

MINUTES

OF THE

SACRAMENTO CITY COUNCIL  
REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO  
HOUSING AUTHORITY OF THE CITY OF SACRAMENTO  
ECONOMIC DEVELOPMENT COMMISSION  
SACRAMENTO CITY FINANCING AUTHORITY

REGULAR MEETING

October 13, 1998

CALL TO ORDER

The Regular Meeting of the Sacramento City Council was called to order by Mayor Serna at 2:05 p.m. on the above date in the City Council Chamber located at 915 I Street.

ROLL CALL

**Present:** Councilmembers Cohn, Hammond, Kerth, Pannell, Steinberg, Waters, Yee and Mayor Serna

**Absent:** Councilmember Fargo

1.0 **CONSENT CALENDAR** (Items 1.1 through 1.10)

A motion was made by Councilmember Kerth, seconded by Councilmember Yee, to waive the reading and adopt the Consent Calendar, Items 1.1 through 1.10. The motion carried with a 7-0 vote, with Councilmembers Fargo and Cohn being absent.

Public Review Items - Informational Only

None

Sacramento Housing and Redevelopment

None

City Council

- 1.1 Resolution of Intention for abandonment of Capitol Avenue from 15th Street to 17th Street and two alleys within the State of California's "East End Office Project" - located on Capitol Avenue from 15th Street to 17th Street and the two alleys north of Capitol Avenue from 15th Street to 17th Street, abandonment proceedings No. AP98-02; establish a hearing date of December 1, 1998, at 2:00 p.m. (D-1,3,4)

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Adopted Resolution 98-512.

RESOLUTION NO. 98-512

RESOLUTION OF INTENTION TO ABANDON CAPITOL AVENUE FROM 15TH STREET TO 17TH STREET AND TWO ALLEYS WITHIN THE STATE OF CALIFORNIA'S "EAST END OFFICE PROJECT" WITHIN COUNCIL DISTRICTS 1,3, & 4.

- 1.2 Crocker Art Museum Director Funding Agreement. (D-3)
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Adopted Resolution 98-513 approving Agreement 98-171.

RESOLUTION NO. 98-513

CROCKER ART MUSEUM DIRECTOR FUNDING AGREEMENT

- 1.3 Approval of parcel map entitled "Continental Plaza" (P97-108), located at 591 North 7th Street. (D-1)
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Adopted Resolution 98-514.

RESOLUTION NO. 98-514

APPROVING PARCEL MAP ENTITLED "CONTINENTAL PLAZA" (P97-108)

- 1.4 *Discovery Centre* - Ordinance amending the districts established by the Comprehensive Zoning Ordinance No. 2550, Fourth Series, as amended, by rezoning 13.6± developed acres from Heavy Industrial-Central Special Planning District (M-2-C SPD) to Office Building Planned Unit Development Special Planning District (OB PUB/SPD) for the property located at 300 Richards Boulevard (P97-037) (APN: 001-0210-027, 029 & 001-0040-036). (D-1)
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Passed for publication of title and continued to October 20, 1998 at 2:00 p.m.

- 1.5 Display Way Assessment District #96-04 (PN:42AD), located northeast of Display Way and Taylor Street. (D-2)  
A. Approve Change Order No. 2 in the amount of \$48,493.06 with R.C. Collet, Inc.; and  
B. Ratify the City Manager's execution of a previous change order.
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Adopted Resolution 98-515.

RESOLUTION NO. 98-515

RESOLUTION APPROVING CHANGE ORDER NO. 2 FOR DISPLAY WAY PROJECT (PN:42AD)

- 1.6 Resolution annexing a portion of 2nd Avenue into the U.C.D. Medical Center Residential Permit Parking Area, located on 2nd Avenue from 42nd Street to San Jose Way. (D-5)
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Adopted Resolution 98-516.

RESOLUTION NO. 98-516

A RESOLUTION ANNEXING A PORTION OF 2ND AVENUE INTO THE U.C.D. MEDICAL CENTER RESIDENTIAL PERMIT PARKING AREA

- 1.7 State Superfund Law and Remediation of Union Pacific Curtis Park Railyard Site located Citywide and area bounded by Portola Way, 24th Street, Sutterville Road and Union Pacific Railyard. (D-All)

Adopted Resolution 98-517.

