. He was given her card and told to call her for an appointment on the in-house phone located within the planning department waiting area. The property owner attempted to contact Ms. Schmidt right then and there, but was only able to leave her a voice mail message, which he did.

vacation beginning the next week the next day or so was the only time available for Ms. Schmidt to personally see the newly installed windows. So, the applicant declined Ms. Schmidt's offer.

At this time, the applicant was beside himself with frustration over this whole thing, and not willing to have Ms. Schmidt assigned to his project any longer. He attempted to have her removed. Sought help from every avenue of upper management within the City Planning and Code Enforcement he could rally, and was finally successful, mid-January 2006, in securing a new planner, Melissa Mourkas, be assigned to his case.

On January 19, 2006 Ms. Mourkas inspected the replaced windows and advised the applicant as to what would be needed to apply for a Preservation application for a permit. Staff set this window change out project for Preservation Hearing on January 31, 2006. The applicant attended. He submitted his application, showed photos to the Preservation Director and was denied using the installed vinyl windows as replacements because of a fractional differential in dimension measured and noted by Ms. Mourkas upon her inspection. The applicant's application was denied and he was told he should replace these windows with appropriate wood sash windows. The applicant was also told he had to seek a licensed contractor to state that the windows which were removed were indeed deteriorated enough to warrant replacement at all.

It is untrue that an alternative to a contractor inspecting the work and/or staff inspection of the windows was offered at this hearing, as applicant was not sure at this time whether or not he had kept or could locate the deteriorated windows he had removed. No offer of information on cost effective ways to accomplish this denial of the applicant's removal of the already installed rehabilitation of the windows, and purchase new wooded windows to reinstall, or on where to find "appropriate wood sash replacements" was offered to the applicant at this hearing.

It was sometime in the days after the Preservation hearing and the denial that the applicant was offered the option to have preservation staff and code enforcement inspect the rotten/removed windows instead of requiring a licensed contractor be hired to determine their status of deterioration.

Within the following week, the applicant did locate the windows which he had removed from his home, called Ms. Mourkas and arranged for her and a code enforcement agent to inspect them for determination as to whether or not they were rotted enough to actually warrant replacement. An on site inspection of these windows was held on February 8, 2006 and it was determined the windows that were removed warranted replacement. As well, the applicant in being totally truthful in disclosing the need for window replacement, and what was done to rehabilitate his home, disclosed use of treated water resistant material (green board) for sill plate which the preservation staff also had an issue with. This material did not exist in 1880 nor during any period of time necessary for acceptance for use in preserving a Landmark structure. But, because it is available now, and when used, preserves the integrity of the structure better than, and as no other "original, in kind material" could, it was used by the applicant on the side of the home most prone to water damage.

As staff indicated they would accept nothing short of total replacement of the already installed, custom made vinyl windows with nothing but new custom made wood windows, applicant decided to appeal the decision to the Design Review Preservation Board.

#### **ON STAFF EVALUATION:**

**Applicant has the following comments regarding the already completed project:**

- 1. Windows: City of Sacramento Code Provisions:** Applicant admits his mistake in not seeking window replacement approval and permits for such prior to replacement of rotted windows with matching new custom built vinyl windows in order to rehabilitate and preserve his historic home; and only wants to rectify the situation at this time.
- 2. Windows: The Secretary of Interior's Standards:** Under these guidelines it has been determined by both Preservation staff and Code Enforcement that the windows which were replaced needed to be replaced.

3. **Windows on this Structure:** The high standards of the City's intent to preserve its Landmark structures were utilized by the applicant, in that all work performed was done in a diligent manner in order to match the historic design, dimensions, profile and placement of these windows into his home in order to preserve its integrity; using vinyl instead of wood window sash was considered the most appropriate material for use by the applicant for its integrity over time, qualities and strength.

**Consistency throughout the Structure:**

The visual impact of the replacement windows on the structure is indiscernible from the wooden windows remaining in the structure. This fact has been supported by Code Enforcement and many others who say they would not have known the difference unless they stepped up and touched them.

**Material:**

High quality vinyl replacement windows were chosen to replace the rotted windows which were removed because of their placement/location and their resistance to weathering and/or potential water damage.

**Design:**

The newly installed custom-made vinyl windows were built to special order in order to match the windows which were removed.

**Profile:**

There is indiscernible difference in profile between the vinyl windows and the rest of the windows in the structure. The measurements taken by Preservation staff were inaccurately presented to the Preservation Director. Actual dimensions of the installed windows does match other windows in the structure when screens are taken into consideration -- which is allowed under the Secretary of Interior's guidelines.

**Finish:**

Applicant's investigation into the availability of painting vinyl windows shows that they can accept paint, do not look "plastic", and are very similar in-kind to the rest of the windows in the structure.

**On Recommendation:**

The replacement vinyl windows in this structure do not affect the historic window features of this privately-owned Landmark structure located within the City of Sacramento's Historic District any more than neighboring structures with similar and even more distinctly different window treatments in their historically designated structures. In fact the pains taken to ensure similarity and conformity to design, profile, placement and dimensions to other windows in this structure, make this project least of those which should be targeted for historic design review.

**Applicant requests the Design Review and Preservation Board to approve the project as completed, approve this appeal, rescind the Preservation Director's decision and allow the applicant to receive approval, permits and rectify the Notice and Order.**

~~Steve Cohn~~ Mayor  
~~Councilmember, District 9~~  
915 I Street, 5th Floor  
Sacramento, CA 95814

June 10, 2007

Mayor Fargo

Dear Councilmember ~~Cohn~~,

1881 I will be coming before you and City Council on June 12 to ask for your help to rescind all remaining Special Assessment Liens levied against my home. The lien was a result of a simple misunderstanding of the details of City preservation code and process while trying to improve my 1888 Victorian home, located in your district at 2312 H Street. However, the Preservation Office and I have resolved their concerns over the material covering a series of replacement basement windows with my installation of historically appropriate wooden windows in place of vinyl windows. The original case was deemed officially closed on October 2, 2006. I believe that the basement window issue should have ended there and no further fines should have been required

I have either lived or owned my home and the adjacent four-plex for over 20 years. At this point, I am apparently being penalized for essentially getting lost between two separate bureaucracies that failed to communicate internally to each other or to me concerning my effort at City Hall to immediately remedy an initial code violation. I appreciate the time and guidance by your Preservation Office to help me navigate through the difficult Preservation Board and Design Commission Process. By May 2006, all requirements set forth by the Preservation Board and Preservation City staff were completed and I received a Certificate of Appropriateness for my efforts to improve my home. I followed through and removed the offending windows and replaced them with new and approved wooden windows that meet preservation guidelines.

