



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

# **DRAFT Minutes**

**Tuesday, February 9, 2010**

**City Hall-915 I Street, 1<sup>st</sup> 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  
Ray Kerridge, City Manager  
Russ Fehr, City Treasurer

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## **NOTICE TO THE PUBLIC**

You are welcomed and encouraged to participate in this meeting. Public comment is taken on items listed on the agenda when they are called. Public Comment on items not listed on the agenda will be heard as noted on the agenda. Comments on controversial items may be limited and large groups are encouraged to select 3-5 speakers to represent the opinion of the group.

**Notice to Lobbyists:** When addressing the legislative bodies you must identify yourself as a lobbyist and announce the client/business/organization you are representing (City Code 2.15.160).

**Speaker slips are available on the City's Website and located in racks inside the chamber and should be completed and submitted to the Assistant City Clerk.**

*Government Code 54950* (The Brown Act) requires that a brief description of each item to be transacted or discussed be posted at least 72 hours prior to a regular meeting. The City posts Agendas at City Hall as well as offsite meeting locations.

The order and estimated time for Agenda items are listed for reference and may be taken in any order deemed appropriate by the legislative body.

The Agenda provides a general description and staff Actions; however, the legislative bodies may take action other than what is recommended. Full staff reports are available for public review on the City's website and include all attachments and exhibits. "To Be Delivered" and "Supplemental" reports will be published as they are received. Hard copies are available at the Office of the City Clerk and all written material received is available at the meeting for public review.

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# DRAFT Minutes

**Tuesday, February 9, 2010**

**City Hall – 915 I Street- First Floor Council Chamber**

All items listed are heard and acted upon by the Sacramento City Council unless otherwise noted.

## Open Session - 6:00 p.m.

Regular session called to order by Mayor Kevin Johnson at 6:00 p.m. Tuesday, February 9, 2010 at the Sacramento City Hall Council Chamber.

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

**Pledge of Allegiance**—led by Member Robbie Waters.

**Closed Session Report** – None.

## **Special Presentations/General Communications**

### a. **Youth of the Month**

**Action:** Presented to Gabriela Munoz by Member Bonnie Pannell.

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

[Actual Total Time- 12 minutes]

1. Safeground and Homelessness
  - a. Mary E Tappel
  - b. John Townsend
  - c. Tracie Rice-Bailey
  - d. Henry Harry
2. Police Profiling
  - a. Henry Harry
3. Charter Reform/Strong Mayor
  - a. Barbara Boice
  - b. Joan Bryant

## Consent Calendar (Items 1- 16) **Estimated Time: 5 minutes**

[Actual Total Time- minutes]

**Action:** Moved/Seconded: Member Robbie Waters/Member Steve Cohn

**Yes:** Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, Robbie Waters 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 January 26, 2010.**

**Location:** (Citywide)

**Action:** Approved the City Council, Financing Authority, Housing Authority, and Redevelopment Agency Minutes for January 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) Del Paso Heights Redevelopment Advisory Committee – Eric Joe and Timothy Hinkle (Category D); 2) Oak Park Redevelopment Advisory Committee – Mark Rentz and Charles Mason (Category A), Leoma Lee (Category B), Ronald Shrewsbury (Category C) and Lorcan Barnes (Category D); 3) Sacramento Army Depot Redevelopment Advisory Committee – John Barney (Category A) and 4) Community Racial Profiling Commission – Brian Louie (Category A).

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

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

**Location:** (Citywide)

**Action:** Opened an application period for: 1) Ann Land/Bertha Henschel Memorial Fund Commission to open 02/10/10 with applications due 03/12/10; 2) Community Racial Profiling Commission to open 02/10/10 with applications due 03/12/10.

**Contact:** Stephanie Mizuno, Assistant City Clerk, 808-7200; Katia Ligaiviu, Deputy City Clerk, 808-7200, Office of the City Clerk.