RESOLUTION NO. 98-517

A RESOLUTION RELATING TO HAZARDOUS WASTE CLEANUP OF THE UNION PACIFIC RAILYARD

- 1.8 Request to open an application period for the Citizens Advisory Committee for Parks and Recreation due to two vacant positions and one term expiration for K. Abreu - and insufficient applications previously received. (D-All)

Application period opened; applications due October 30, 1998.

- 1.9 Request to reopen an application period for the Transportation Programming Guide Community and Advisory Committee due to the November 7, 1998 term expirations scheduled for T. Sandoval, R. Tomach, W. Seifert, C. Zell, S. Rooney, H. O'Mara, P. Wedge, C. Brown, L. Pereira, E. Cox and one vacant position - and insufficient applications previously received.

Application period opened; applications due November 13, 1998.

- 1.10 53rd and Folsom Boulevard Rezone - Ordinance amending the districts established by the Comprehensive Zoning Ordinance No. 2550, Fourth Series, as amended, by removing 0.09± partially developed acres of property located at 5230 Folsom Boulevard from the Standard Single Family (R-1) Zone and placing the same in the General Commercial (C-2) Zone (P97-126) (APN: 008-0433-022). (D-3)

Passed for publication of title and continued to October 20, 1998 at 2:00 p.m.

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2.0 SPECIAL PRESENTATIONS/GENERAL COMMUNICATIONS

- 2.1 Proclamation declaring October 18-24, 1998 as Business, Government and School Partnership Week.

Mayor Serna presented the Proclamation, which stated that partnerships among schools, business, and government provide opportunities for sharing expertise and resources for the benefit of children, are a cost-effective way to enhance education and provide positive role-models for children, and can influence positively the development of a

well-trained work force.

John Kehoe, immediate past president of the Board of the Citizenship & Law-Related Education Center, was present to receive the Proclamation, along with Dr. Joseph Maloney, Executive Director. Mr. Kehoe advised that on October 23, 1998, 200 government and business leaders are joining in to be principals for a day at area schools.

Councilmember Waters commented that it was not possible for Councilmembers to attend Tuesday functions due to the regularly scheduled Council meetings, even though they may wish to attend. Mr. Kehoe advised that scheduling was driven by the School Superintendent, but he would look into the possibility of changing from Tuesdays in the future.

## 2.2 Hope Awards - celebrating steps to ending hunger.

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The Hope Awards were distributed earlier in the day to the following winners:

John Healy - California Emergency Foodlink  
McClellan AFB Food Closet  
Raley's Food for Families  
Cindy Muscat - Mother/Baby Program, Sacramento Food Bank Services  
Armando Canales, Centro Guadalupe  
Tiney Simon - North Highland Christian Food Ministry  
Noah's Bagels - 1901 J Street location

### Honorable Mention Recipients:

Janet Hill - Sacramento County WIC  
Deborah Schmidt - Folsom Cordova Unified School District  
South Sacramento Christian Center Area 6 Hunger Programs  
New Testament Women's Mission Union  
Joseph Ansboro

Lakshmi Sreenivosan, U.C. Cooperative Extension, expressed her thanks to the Mayor, Council, and Shirley Concolino, Office Manager for the Mayor/Council Office, for their support. Winners and participants in the program provide such services as feeding the hungry and assisting with medical transportation.

Donna Zick, Program Manager for the Sacramento City/County Hunger Commission, applauded the winners for their innovative ideas and solutions provided for the betterment of the community.

## 2.3 Recognition of the Matsuyama, Japan delegation

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Mayor Serna and the City Councilmembers welcomed the delegation.

The host leader introduced all members of the group individually. (Names were not available at the time of this writing). The youngest member of the group celebrated his 33rd birthday on Monday, October 12th.

The leader of the delegation expressed his appreciation of the opportunity to visit Sacramento, and distributed gifts to the Mayor and Council.

Mayor Serna commented that he was delighted to have the delegation here, and hoped they had enjoyed their visit to Sacramento. Mayor Serna added that he had visited Matsuyama with Councilmember Yee, and urged the delegation to please consider Sacramento their second home.