The preservation review process took as long as it did because of my strong belief in the opened democratic forums that the City institutionalizes in its appeals processes. I chose to appear before those forums to clarify the reasons for my choice of a particular window material. This citizen's path has taken me through 3 hearings, numerous meetings with City Staff at the permit counter, in offices at city hall, through e-mail correspondence and at on-site inspections of my home. I have willingly paid for permits and hearing fees.

The remaining issue coming before Council on Tuesday is with another department - the Housing and Dangerous Buildings Division (HDBD) and the \$752.00 fine imposed at their April 2007 Special Assessment Lien Hearing. Apparently, HDBD first got involved in the basement window issue following a complaint in mid-July 2005 by a neighbor about vinyl basement window replacements, not by any sighting of violations by City inspectors. I received a red tag on my home on July 18, 2005 and quickly worked to have the red tag removed by the next day by going to the City Permit Counter. At this very first encounter with the City, the first of several misunderstandings arose, as I was not correctly informed about needing to follow two separate processes - Preservation and Dangerous Buildings. At this first contact, I was directed by the counter to work with the City Preservation Staff and through the Design Review process

to seek a remedy before filing a permit application. Between July 2005 and December 1, 2005, I maintained direct contact with City Preservation staff through calls and meetings with Ellen Schmidt, Roberta Deering, and Melissa Mourkas, going all the way up to William Thomas. I have diligently sought to go through all regular channels, made appointments and met with staff both at City hall and at my property to resolve all issues. All needed architectural drawings and engineering details were completed by December 1, 2005 and all permits were filed.

In late August of 2005, I received a letter from HDBD informing me that I had not complied with the original July 18, 2005 Red Tag as no applications or approvals had been submitted to the Building Department. Apparently, all the while that I was in direct contact with the Preservation Department, following their instructions to complete drawings and engineering studies (that the old windows were beyond repair) before filing for a permit, no communication of that effort was conveyed to the Dangerous Building Division. In addition, no one in the Preservation Department directed me to communicate directly with the Dangerous Buildings Division. I believe that the August 2005 letter was wrongfully issued as I had already begun the process to remedy the misunderstanding over the basement windows and was not aware that it involved two separate and non-communicating bureaucracies and was proceeding down a preservation-related path. I informed the Dangerous Building Division that I was working with the Preservation Office. I continued to work with what I was told were the proper channels while seeking to understand the appeals process. On November 9, 2005 I had Notice and Order posted on my home. All the coordination with the Preservation Office did not matter to the Dangerous Buildings Division.

For the average homeowner, navigating just one bureaucratic branch of City government is difficult enough. It entails lost time, money and clients from ones' professional work because of the time needed to go down in person to City Hall, fees for permits and hearings, and time and money to hire architects and engineers to provide the pages of documents required. From the very start, I made every effort to fill out all paperwork and follow all proper procedures for what I believed was a preservation issue.

When a homeowner who replaces badly deteriorated single-hung, weightless, non-historic basement windows with safer and more historically accurate windows (but vinyl) receives official City correspondence – a Notice and Order- declaring their home to be a “Public Nuisance” and “a hazard, unsafe, unhealthy and a public nuisance”, is sent orders to repair or demolish, and is fined hundreds of dollars – one has to question whether the City is truly being served by its servants in the Dangerous Building Division. My home was never unsafe or a public nuisance. The windows in question aren't even on the front of the building. I was told by the Preservation Office to not worry about the building permit while the Design Review process was still underway. The entire issue, I believed at the time, was a dispute over the interpretation of the Secretary of Interior Standards for Appropriateness. The active process of coming to a resolution on interpretation of such a standard should have stopped all the dangerous building actions. I take great pride in my historic building and have always openly and lovingly tried to restore it to the best of my ability with respect for its historic character. At issue was the vinyl composition of basement windows that I felt was appropriate for ground-level windows and a misunderstanding of how the two different City departments work and don't work together.

Individual homeowners and landlords through improvements to their properties constitute one of the largest private investments in your district. The return to the City is in an improved quality of life and the confidence it gives to businesses to also risk investing in the district when the neighborhood is perceived to be on an upward economic direction. When the City and its representatives go from the role of protecting its citizens from unhealthy and unsafe building conditions to one of making unreasonable threats of property seizure and demolition to private property owners, then the incentive to invest and live in your district is at risk.

I appeal to you as my Councilmember to drop the \$752.50 property lien and instead allow the entire subject of my basement windows to end with the reasonable resolution achieved by one face of the City -- your Preservation Office and to accept the Preservation Director's Certificate of Appropriateness, building permit and final inspection of the correctly installed, historically acceptable basement windows to be the City's final action.

Sincerely;



Steven Craig Cvitanov  
2312 H Street  
Sacramento, CA 95816

(916) 444-6806

\* This was prepared by Deborah Condon  
please excuse any discrepancies she is not aware of.