4. **(Redevelopment Agency) Depot Park Revitalization Program**

**Location:** Depot Park, 16 Business Park Way (District 6)

**Action:** Adopted **Redevelopment Agency Resolution No. 2010-009** 1) approving the program; 2) authorizing the Executive Director or her designee to amend the 2010 Sacramento Housing and Redevelopment Agency budget to allocate Annual Funding for the 2008-09 Fiscal Year property assessments and annually as required, from Army Depot Tax Increment funds to the Depot Park Project fund; 3) authorizing the Sacramento Housing and Redevelopment Commission to take any and all steps to approve applications for projects between \$100,000 and \$500,000 and sign all agreements, certificates and other documents which might be deemed necessary to carry out the Depot Park Revitalization Program; and 4) authorizing the Executive Director or her designee to take any and all steps to approve applications for projects up to \$100,000 and sign all agreements, certificates and other documents which might be deemed necessary to carry out the Depot Park Revitalization Program.

**Contact:** Chris Pahule, Assistant Director, Housing and Community Development, 440-1350; La Shelle Dozier, Executive Director, 440-1319, Sacramento Housing and Redevelopment Agency.

5. **Supplemental Agreement/Loan Repayment: Powerhouse Science Center (formerly Sacramento Museum of History, Science and Technology)**  
**Location:** (District 2)  
**Action:** Adopted **Resolution No. 2010-055** approving and authorizing the City Manager or his designee to execute the Supplemental No. 3 to City Agreement 97-007 with the Powerhouse Science Center (formerly the Sacramento Museum of History, Science and Technology) to extend the repayment of the Challenger Learning Center loan.  
**Contact:** Karolyn Pelka, Administrative Officer, (916) 808-5898, Barbara E. Bonebrake, Director, Convention, Culture & Leisure, (916) 808-8225, Convention, Culture and Leisure Department.
6. **(Pass for Publication) Ordinance Amendment: City Universal Accessibility Design (LR09-019)**  
**Location:** (Citywide)  
**Action:** 1) Reviewed an Ordinance relating to universal accessibility design standards; 2) pass for publication the Ordinance title as required by Sacramento City Charter 32c to be adopted February 16, 2010; and 3) reviewed a Resolution directing future evaluation of the Universal Design Ordinance for adoption on February 16, 2010.  
**Contact:** Greg Sandlund, Associate Planner, (916) 808-8931, Carl Hefner, Chief Building Official, (916) 808-8779; Jim McDonald AICP, Senior Planner, (916) 808-5723, Community Development Department.
7. **Historic Property Plaque Program**  
**Location:** (Citywide)  
**Action:** Moved/Seconded: Member Steve Cohn/Member Robert King Fong  
**Yes:** Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, Robbie Waters and Mayor Kevin Johnson.  
**Removed from Consent Calendar by Member Steve Cohn** and a motion **passed** to adopt **Resolution No. 2010-056** authorizing the use of the City's logo on bronze plaques to be fabricated through Sacramento Heritage Inc.'s new Historic Properties Plaque Program for designated City Landmarks and Contributing Resources in designated City Historic Districts listed in the Sacramento Register of Historic & Cultural Resources.  
**Contact:** Roberta Deering, Senior Planner for Historic Preservation/Executive Staff for Sacramento Heritage, Inc., (916) 808-8259, Community Development Department.
8. **(Pass for Publication) Ordinance Amendment: Approval of Changes to Contracts for Supplies, Services and Public Projects**  
**Location:** (Citywide)  
**Action:** 1) Reviewed an Ordinance adding and amending various provisions of Chapters 3.56, 3.60 and 3.64 of the Sacramento City Code related to the approval of contract changes; and 2) pass for publication the Ordinance title as required by Sacramento City Charter Section 32(c) to be adopted February 16, 2010.

**Contact:** Reina J. Schwartz, Director of General Services, (916) 808-7195, General Services Department.

**9. Oak Park Community Center - Phase IIB Project (L13000100) [2/3 Vote Required]**  
**Location:** 3429 Martin Luther King, Jr. Boulevard (District 5)

**Action:** Adopted **Resolution No. 2010-057** 1) approving the Phase IIB scope of work for the project; 2) suspending competitive bidding as in the best interest of the City; 3) approving the use of the design-build alternative project delivery method for the project; and 4) appropriating \$348,000 of Community Development Block Grant (CDBG) funds to the project.

**Contact:** Yadi Kavakebi, Facilities Superintendent, (916) 808-8432, General Services Department, Dave Mitchell, Operations Manager, (916) 808-6076, Parks and Recreation Department.