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3.0 PUBLIC HEARINGS

- 3.1 *Del Paso Boulevard Rezone* - ordinance amending the districts established by the Comprehensive Zoning Ordinance No. 2550, Fourth Series, as amended, by removing property located on 2546 Del Paso Boulevard in the North Sacramento Community Plan area from the Residential (R-1) and General Commercial (C-2) Zone and placing the same in the General Commercial - Review (C-2R) Zone or more restrictive zone. (P98-050) (APN: 265-0252-012) [PFP'd 9/22/98, item 1.14] [continued from 10/6/98, item 3.2] (D-2)

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There was no discussion on this item.

A motion was made by Councilmember Kerth, seconded by Councilmember Yee, to close the hearing and adopt Ordinance 98-041. The motion carried with a 7-0 roll call vote.

ORDINANCE NO. 98-041

AN ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED, BY REMOVING PROPERTY LOCATED ON 2546 DEL PASO BLVD. IN THE NORTH SACRAMENTO COMMUNITY PLAN AREA FROM THE RESIDENTIAL (R-1) AND GENERAL COMMERCIAL (C-2) ZONE AND PLACING THE SAME IN THE GENERAL COMMERCIAL - REVIEW (C-2R) ZONE OR MORE RESTRICTIVE ZONE. (P98-050) (APN: 265-0252-012)

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4.0 STAFF REPORTS

- 4.1 Year-End Report by CADA. (D-All)

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Andy Plescia, CADA Development Services Director, presented the report.

Mr. Plescia advised that this was the 20th Anniversary of CADA. The Capital Area Plan was updated in July, 1997. When the mid-year report was transmitted in February, CADA reported on the passage of AB 666 and SB 1270. The passage of this legislation ushering in CADA's 20th year was significant. In CADA's first 20 years, the blight into which the Capitol Park Neighborhood had fallen in the sixties and early seventies was reversed. To take the area to its next plateau of revitalization, however, new tools were needed. These pieces of legislation provide some of those tools. AB 666 provides CADA the option of offering fee-simple ownership for residential projects. SB 1270 signals the private sector of the State's commitment to state

office buildings in the Capitol Area, and a continued commitment to housing opportunities as well. This is needed to attract higher quality private development.

Change is not always easy: the simultaneous passage of both of these pieces of legislation will result in significant drops in CADA's property management and development ground lease revenue streams before the replacement revenue stream of tax increment from new development is realized. This means that CADA must continue to maintain its neighborhood stabilization, development and mandated affordability programs with reduced funds.

Mr. Plescia commented that CADA had a good year, with only a 3% vacancy level on rentals. He attributed this to the good condition of the downtown housing market. Mr. Plescia advised that progress was being made in the development side of CADA, including major development projects at R Street between 11th and 12th. CADA is encouraged by the initial private sector response. Efforts continue to rehabilitate the hotel at 16th and N Streets. It is anticipated that property management revenue will sustain the decrease over the next two years.

Councilmember Cohn commented that CADA was doing an excellent job, that exciting things were happening there. Mr. Plescia appreciated his approval, saying he would take the comments back to CADA.

Councilmember Steinberg commented regarding the financial implications to CADA related to the East End Project, saying it was his understanding that Assemblywoman Ortiz had sponsored legislation which would enable CADA to add housing. Mr. Plescia affirmed that, noting that 51 units would be removed to make way for the East End Project, but more would be added when the project is complete.

Mayor Serna established with Mr. Plescia that proposals for the CADA warehouse project are due on November 16, 1998.

For Council information; received and filed.

- 4.2 Approval of Cooperative Agreement with Granite Partners, approval of plans and specifications, appropriation of funds, rejection of all bids, suspension of competitive bidding and approval to enter into negotiations with FCI Constructors for the Power Inn/Rt Grade Separation Project (PN:TM21/ZG26), located on Power Inn Road south of Folsom Boulevard. [~~requires two-thirds vote~~] (D-6)

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Ken Grehm, Project Manager, Public Works, presented the report.