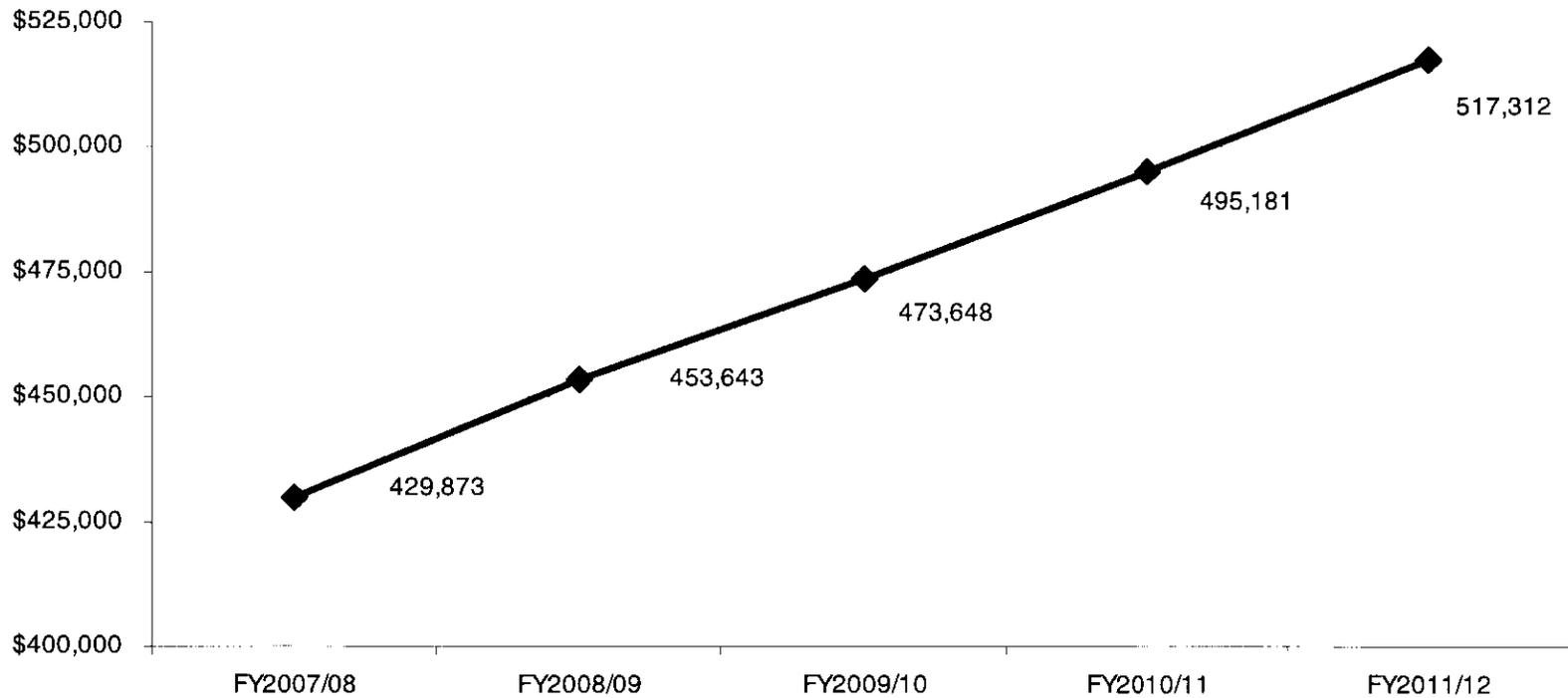
# Report Back General Fund Forecast

June 12, 2007

# 5 Year Expenditure Growth

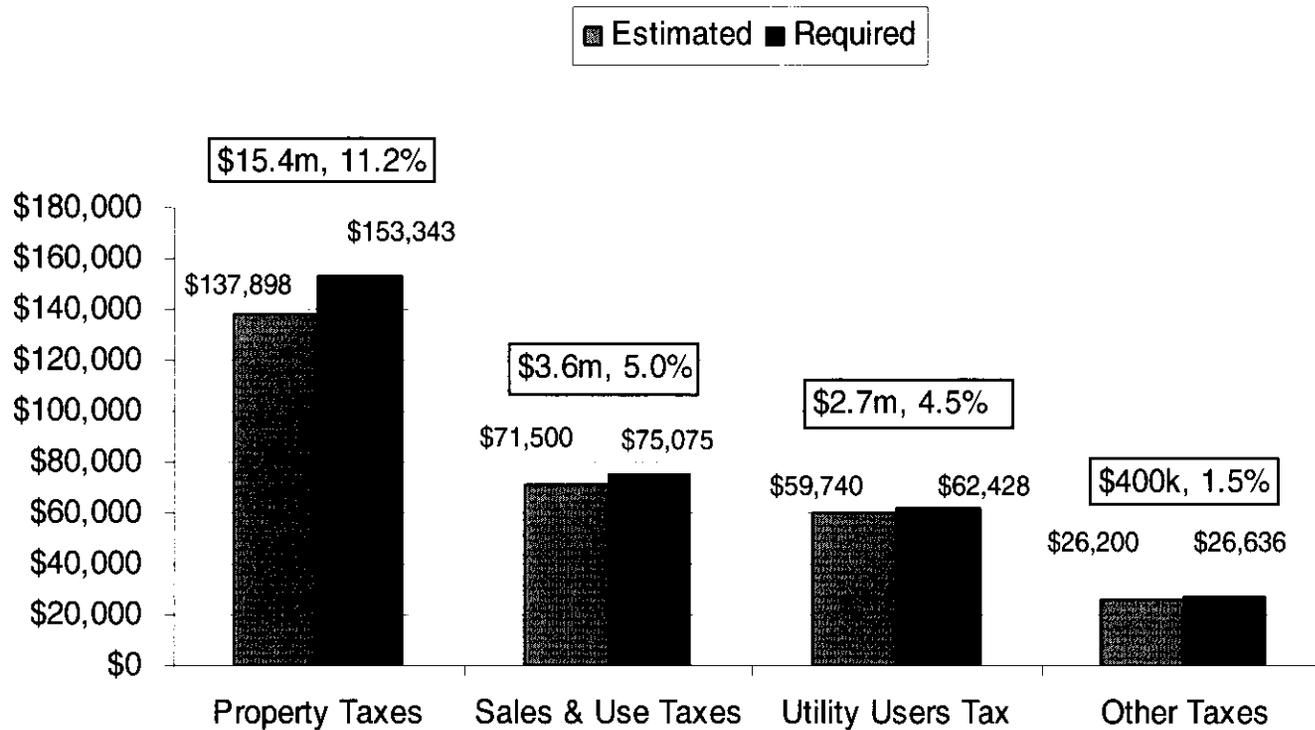
\$22 Million

Average Annual Expenditure Growth

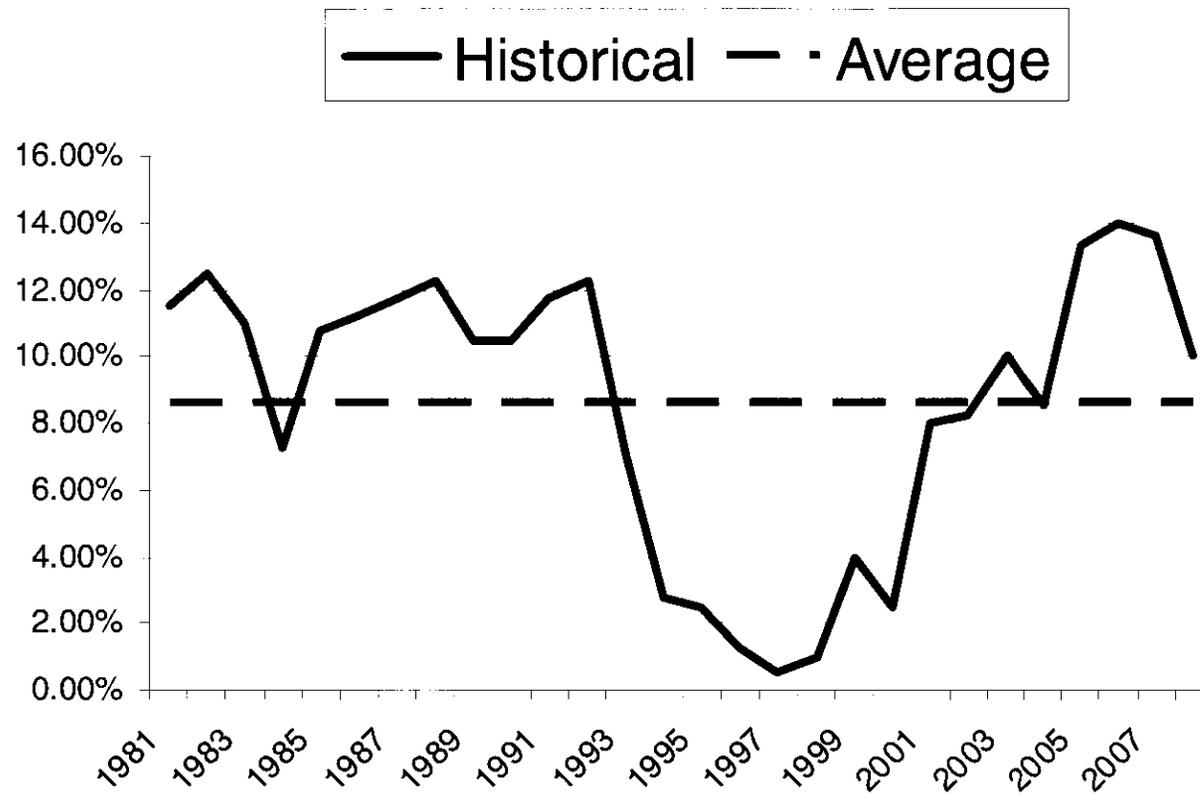


# Estimated Revenue vs Required Revenue

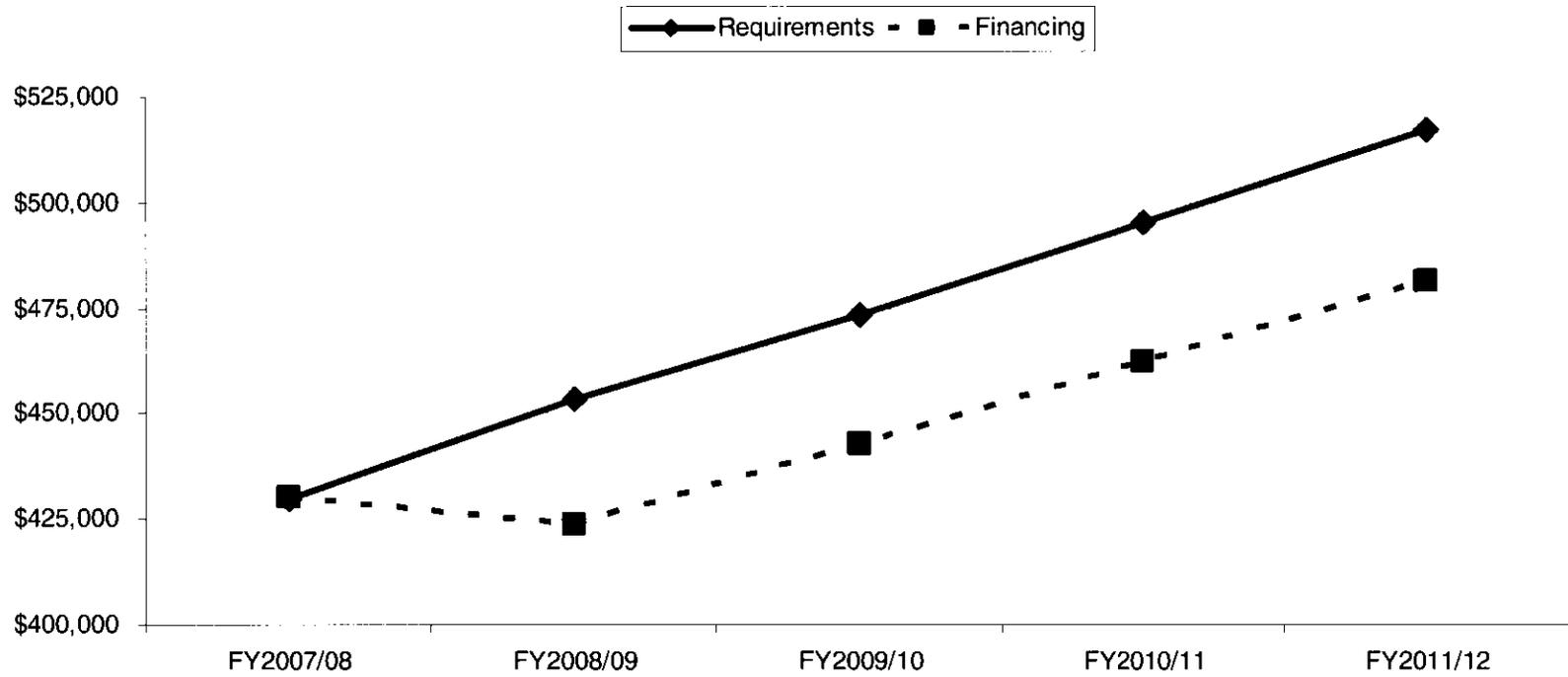
(\$ in 000s)



# Historical Growth in Property Taxes



# 5 Year Requirements vs Financing



### **43. Call-up: 5<sup>th</sup> Avenue [Duplexes] Project (P05-046)**

My name is Fred Milstein and I am speaking for the 5<sup>th</sup> Avenue Project Neighborhood Coalition. There are approximately 35 of us.