**10. Railyards Projects and Railyards Specific Plan Environmental Impact Report**  
**Location:** Area north of H Street between Sacramento River and 6<sup>th</sup> Street (District 1)

**Action:** Adopted 1) **Resolution No. 2010-058** authorizing the City Manager to a) execute funding agreements and program supplements; b) accept funds from federal and state funding programs for the project; and c) appropriate funds into the projects; and 2) **Resolution No. 2010-059** approving an addendum to the Railyards Specific Plan Environmental Impact Report (Railyards EIR) for a 42-inch water transmission line.

**Contact:** Hinda Chandler, Senior Architect, (916) 808-8422, Transportation Department.

**11. Summary Vacation: Portion of the No Ingress/Egress Access Restriction Easement at 965 El Camino Avenue**

**Location:** At the Southeast corner of the property located at 965 El Camino Avenue (District 2)

**Action:** Adopted **Resolution No. 2010-060** vacating a portion of the No Ingress/Egress Access Restriction Easement on El Camino Avenue established through the owner's statement on the parcel map of 965 El Camino Avenue.

**Contact:** Jerry Lovato, Senior Engineering Technician, (916) 808-7918, Thomas Adams, Engineering Technician, (916) 808-7929, Transportation Department.

**12. December 2009 Monthly Investment Transactions Report**

**Location:** (Citywide)

**Action:** Received and filed.

**Contact:** Lydia Abreu, Investment and Operations Manager, 808-7746; Shirley Tupaz, Investment Operations Analyst, 808-8295, Office of the Treasurer.

13. **FY2009/10 Adjustments to the Utilities Capital Improvement Program (CIP) Budgets**  
**Location:** (Citywide)  
**Action:** **Withdrawn by staff** to adopt a **Resolution** 1) adding six new projects to the Fiscal Year (FY)2009/10 CIP; 2) creating eight multi-year operating projects; 3) adjusting appropriations in 30 CIP and Multi-Year Operation Projects with Water Funds (6005); 4) adjusting appropriations in 12 CIP and Operation budgets with Sewer Funds (6006); 5) adjusting appropriations in 13 CIP and Multi-Year Operating Projects with Storm Drainage Funds (6011); and 6) transferring \$350,000 from FY2009/10 Operating Budget to create and fund the Water Meter Replacement Program.  
**Contact:** David L. Brent, Engineering Manager, (916) 808-1420, Jamille Moens, Business Services Manager, (916) 808-5988, Utilities Department.
14. **Agreements: State Legislative Advocacy for Sacramento Area Water Coalition**  
**Location:** (Citywide)  
**Action:** Adopted **Resolution No. 2010-062** authorizing the City Manager to execute a Memorandum of Agreement (MOA) with San Juan Water District, Sacramento Suburban Water District, Placer County Water Agency, and the cities of Roseville and Folsom to retain a legislative advocate for the purpose of protecting and enhancing the water supplies of the greater Sacramento region. The City's initial financial commitment to this effort would be one-sixth of a total contract amount of \$96,000 or \$16,000.  
**Contact:** Marty Hanneman, Director of Utilities, (916) 808-7508, Dave Brent, Engineering Manager, (916) 808-1420, Utilities Department.
15. **Contract: Sacramento Regional Water Meter Installation Acceleration Project, Water Service Meter Retrofit – Phase 12 (Z14010030)**  
**Location:** (District 2)  
**Action:** Adopted **Resolution No. 2010-063** awarding the contract to GM Construction & Developers, Inc., to retrofit existing water services with meters for an amount not to exceed \$1,810,000  
**Contact:** David L. Brent, Engineering Manager, (916) 808-1420, Dan Sherry, Supervising Engineer, (916) 808-1419, Utilities Department.
16. **Review and Approval of the Municipal Legislation Log**  
**Location:** (Citywide)  
**Action:** Reviewed and approved the Municipal Legislation Log approved by the Law & Legislation Committee on February 2, 2010.  
**Contact:** Michelle Heppner, Special Projects Manager, (916) 808-1226, Office of the City Manager.