Staff recommends the above actions, and the adoption of the Resolution which appropriates \$8,020,000 to the project, including a \$4,000,000 loan from the Measure A State Highway Account, and to authorize the City Manager to award the contract, upon completion of the negotiations, to FCI Constructors, in an amount not to exceed \$7,722,306.

The proposed project will lower Power Inn Road underneath the existing heavy and light rail track just south of Folsom Boulevard. Approval of an Agreement with Granite Partners is required to allow drainage to the Granite Park site and funding appropriations are necessary to construct the project.

Mr. Grehm explained that the project is a joint City and Regional Transit project. Regional Transit is paying \$2,425,000 and the City will fund the remaining costs. The project includes construction of an underpass and bridges to accommodate train and pedestrian traffic and other related improvements. The improvements complement and support findings of the Southeast Area Transportation Study by allowing the widening of Power Inn Road to a six-lane facility in the future.

Approval of the Cooperative Agreement with Granite Partners is necessary to transport street drainage in the underpass to the Granite pit site. In exchange, the City will pay 6.27% of the future drainage improvement costs, not to exceed \$300,000, in the Granite Park basin. The City benefits by not having to construct and maintain a new pump station in the underpass and instead helping to pay for infrastructure that will eventually benefit the future Granite Regional Park.

The project was one of two City projects receiving funds from the 1998 State Transportation Improvement Program. Approval of the Program Supplement, when received, will allow the City to receive \$4,000,000 from the State.

For a bid summary, please see page 3 of the staff report.

The construction estimate was \$7,000,000.

Two days after the bids were opened, the low bidder, FCI Constructors (FCI), notified the City of an error in calculating one bid item that resulted in the omission of \$386,100 from FCI's bid and requested relief from its bid pursuant to Public Contract Code Sections 5101 and 5103. FCI has indicated that they can perform the contract if allowed to correct the error, which would raise their bid amount from \$7,336,205.10 to \$7,722,305.10. The City has four possible courses of action:

1. Award the contract to FCI at its (uncorrected) bid price.
2. Grant FCI relief from its claimed bid error by releasing FCI from its bid, then awarding the contract to the second lowest bidder.
3. Reject all bids and then re-bid the contract pursuant to City Charter Section 203 and City Code Sections 58.03.304 and 58.03.306.
4. Reject all bids, then suspend competitive bidding in the best interest of the City (requires 2/3 vote) and authorize the negotiation of a contract with FCI, pursuant to City Charter Section 203 and City Code Sections 58.03.304 and 58.04.401.

Mr. Grehm stated that staff recommends against the first three options. The first option is not recommended because staff believes that FCI has adequately demonstrated that its claimed bid error resulted from an inadvertent mistake and was not intentional, so that it would be unfair to require performance at the uncorrected price. Options 2 and 3 are not recommended because there are currently no funds available to award the project to the second lowest bidder at an additional cost of over \$1,000,000 and re-bidding the project could delay project completion from the year 2000 until 2001 and cause additional right-of-way costs due to the expiration of temporary construction easements in the year 2000.

Option 4 (above) will allow construction to proceed quickly and at the lowest possible cost. There is no reason to believe that we will receive a lower bid if the project is re-bid. For these reasons, Option 4 is recommended as the course of action that is in the best interest of the City.

Mayor Serna inquired as to whether this was a process problem?

Deputy City Attorney Joe Robinson advised that a bidder is entitled to provide timely notice if he/she can prove an inadvertent error. Staff feels it is best to proceed with Option 4. For formally bid Public Works contracts, Chapter 58.10 of the City Code requires that any bidder seeking to protest a City staff recommendation to reject one or more bids, or to award a contract to a particular bidder, must file a written bid protest with the City Clerk within five days of receiving notice of staff's preliminary recommendation for award or action. Only bid protests that comply with this or other bid requirements in Chapter 58.10 are subject to consideration by the City Council. The requests for bids for this contract did contain a provision notifying bidders of this requirement. On this contract, no formal bid protests were received by the City Clerk. The Department of Public Works and the City Attorney's Office did receive letters from the attorneys representing the second and third low bidders, expressing their concerns regarding making award to the low bidder, and they may well express those concerns to City Council today.