From the beginning, the proposed plan for the 5<sup>th</sup> Avenue Duplex project had two serious defects:

First, it crammed in too many housing units for the physical space and the available parking.

Second, the housing units are not accessible from the street. The only access proposed is through a narrow, dead-end alley with no turnaround space. This would be the only way to get in or out. There is little or no space provided for visitor parking and any illegally parked cars will impede and obstruct access for fire, police, ambulance and other service vehicles.

We are happy that one of these defects has been mitigated by revisions. Now the project is smaller, but the most important problem—lack of street access—has not changed.

- We are not opposed to infill or development or even to this project, but we do remain opposed to its current design and will remain so until it's corrected.
- Building on the alley without street access and without adequate parking will have negative consequences for the safety and quality of life in our neighborhood.

- The Staff Report claims that the applicant has no possibility for street access for his project and that, therefore, he's entitled to a variance. That is not true.
- We have found that there is enough space to provide street access for the project by a legal easement along the edge of an adjacent property owned and occupied by the applicant himself.

We have read the Code and we have confirmed this with a city engineer, a firefighter and other city personnel, as well as with our own on-site measurements.

- For many years this alley has had—and still has— chronic problems of illegal activities including drug use, prostitution, vagrancy and dumping. The low number of police reports does not reflect this because:

- 1) Many of the illegal activities are not witnessed as they occur—and, therefore are never reported. But, the evidence is on the ground the next day—used condoms, needles, trash, etc. We know, because we have to clean it up.

- 2) The neighbors have long since stopped calling police due to lack of response. Experience has taught us it's usually a waste of time.

- Development—and “more eyes on the alley”—does not necessarily reduce crime. If it did, the eye-rich streets of downtown Sacramento would be crime free. Besides, residents are normally

not there for full-time surveillance. In fact most of the time they are elsewhere or otherwise occupied. A couple of 24 hour surveillance cameras would be a much more effective deterrent! Putting more houses in the alley is not going to reduce or deter crime. Indeed, alley houses could well be seen as more tempting targets for burglars.

- Illegal alley parking—by residents and particularly by their visitors— will become a serious and ongoing problem for emergency vehicles. Enforcement by police and traffic officers is typically minimal to zero. This means that the parking problems will only get worse with two more households (and their guests) using the alley for a parking lot.
- On more than one occasion we have proposed gating the alley entrance to mitigate these problems. Each time this suggestion has been ignored and/or dismissed by both the applicant and the planning department. We, however, still see it as a viable option and an improvement to the current plan. **We ask you to please postpone a decision until this option as well as surveillance cameras and street access have been fully explored.**
- If this project is approved in its present form, we believe our property values, safety and quality of neighborhood life will be negatively affected. In fact, it will only be a matter of time until a fire or other emergency results in tragic loss to life and property because emergency vehicles were delayed or impeded by illegal alley parking.
- And when that happens, liability will rest squarely with those who approved and built the project. When there are harmful consequences, the deciders and the decision makers who failed to

correct or prevent these problems can **not** claim that they were not forewarned.

- Well, that sums up our position...however, if the applicant and/or staff are now permitted to speak a second time—and especially if they contradict the facts we have given you— it would only be fair for the Council to hear a rebuttal from us as well.

If you only hear a rebuttal from one side, you will NOT have a fair and balanced set of facts and viewpoints upon which to base your decision.

- The 5<sup>th</sup> Ave. Neighborhood Coalition—neighbors, property owners, tax-payers and voters—will continue to oppose this project until our concerns, needs and rights—not just the business interests of a newcomer to the neighborhood—are also accommodated.
- We thank you for listening and hope you will decide fairly and wisely.
- With the Mayor's permission, I'd like to reserve my remaining few minutes for a possible rebuttal should the need arise.

Thank you all again.



1



2



3



4



5

**Attachment 1**

**Reports Back from June 5 and June 12**

#	<u>Report Back Item*</u>	<u>Responsible Department</u>	<u>Contact</u>	<u>Report Back Method</u>
<b>Meeting Date: June 5, 2007, Item #32</b>				
1	Research and report back on the ability of the City to charge customers for replacement containers, whether or not other cities charge for replacement containers, the total number of containers replaced last year, and how many customers are utilizing 96 gallon containers.	Utilities – Solid Waste Division	Edison Hicks	Memo
2	Research options regarding a citywide containerized green waste ballot measure.	City Attorney and City Manager	Eileen Teichert and Marty Hanneman	Memo
3	Report back on the establishment of a Utility Rate Advisory Committee. Intent of the committee is to: <ol style="list-style-type: none"> <li>1. Establish rate information for public and City Council consideration earlier in the budget process;</li> <li>2. Coordinate Public Outreach; and</li> <li>3. Review options for reducing rate increases in the future.</li> </ol>	Utilities	Gary Reents and Marty Hanneman	Workshop
4	Report back on existing Utility Program Capital Improvement Program projects to determine what items can be deferred and/or eliminated.	Utilities	Gary Reents	Memo
<b>Meeting Date: June 12, 2007, Item #44</b>				
5	Report back on options for creating Park Safety Officers within existing resources.	Parks and Recreation, and Police Department	Janet Baker	Staff Report
6	Report back on the status of a contract for small business outreach with The Alliance.	Finance and Economic Development	Russell Fehr and David Spaur	Memo