## Public Hearings (Items 17 – 20)

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

- 17. Estimated Time: 5 minutes** [Actual Total Time-3 minutes]  
**Code Enforcement Case Fees and Penalties – Findings of Fact for Special Assessment Liens** (Noticed 12-15-10)  
**Location:** (Citywide)  
**Action:** Moved/Seconded: Member Bonnie Pannell/Member Sandy Sheedy  
**Yes:** Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, Robbie Waters and Mayor Kevin Johnson.
- Conducted a public hearing with no public comment and upon conclusion a motion **passed** to adopt **Resolution No. 2010-064 as amended** placing liens on the properties in the amount of \$100,850.00 for unpaid fees and penalties and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the properties.
- Contact:** Dennis Kubo, Code Enforcement Manager, (916) 808-8577, Code Enforcement Department.
- 18. Estimated Time: 5 minutes minutes** [Actual Total Time- 3 minutes]  
**Housing Case Fees and Penalties – Findings of Fact for Special Assessment Liens** (Noticed on 12-15-10)  
**Location:** (Citywide)  
**Action:** Moved/Seconded: Member Lauren Hammond/Member Kevin McCarty  
**Yes:** Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, Robbie Waters and Mayor Kevin Johnson.
- Conducted a public hearing with no public comment and upon conclusion a motion **passed** to adopt **Resolution No. 2010-065 as amended** placing special assessment liens on the properties in the amount of \$918,816.00 for unpaid fees and penalties and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the properties.
- Contact:** Ron O'Connor, Code Enforcement Manager, (916) 808-8183, Code Enforcement Department.
- 19. Estimated Time: 5 minutes minutes** [Actual Total Time- 2 minutes]  
**Annexation No. 18 to the Neighborhood Park Maintenance Community Facilities District (CFD) No. 2002-02** (Noticed on 1-15-10)  
**Location:** 17 separate areas (Districts 1, 2, 3, 4, 5 & 6)  
**Action:** Moved/Seconded: Member Lauren Hammond/Member Sandy Sheedy  
**Yes:** Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, Robbie Waters and Mayor Kevin Johnson.

Conducted a public hearing with no public comment and upon conclusion a motion **passed** to adopt **Resolution No. 2010-066** establishing the CFD annexation, providing for Levy of Special Tax and calling for a Special Election on February 26, 2010.

**Contact:** Jodie Vong, Administrative Analyst, (916) 808-8243, Mark Griffin, Fiscal Manager, (916) 808-8788, Finance Department.

20. **Estimated Time: 5 minutes minutes** [Actual Total Time- 5 minutes]  
**(Housing Authority/City Council) The Lofts at Natomas Apartments** (Noticed on 1-19-10)

**Location:** 3351 Duckhorn Drive (District 1)

**Action:** Moved/Seconded: Member Ray Tretheway/Member Bonnie Pannell

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

**Absent:** Member Sandy Sheedy

Conducted a public hearing with no public comment and upon conclusion a motion **passed** to adopt adopt 1) **Housing Authority Resolution No. 2010-001** a) approving the refunding of \$6,720,000 in tax-exempt mortgage revenue bonds to refinance the project; and b) authorizing the Executive Director or her designee to execute the following documents for the refunding of the bonds: Subordinate Trust Indenture, Subordinate Loan Agreement, First Supplement to Amended and Restated Regulatory Agreement and Declaration of Restrictive Covenants, and First Supplemental Amended and Restated Trust Indenture; and 2) **City Resolution No. 2010-067** indicating that the City Council has conducted a Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing related to the proposed refunding.

**Contact:** Christine Weichert, Assistant Director of Housing and Community Development, (916) 440-1353, Jeree Glasser-Hedrick, Housing Finance Program Manager, (916) 440-1302, Sacramento Housing and Redevelopment Agency.

### Discussion Calendar/Staff Reports (Item 21 - 24)

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

21. **Estimated Time: 10 minutes minutes** [Actual Total Time- 42 minutes]  
**Report Back: Early Release of Sacramento County Inmates [Oral Report]**  
**Location:** (Citywide)

**Action:** Received and filed with public comment heard by Henry Harry, Angelique Ashby, Christine Ward, and Brent Meyer.