Mr. Robinson stressed that such testimony does not constitute a formal bid protest because there was no compliance with Chapter 58.10, and under those provisions, at this time no bidder may institute a bid protest.

Mayor Serna established with Mr. Robinson that no bid protests were filed within the provisions of Chapter 58.10. Further discussion affirmed that the error was inadvertent, that a delay would increase costs, and that staff always has the option to reject all bids.

Councilmember Hammond advised that a project in her district was delayed due to bids; she wanted assurance from FCI that they would hire locally if the City Council opts to go forward with their bid.

Councilmember Steinberg commented that the labor community had raised legitimate questions; he stressed the need for balance in 1) maintaining the integrity of the bid process; 2) considering the cost to the City; 3) considering the timeliness of the process; and 4) he urged that staff report back regarding the construction of a policy to address this type of circumstance. Mr. Steinberg urged proceeding with the project.

Councilmember Yee agreed that this appears to be an honest error. In lieu of developing a policy, he looked at the real costs, which he felt were reasonable for dumping fees for excavation. Mr. Yee urged acceptance of the staff's recommendation, noting that even with the additional cost for FCI, their bid was still lower than the second-lowest bidder.

Councilmember Cohn consulted with Mr. Robinson, determining that the procedure was legal under the Charter and the City Code. Mr. Cohn asked whether this item would be coming back to the City Council, or is Council to approve it today? Mr. Grehm replied that staff was seeking authority to award the bid within the amount of the bid. Mr. Cohn established with Mr. Grehm that staff would negotiate for the lower fee for excavation dumping. Mr. Yee commented that this amount is still \$1 million less than that of the second bidder; he urged that



staff secure a performance bond, which would provide assurance that in case of default the project would be completed.

Mayor Serna established with Mr. Robinson that Option 4, suspension of competitive bidding and award of the contract to FCI, would require a two-thirds vote.

#### PUBLIC TESTIMONY

Donald Harmata, Attorney representing Syblon Reid Construction, advised that in the City's bid invitation, the next-to-last paragraph states that "the undersigned has checked carefully all of the foregoing figures and understands that the City of Sacramento will not be responsible for any errors or omissions on the part of the undersigned in making up this bid proposal". Mr. Harmata's position was that staff was fully briefed as to legal ramifications before staff took any action after opening the bids. Since staff proceeded with the recommendation to suspend competitive bidding and award the contract to FCI, in spite of being informed, the second and third low bidders felt it would be futile to protest to the same people. The California Supreme Court relieves protestors of the obligation to respond to such staff when the bidder feels staff is unresponsive, in instances such as this. Mr. Harmata objected to allowing the additional bid amount into FCI's bid; he stated that the law is clear that a contract is invalid when one bidder is given an advantage over another.

Mr. Cohn asked whether Mr. Harmata's client would be willing to negotiate at the top price of \$7.7 million if the City Council opted to revise the staff recommendation and allow negotiations with the second and third low bidders? Mr. Harmata's response was negative; his client was only willing to bid at the amount already submitted with his original bid.

Don Reid, President of Syblon Reid Construction, wanted to see the award to the lowest bidder or rejection of all bids. Mr. Reid indicated that his company would have to redesign the project or revise constraints @ \$7.7 million. Mr. Cohn indicated a willingness to negotiate with other parties than FCI if others were willing to negotiate @ \$7.8 million, for the same value return on the work. Mayor Serna asked if we could do that without redesigning the project? Mr. Cohn clarified the question to be whether it would be possible to negotiate with responsible bidders with a cap set at \$7.9 million; Mr. Robinson affirmed that that could be done, with the caveat that negotiations with all bidders were on the basis of the same specifications.

Mr. Yee recalled that Mr. Reid had stated he would not re-bid unless the project were redesigned. Mr. Harmata stated that the basic requirements for this project were clear; the second and third bidders turned in bids estimated on actual costs. His client believes the FCI bid to be too low, unrealistic.

Mr. Yee again urged staff to obtain a performance bond. Further discussion established Mr. Reid's position that he would not re-bid at \$7.7 million. Mr. Yee supported staff's recommendation. Mayor Serna requested a yes-or-no answer from the other contractor.