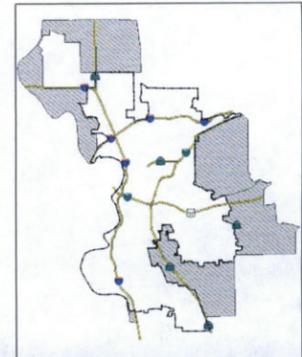
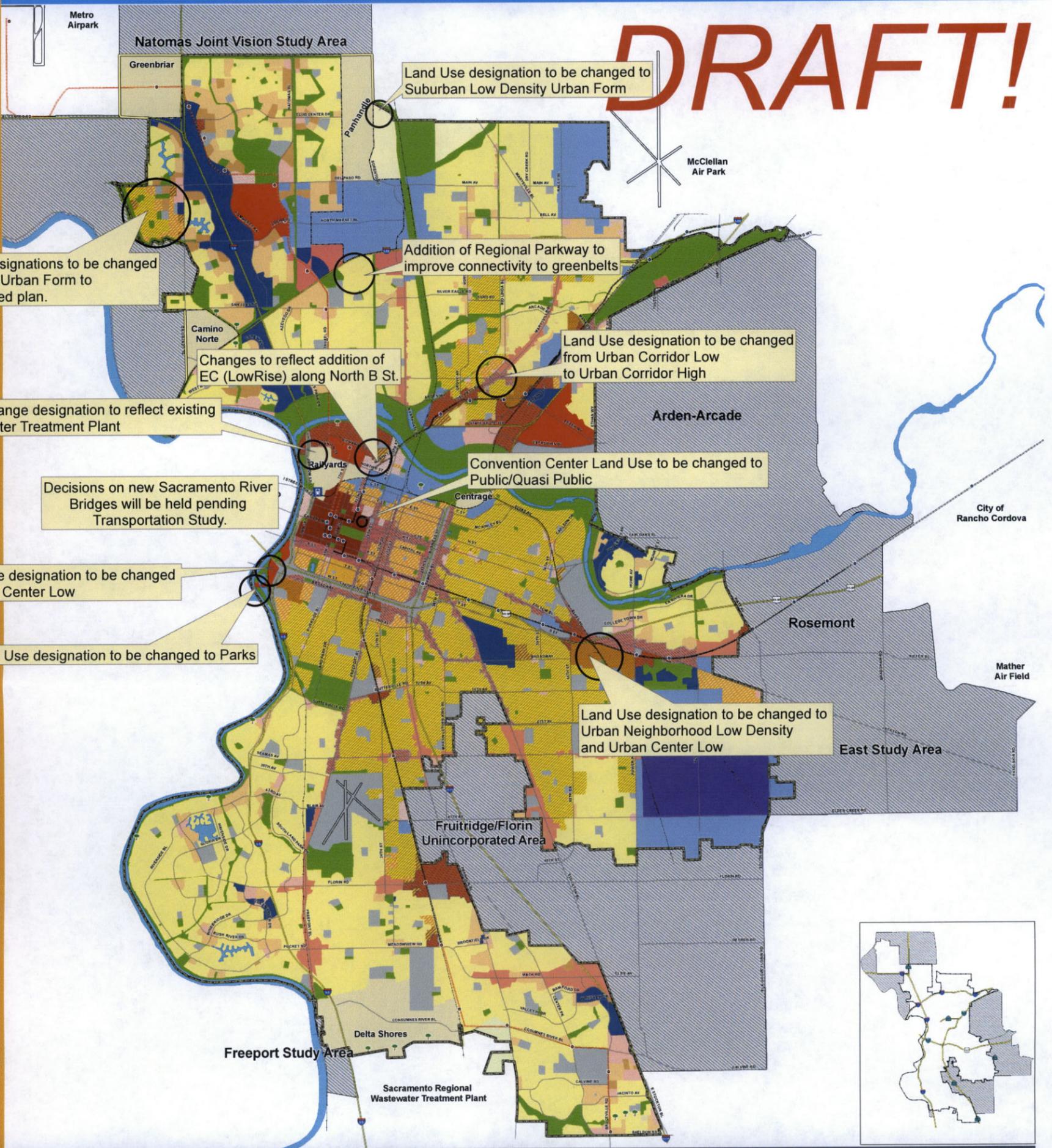
\*These items will be forwarded to the City Manager's Office for inclusion in the City Council's follow up log.

# DRAFT Preferred Land Use & Urban Form Diagram

# DRAFT!



SACRAMENTO  
2030



## LEGEND

The Draft Preferred Land Use Diagram is intended to be used in conjunction with the General Plan Land Use & Urban Form Workbook. The Land Use & Urban Form Workbook describes the guidelines, standards, and description of the land use designations on the map.

### Land Use Designations

- Rural**
  - Rural Residential
- Suburban**
  - Suburban Low Density Residential
  - Suburban Medium Density Residential
  - Suburban High Density Residential
- Traditional**
  - Traditional Low Density Residential
  - Traditional Medium Density Residential
  - Traditional High Density Residential

- Urban**
  - Urban Low Density Residential
  - Urban Medium Density Residential
  - Urban High Density Residential
- Centers**
  - Suburban Center
  - Traditional Center
  - Regional Commercial
  - Urban Center Low
  - Urban Center High
  - Central Business District

- Corridors**
  - Suburban Corridor
  - Urban Corridor Low
  - Urban Corridor High
- Other Districts**
  - Employment Center (Low Rise)
  - Employment Center (Mid Rise)
  - Industrial
  - Special Study Areas
  - Planned Development
  - Public
  - Parks
  - Open Space

- Policy Area
- City Limits
- Waterways
- Proposed Parks/Parkways
- Major Road
- Expressway
- Existing LRT Line
- Proposed LRT Line
- Existing LRT Stations
- Proposed LRT Stations
- Intermodal Station
- Major Rail



### NOTES:

- (1) Neighborhood support uses allowed such as: schools, parks, libraries community centers, and childcare/elderly facilities.
- (2) Density is included in the allowed FAR for mixed-use development.
- (3) Predominantly residential single-use and mixed-use allowed.
- (4) Predominantly non-residential single-use and mixed use allowed.

Date: May 30, 2007



**From:** Dan Murphy/Ellen Peter [murpete@comcast.net]

**Sent:** Monday, May 28, 2007 9:57 PM

**To:** Mayor Heather Fargo; Councilmember Lauren Hammond; Councilmember Robert King Fong; Councilmember Robbie Waters; Councilmember Raymond Tretheway; Councilmember Sandy Sheedy; Councilmember Bonnie Pannell; Councilmember Kevin McCarty; Councilmember Steve Cohn

**Cc:** Jim Randlett; Hill, Jason

**Subject:** Proposed Contract to Study A Bridge from West Sacramento to Broadway

May 28, 2007

Dear Mayor Fargo and Councilmembers Hammond, Fong, Waters, Tretheway, Sheedy, Pannell, McCarty, and Cohn:

The Sierra Curtis Neighborhood Association respectfully requests that the Sacramento City Council postpone the proposed contract to study a new bridge from West Sacramento at Broadway until there has been more community outreach concerning the bridge proposal, development of community support for the bridge proposal, and further consideration of alternative means of addressing the problem which has led to the bridge proposal.