**Contact:** Rick Braziel, Police Chief, (916) 808-0804, Police Department.

22. **Estimated Time: 20 minutes minutes** [Actual Total Time- 1 hour and 30 minutes]  
**Report Back: Arena Proposal Update [Oral Report]**  
**Location:**
- Action:** Received public comment from Nicole Goehring, Mike Barnbaum, Richard Markuson, David Taylor, and Gerry Kamilos; direction given to staff, in consideration of the seven proposals received by the Mayor's Sacramento First task force, to report back to Council for review and comment: 1) general policy considerations for the finance and construction of a sports and entertainment complex, 2) broad scoping for advancement of any proposals received including identification of necessary legislative processes.
- Contact:** John Dangberg, Assistant City Manager, (916) 808-1222, Office of the City Manager.
23. **Estimated Time: 30 minutes minutes** [Actual Total Time- 30 minutes]  
**Ordinance Amendment: Unattended Donation Boxes and Specified Nuisances**  
(Passed for Publication on 2-2-10, Published on 2-5-10)  
**Location:** (Citywide)
- Action:** Moved/Seconded: Member Robert King Fong/Member Sandy Sheedy
- Yes:** Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, Robbie Waters and Mayor Kevin Johnson.
- Public comment heard by John Wickland, Joseph Mendez, Jan Sako, Eva Nelsen, Doub Bergman, Patty bonnstetter, Darrell Jackson, and Nate Atkinson; a motion **passed** to adopt **Ordinance No. 2010-001** adding chapter 5.152 to the Sacramento City Code relating to Unattended Donation Boxes and amending Section 8.04.100 relating to specified nuisances.
- Contact:** Brad Wasson, Revenue Manager, (916) 808-5844, Finance Department, Tina Lee-Vogt, Program Manager, (916) 808-2679, Code Enforcement Department.
24. **Estimated Time: 10 minutes minutes** [Actual Total Time- 5 minutes]  
**American Recovery and Reinvestment Act (ARRA) Water Meter Retrofit Project Phase 10 (Z14010028)** (Continued from 2-2-10)  
**Location:** Residential and commercial properties in the City of Sacramento in East and South Sacramento (Districts 3 and 8)
- Action:** Moved/Seconded: Member Robbie Waters/Member Lauren Hammond
- Yes:** Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, Robbie Waters and Mayor Kevin Johnson.
- Public comment heard by Greg Hatfield and a motion **passed** to adopt **Resolution No. 2010-068** 1) voiding the City Council's prior award of the contract for Phase 10 of the Water Meter Retrofit project to Advantage Demolition and Engineering, and 2) awarding the contract to Florez Paving for an amount not to exceed \$2,234,762.50
- Contact:** David L. Brent, Engineering Manager, (916) 808-142, Dan Sherry, Supervising Engineer (916) 808-1419, Utilities Department.

25. **Estimated Time: 10 minutes minutes** [Actual Total Time- 23 minutes]

**Strong Mayor Initiative** [Oral Report]

**Location:** (Citywide)

**Action:** Discussion of the Third District Court of Appeal ruling regarding the Strong Mayor Initiative **withdrawn by staff** with public comment heard by Joshua Wood, Stuart Eldridge, Nathan French, Pastor Darryl Heath, Oscar Frayer, Carolyn Veal-Hunter, Branche` Jones, Tanya Wolters, Trisha Flynn, Eric Sunderland, Tamie Dramer, Henry Harry, Devin Lavelle, Matt Kelly, and Bill Camp.

**Contact:** Ray Kerridge, City Manager, (916) 808-5346, Office of the City Manager and Eileen Teichert, City Attorney, (916) 808-5346, Office of the City Attorney.

## Council Comments-Ideas, Questions and Meeting/Conference Reports

### 1. Report Back

- a. Member Steve Cohn
  1. Review COPS Program as part of the Budget Process
- b. Member Robert King Fong
  1. Staff recommendations for how to pursue a larger investigation into the FEMA issues that were presented to Mayor/Council in the January 26, 2010 report (Item 13).
- c. Mayor Kevin Johnson
  1. Council review of a Charter Reform Package for June 2010 Ballot including: 1) Executive Mayor modified from the Strong Mayor Initiative; 2) adoption of an Independent Budget Analyst Ordinance instead of putting it on the ballot; 3) creation of an Ethics Committee, 4) inclusion of Term Limits for Mayor and Council; and 5) voter reapproval of reform (also known as a sunset).

### 2. Board/Commission Appointments

**None**

**Adjourned** at 10:00 pm in Memory of Bill Bean Jr.