Chuck Schaller, Syblon Reid, replied negatively, saying that the true cost as designed is greater than \$7.7 million. Mr. Schaller believed that the assumption by staff that the FCI bid is lowest is wrong; the final tally would be achieved through change orders, etc. He felt that the final cost would be closer to \$9+ million, as estimated by

the other bidders. Mr. Grehm interjected that the bid process works; he commented that any bidder whose bid was greater than Mr. Reid's would argue in the same way. Mr. Schaller commented that the right plan would lower the cost at the outset.

Mayor Serna established with Mr. Grehm that staff had done reference checks on FCI to the extent that they are a large company which had experience in doing this type of project. The Mayor related the recent associated costs for a Loaves and Fishes project.

Mr. Steinberg observed that Syblon Reid can't meet the low bid amount. He did not wish to delay the project. Mr. Steinberg asked what gave staff the confidence that FCI's bid is both reasonable and legitimate? Mr. Grehm responded that FCI's bid was close to the staff estimate.

Ms. Hammond commented that she had heard Syblon Reid had nothing but local subcontractors, but that was not true. Mr. Schaller advised that Syblon Reid had mostly local subs, that he had misspoken. Ms. Hammond indicated that she would support staff's recommendation to award the contract to FCI, so long as they promise to hire local labor.

Mr. Yee questioned what was meant by the earlier comment "the right plan for the project"? Mr. Schaller responded that he was referring to a plan of attack to build the project. Mr. Yee established with Mr. Grehm that staff had used a private consultant to estimate the cost of the project.

Mr. Reid advised that if this contract was awarded to FCI, that would mean that approximately 70% of contracts since August, 1998 have been awarded under "suspension of competitive bidding". Mr. Reid commented that this action was in direct contradiction to California's Public Contract bidding laws. He urged Council to either reject all bids or award the contract to the lowest responsible bidder. Mr. Yee commented that these projects all went out with competitive bidding to begin with. Deputy City Attorney Robinson advised that one of the largest recent projects involved a MBE subcontractor who had allowed his certification lapse; the 70% figure skews the estimates because of that. In one instance, the suspension of competitive bidding occurred because a specialty bidder was required.

Bob Hamilton, District Manager for the Delta Sierra District of the Association of General Contractors, reaffirmed, saying he was opposed to any suspension of competitive bidding and that the contract should be awarded to the lowest responsible bidder.

Michael Justice, Sacramento Builders Exchange, urged staff to adhere to the California contracting laws. Mr. Justice's position was that we would be in violation of the law if we continue to negotiate with FCI, that such action evades public bidding requirements.

Cedric Porter, Laborers Local #185, commented regarding the use of local subcontractors, pointing out that consideration must be given to the fact that the use of local subcontractors plows money back into the local economy. Mr. Porter urged that an incentive program be developed to encourage local subcontractors to participate.

Mayor Serna noted that there was some City Council sympathy toward the hiring of local subs; he requested a report back as to whether the City has the discretion to hire local labor legally? Mr. Yee had the same question.

Dain Domich, Chair of the Power Inn TMA, affirmed his support of the project, which he deemed both complex and ambitious. He urged the City Council to use its own best judgement in the awarding of the contract.

Maurice Reed, representing the Sacramento Sierra Building and Construction Trades Council, felt that this was a good time to look at the City bid process. He added that people must have faith in the City's fairness as to the bid process. Mr. Reed supported the pre-qualification of bidders. He stated that some will not bid because they feel there is not a level playing field.

Mayor Serna asked whether the City Ordinance was in conformance with the State's bidding law? Mr. Robinson advised that we are bound by our Charter and Title 58, not the Public Contract Code. The City of Sacramento utilizes some provisions of the State code, but the Charter and Title 58 permit the City Council to allow suspension of competitive bids in case of minor irregularities. Mayor Serna established with Mr. Robinson that Charter cities, such as Sacramento, have more discretion in this area than do General Law cities.

A motion was made by Councilmember Steinberg, seconded by Councilmember Hammond, to adopt Resolution 98-518 approving Agreement 98-172.