Sincerely,

Dan Murphy, President

STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0009  
(916) 319-2009  
FAX (916) 319-2109

DISTRICT OFFICE  
915 L STREET, SUITE 110  
SACRAMENTO, CA 95814  
(916) 324-4676  
FAX (916) 327-3338

# Assembly California Legislature



**DAVE JONES**  
ASSEMBLYMEMBER, NINTH DISTRICT  
CHAIR, JUDICIARY COMMITTEE

COMMITTEES:  
JUDICIARY, CHAIR  
HEALTH  
PUBLIC EMPLOYEES RETIREMENT  
& SOCIAL SECURITY  
REVENUE & TAXATION

E-MAIL:  
assemblymember.jones@assembly.ca.gov  
WEB:  
www.assembly.ca.gov/jones

June 12, 2007

Honorable Rob Fong  
Sacramento City Councilmember  
915 I Street, 5<sup>th</sup> Floor  
Sacramento, CA 95814

Dear Councilmember Fong:

We are writing to encourage the City of Sacramento to study all options relative to the construction of a bridge over the Sacramento River at Broadway.

We fully support the City of Sacramento's desire to create an enhanced sense of connectedness between itself and the City of West Sacramento. Doing so will surely improve both communities, and is an important part of the Riverfront Master Plan.

To that end, we think it important to determine the best way to connect the two sides of the river. To study only the construction of a vehicle bridge misses the opportunity to maximize the benefit to both communities.

We support the Southside Park Neighborhood Association and Land Park Community Association's request to have the City of Sacramento study alternatives to a vehicle bridge before expending any funds to study a vehicle bridge. The alternatives could include improved bus service, light rail, or a bridge that facilitates movement of pedestrians, bikes or a combination of all of these. Such a study is critical to ensuring taxpayer dollars are being used in the most effective manner possible.

Thank you for considering this request. Should you have any questions or concerns, please feel free to contact us at 916-319-2009 for Assembly Member Jones, and 916-651-4006 for Senator Steinberg

Sincerely,

Handwritten signature of Dave Jones in black ink.

DAVE JONES  
Assembly Member, 9<sup>th</sup> District

Sincerely,

Handwritten signature of Darrell Steinberg in black ink.

DARRELL STEINBERG  
Senator, 6<sup>th</sup> District

## PETITION

Date: May 17, 2007

To: Mayor and Council Members, City of Sacramento

From: Land Park Community Association  
Southside Park Neighborhood Association

Re: West Sacramento Commuter/Broadway Bridge

---

The organizations listed above respectfully request the City of Sacramento to study alternatives to the construction of a West Sacramento Commuter/Broadway Bridge. To our knowledge there has been no study of alternatives, many of which appear to offer a much superior solution. A study of alternatives should include:

- Bus routes
- Bus routes with dedicated lanes
- Trolley cars
- Light rail
- Pedestrian and bike bridge only
- Pedestrian, bike, and light rail (or trolley bridge) only

Until such a study of alternatives is completed, we ask that the City of Sacramento NOT proceed with spending \$200,000 for a consulting study that has as its goal the construction of a West Sacramento Commuter/Broadway Bridge. Until alternatives are considered, spending \$200,000 for such a meaningless study is a waste of taxpayers' dollars. The City of Sacramento should not spend money to plan for just one alternative, when that alternative may not be the best alternative.

We ask that this topic be placed on the agenda of a City Council meeting prior to any decision being made to spend and possibly waste \$200,000 for a meaningless study.

Thank you for considering this petition. Arguments in favor of this petition are on succeeding pages.

We will be pleased to work with you to schedule this important subject for an upcoming City Council meeting.

Arguments in favor of this petition and a study of alternatives to the West Sacramento Commuter/Broadway Bridge:

1. Cars – More pollution – The construction of a West Sacramento Commuter/Broadway Bridge will put more automobiles on the road resulting in greater pollution.
2. Transit – Less pollution – Transit alternatives can utilize clean fuels and take cars off the road.
3. Pollution is government's responsibility – As evidenced by the public acclamation received by Governor Schwarzenegger for his leadership in reducing global warming, the public looks to its elected officials to be leaders in solving environmental problems. The City of Sacramento owes it to the voters to consider all alternatives, particularly alternatives that will reduce pollution and global warming.
4. Infrastructure dollars for cars, not for transit – By spending precious infrastructure dollars for cars, and not for transit, without even conducting a study of transit alternatives, the mayor and city council members are telling the voters that they prefer cars over transit. By not spending infrastructure dollars on transit, transit will have fewer riders, fewer routes and less frequency. Again, this should not be done without a study testing transit alternatives.
5. Less Cost – It is highly likely that transit alternatives will cost much less than building, operating, and maintaining a bridge. Costs of alternatives should be studied.
6. Sacramento River connectivity – A community goal is to connect communities across the Sacramento River and fully utilize this tremendous natural resource. However, pedestrian and bike bridges at Broadway, R Street and other locations provide this connectivity. In fact, people accessing the river will have a far more pleasurable experience on a pedestrian and bike bridge, as opposed to a bridge with 33,500<sup>1</sup> cars crossing a day.
7. Southport – Perfect for transit? – With main roads in the West Sacramento area of Southport running north-south and coming together to cross the barge canal, it appears that the Southport area is perfect for transit. Commuters can easily walk, bike, or be dropped off on these main roads and use transit to get to downtown Sacramento, and other Sacramento locations. For example, buses can run a circular route, south on South River Road, north on Jefferson, across the Tower Bridge, loop the downtown area (connecting with Amtrak and Light Rail), and repeat.
8. Cars vs. Transit – The City of West Sacramento estimated 33,500 bridge crossings per day<sup>2</sup>. This is more than double the number of cars on L Street at 5<sup>th</sup> Street (15,136 cars<sup>3</sup>, January 2004). If a transit alternative is feasible, thousands of cars will be taken off the streets.