Mr. Steinberg observed that this is a major project in District 6; he referred to the SEAT project, noting that there will be short-term pain for long-term gain. Mr. Steinberg urged City Council's support, noting that the project will aid businesses in the area. He stressed the need to balance the three factors he alluded to earlier in today's discussion.

The motion carried with an 8-0 roll call vote, with Councilmember Fargo being absent.

RESOLUTION NO. 98-518

RESOLUTION AUTHORIZING APPROVAL OF COOPERATIVE AGREEMENT, APPROPRIATION OF FUNDS IN AN AMOUNT OF \$8,020,000, REJECTION OF BIDS, SUSPENSION OF COMPETITIVE BIDDING AND AUTHORIZE THE CITY MANAGER TO ENTER INTO CONTRACT NEGOTIATIONS AND AWARD THE CONTRACT TO FCI CONSTRUCTORS, IN AN AMOUNT NOT TO EXCEED \$7,722,306, UPON COMPLETION OF THE NEGOTIATIONS FOR THE POWER INN/RT GRADE SEPARATION PROJECT (PN:TM21)

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5.0 S.H.R.A.

None

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6.0 COUNCIL IDEAS AND QUESTIONS

6.1 Councilmember Cohn advised that there would be a special train on Thursday, October 15, 1998 to commemorate the turnover of the Capital Corridor from the State of California to the Capital Corridor Joint Policy Board. Mr. Cohn invited all present and interested members of the public to attend. The train will stop in Sacramento at 10:00 a.m., and will travel from Colfax to San Jose. Mr. Cohn added that he and Councilmember Kerth represent the Sacramento area as RT team members on that Board.

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7.0 CITIZENS ADDRESSING COUNCIL (MATTERS NOT ON AGENDA)

7.1 Tim Fallis, representing the ADA community, praised the City and the Council for its efforts in improving ADA accessibility in the Sacramento community. Mr. Fallis expressed concerns about the need to remove barriers for the disabled in regard to new construction. He believed that problems could be avoided if more attention were given to ADA requirements during the planning/construction phase. Mr. Fallis observed that current Code Enforcement and/or Planning procedures appear to be inadequate to enforce ADA laws when plans for new construction are submitted.

Mayor Serna agreed that ADA lift installation in a specific instance with a local company should have been caught earlier in the code or planning process, since there is a mezzanine floor in the building. The Mayor requested a report back from the City Manager on ADA compliance in the City. Mr. Fallis commented that the City has the responsibility to mandate ADA compliance.

Councilmember Waters suggested that a check list be used during the construction process, including such items as grab bars in rest rooms, second-floor lifts, etc.

Councilmember Cohn commented that the particular local business in question is a one-story restaurant; it is likely that someone thought a lift was not needed.

Councilmember Hammond advised that in this instance, a variance was granted; she stressed that all establishments must be made ADA accessible.

Mr. Fallis suggested the inclusion of ADA-concerned people during the process, which would help to avoid problems in the beginning, as well as reduce or eliminate later costly litigation to local businesses who are not in compliance.

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8.0 RECESSED INTO CLOSED SESSION AT 3:45 P.M.

- 8.1 Pursuant to Government Code Section 54956.9(a):
- A. For matters pertaining to pending litigation: Mountain Lion Foundation, et al., vs. California Dept. of Fish and Game, et al; City of Sacramento Real Party in interest, Superior Court Case #98CS01131.
  - B. Patrick Dowden vs. City of Sacramento, et al, Sacramento Superior Case Number 98AS04996.
- 8.2 Pursuant to Government Code Section 54957 for personnel matters pertaining to the appointment of the City Manager.

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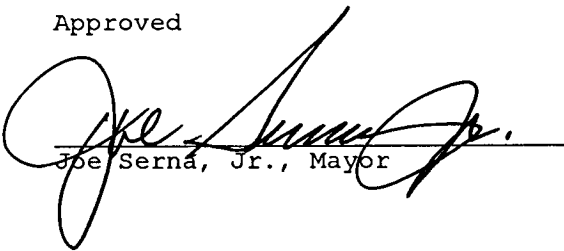
ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 5:00 p.m.

Submitted

  
Valerie A. Burrowes, City Clerk

Approved

  
Joe Serna, Jr., Mayor