9. Destroy Southside Park neighborhood? – 5<sup>th</sup> Street and 8<sup>th</sup> Street will become major arterials, perhaps destroying the city's considerable efforts to build a neighborhood feeling in the Southside Park area and negatively affecting homeowners. With a transit alternative, what would the impact be on the Southside Park neighborhood?
10. Destroy Miller Park? – Likewise, a four lane, major arterial through Miller Park with 33,500 cars per day may ruin its riverfront, park setting. With a transit alternative, what would the impact be on the Miller Park?
11. Gridlock on Broadway? – November 30, 2005, traffic on Broadway (at Freeport) is 20,506 cars per day<sup>1</sup>. The West Sacramento Commuter/Broadway Bridge would increase traffic on Broadway to 263% of the current volume. Even with significant numbers of cars turning north to go through Southside Park, there is likely to be gridlock on Broadway. With a transit alternative, what would the impact be on Broadway?
12. Destroy Oneil Park? – With thousands of more cars on Broadway, there will be a significant impact on Oneil Park (bounded by Broadway, X Street, 6<sup>th</sup> Street, and 8<sup>th</sup> Street). With a transit alternative, what would the impact be on the Miller Park?
13. Freeway alternative – The rule of thumb for commuter traffic patterns is that cars will take the route that takes less time. Whenever Business 80 gets gridlocked, cars will get off the freeway, travel over city streets, and use the West Sacramento Commuter/Broadway Bridge to avoid the traffic jams.

Cars traveling between Business 80 West and I-5 South will start using Riverside Boulevard, Broadway, other city streets, and the new bridge to avoid traffic jams at Business 80 and I-5.

Similarly, cars traveling between Business 80 West and Highway 99 South will start using Fruitridge, Sutterville, Freeport, Land Park Drive, Broadway, and the new bridge to avoid traffic jams at Business 80.

With a transit alternative, what would the impact be on Riverside Boulevard, Land Park Drive, Freeport Boulevard, Sutterville Road, and Fruitridge Road?
14. Abdication to West Sacramento – The study is an abdication of authority and control by the City of Sacramento to the City of West Sacramento. The RFP was written by the City of West Sacramento, and the consulting firm will be selected by the City of West Sacramento. While the City of Sacramento has input (and one-half of the cost of the \$400,000 study), the City of West Sacramento is firmly in control of the issue. And of course the City of West Sacramento needs this control to sponsor a study advocating the building of a bridge.
15. Study results are highly likely to be biased – The City of West Sacramento wants a West Sacramento Commuter/Broadway Bridge so that it can move its traffic problems onto the streets of Sacramento. The RFP reflects this desire and states that the goal is to build a West Sacramento

Commuter/Broadway Bridge. The City of West Sacramento will select a consultant who will further West Sacramento's goal of constructing this automobile bridge. The consulting firm will understand its role, and is almost certain to produce a very favorable report for the construction of the bridge, minimizing its impact on the City of Sacramento, minimizing the impact on residential communities in Sacramento, and estimating low traffic volumes and low costs. The City of Sacramento, not West Sacramento, must control any study to obtain objective results. After all, any unfavorable impact of a new bridge will fall disproportionately on the residents of the City of Sacramento.

---

<sup>1</sup> This estimate can be found by going to:

<http://www.cityofwestsacramento.org/cityhall/departments/comdev/documents/sctrafficstudydraft.pdf>, Table I-22, page 36, and look for the 33,500 figure. The Land Park Community Association has asked the Transportation Department, City of Sacramento, to validate this number, and has not received a reply. City staff did indicate that they were waiting for a consultant's study.

<sup>2</sup>Same as endnote 1.

<sup>3</sup> City of Sacramento, Department of Transportation web site, traffic counts, <http://www.cityofsacramento.org/transportation/traffic/>.

<sup>4</sup> City of Sacramento, Department of Transportation web site, traffic counts, <http://www.cityofsacramento.org/transportation/traffic/>.

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State Capital  
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6-11-07

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Why this QUIET ?

GUILT, GUILT, GUILT !

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What did our ELECTED OFFICIALS do during this continued ABUSE ?

They got RE-ELECTED and went on to higher offices !

Ask these past SACRAMENTO CITY council people:

Sen. Darrell Steinberg  
Room 5114 916-651-4006  
State Capital  
Sacramento, Ca. 95814

Assembly Dave Jones  
Room 3146 916-319-2009  
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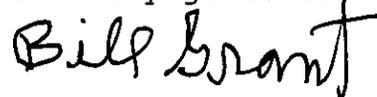
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THE CITY OF SACRAMENTO AND THE  
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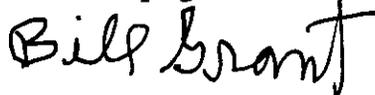
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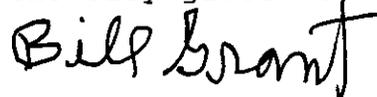
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from 1993-2007 ? (Hart Sr. Center)  
(Violated St., County and city laws)  
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Why this QUIET ?

GUILT, GUILT, GUILT !

OUR SENIOR CITIZENS must have done something really bad  
to be punished in such AN INHUMAN WAY !

What did our ELECTED OFFICIALS do during this continued ABUSE ?

They got RE-ELECTED and went on to higher offices !

Ask these past SACRAMENTO CITY council people:

Sen. Darrell Steinberg  
Room 5114 916-651-4006  
State Capital  
Sacramento, Ca. 95814

Assembly Dave Jones  
Room 3146 916-319-2009  
State Capital  
Sacramento, Ca. 95814

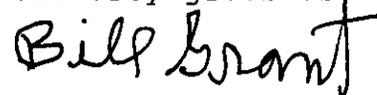
Where was the SACRAMENTO BEE  
IN THE PAST 14 YEARS ?

"We only publish what the city gives us"

On August 20, 2001, there was a protest meeting of 100+ Seniors.

"We only publish what the city gives us"

THE CITY OF SACRAMENTO AND THE  
SACRAMENTO BEE HAVE BEEN GROWING  
UP TOGETHER FOR 150 years.



Bill Grant  
Citizen Auditor

Joint Legislative Audit Comm.  
Room 3152  
State Capital  
Sacramento, Ca. 95814

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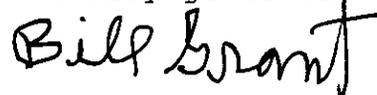
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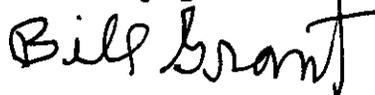
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