

MINUTES

OF THE

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

REGULAR MEETING

March 28, 1996

CALL TO ORDER

The Regular Meeting of the Sacramento City Council was called to order by Mayor Serna at the hour of 2:03 p.m. on the above date in the City Council Chamber located at 915 I Street.

ROLL CALL

Present: Councilmembers Cohn, Fargo, Kerth, Ortiz, Waters, Yee and Mayor Serna

Absent: Councilmembers Pannell and Steinberg

1.0 CONSENT CALENDAR (Items 1.1 through 1.12)

A motion was made by Councilmember Waters, seconded by Councilmember Yee, to waive the reading and adopt the Consent Calendar, Items 1.1 through 1.12. The motion carried with a 6-0 roll call vote, with Councilmembers Fargo, Pannell, and Steinberg being absent.

Public Review Items - Informational Only

None

Sacramento Housing and Redevelopment

None

City Council

- 1.1 Approval of Supplemental Agreement #3 to HB & T Environmental for the Rehabilitation of the Memorial Auditorium (CMAG 95-046), located at 1515 "J" Street. (D-1)
-

Adopted staff recommendation to approve supplemental agreement.

- 1.2 Authorization to suspend competitive bidding and increase contract with Mars Company, Ocala, Florida, for Water Meter Test Benches for a total amount of \$52,854.97. (requires two-thirds vote) (D-All)
-

Adopted Resolution No. 96-128.

RESOLUTION NO. 96-128

A RESOLUTION SUSPENDING FORMAL COMPETITIVE BIDDING FOR THE PURCHASE OF WATER METER TEST BENCHES AND INCREASING THE CURRENT CONTRACT TO A TOTAL AMOUNT NOT TO EXCEED \$52,854.97

- 1.3 Bid #1697 Blueprinting, Reprographics, and Associated Services - adopt specifications and award bid to Century Graphics for a total amount of \$300,000. (D-All)
-

This item was continued to April 2, 1996.

- 1.4 Bid #1694 Selective Catalytic Reduction (SCR) Systems for Diesel Generators - adopt specifications and award bid to Melrose Metal Products, Inc. for a total amount of \$225,405. (D-All)
-

Adopted staff recommendation.

- 1.5 Truxel Road Interchange at Interstate 80 Project (PN:TH43/TH44) - approval of consultant services agreement for construction management services with Parsons Brinckerhoff Construction Services, Inc. in the amount of \$993,378. (D-1)
-

Adopted staff recommendation approving Agreement No. 96-040.

- 1.6 Reject all bids for the E. A. Fairbairn Water Treatment Plant Project (ZE91), located at 7501 College Town Drive. (D-6)
-

Adopted staff recommendation.

- 1.7 Authorization to execute an agreement between the City and Sacramento Area Commerce and Trade Organization (S.A.C.T.O.) in the amount of \$53,276 for services to the City. (D-All)
-

Adopted Resolution No. 96-119 approving Agreement No. 96-041.

RESOLUTION NO. 96-119

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENT BETWEEN THE CITY AND THE SACRAMENTO AREA COMMERCE AND TRADE ORGANIZATION (S.A.C.T.O.) FOR FISCAL YEAR 1995-96

- 1.8 Ordinance authorizing the establishment of minimum design requirements for development projects of a specified size, type or location. (PFP'd 3/19/96, item 1.8). (D-All)

Adopted Ordinance No. 96-007.

ORDINANCE NO. 96-007

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF MINIMUM DESIGN REQUIREMENTS FOR DEVELOPMENT PROJECTS OF A SPECIFIED SIZE, TYPE OR LOCATION

- 1.9 Request to re-open the application period for the Parks and Recreation-Citizens Advisory Committee, due to insufficient applications. Six openings due to the May 20, 1996 term expirations scheduled for Sukhdev Rye, Selby Fermer, Linda Haxel, Cheryl Zeh, James Bacchini, and Barbara Grachen. (Planning Areas: 2,6,7,8,9,10)

Application period open; applications due April 26, 1996.

- 1.10 Request for assistance from the United States Department of Housing and Urban Development to address problems in Franklin Villa, located in Franklin Villa Subdivisions, bordered by Franklin Boulevard, Brookfield Drive and Morrison Creek. (D-8)

Adopted Resolution No. 96-120.

RESOLUTION NO. 96-120

RESOLUTION REQUESTING ASSISTANCE FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ADDRESS PROBLEMS IN FRANKLIN VILLA

- 1.11 Nominations to the East Del Paso Heights Target Area Committee: Charlie Hammitt, Jr., Bill Maynard and Nellie Sakakihara. (D-2)

Continued to April 2, 1996 for confirmation.

- 1.12 Nomination of Patrick Stone to the Solid Waste Advisory Committee [Environmental category]. (D-All)

Continued to April 2, 1996 for confirmation.

* * * * *

2.0 SPECIAL PRESENTATIONS/GENERAL COMMUNICATIONS

- 2.1 Certificate of recognition and appreciation on the retirement of Virginia Marsh, a volunteer with the "Old City Cemetery". (D-4)

Mayor Serna read the Resolution commending Mrs. Marsh for her ten years of outstanding volunteer service, citing her accomplishments in organizing and categorizing cemetery records and headstones, and creating a master index.

Mrs. Marsh expressed her gratitude to all who gave of their time and energy to work for the preservation of the cemetery, recognizing its historical value.

Councilmember Yee extended his personal thanks to Mrs. Marsh and the other volunteers, stressing the value of the cemetery as an asset to the community.

* * * * *

3.0 PUBLIC HEARINGS

- 3.1 1996 Conflict of Interest Code review and update for City Departments and Boards and Commissions. (D-All)

A motion was made by Councilmember Cohn, seconded by Councilmember Waters, to close the hearing and adopt Resolution No. 96-121. The motion carried by a vote of 6-0, with Councilmembers Kerth, Pannell, and Steinberg being absent.

RESOLUTION NO. 96-121

RESOLUTION AMENDING THE CITY OF SACRAMENTO'S CONFLICT OF INTEREST CODE FOR DESIGNATED DEPARTMENT EMPLOYEES AND BOARD AND COMMISSION MEMBERS BY REPEALING RESOLUTION 95-125, AND INCORPORATING ALL PROVISIONS OF SUCH RESOLUTIONS AND ANY ADDITIONAL AMENDMENTS HEREIN

* * * * *

4.0 STAFF REPORTS

- 4.1 Public-private partnership with Barclay Mapworks, Inc. for the purpose of GIS (Geographic Information System) data sales (cont. from 3/19/96, item 4.2). (D-All)

Dennis Ybarra spoke in response to three legal issues raised by Council at the March 19th meeting:

* The involvement of the City Attorney's office had been extensive during the initiation of the planned partnership with Barclay Mapworks, Inc., therefore the agreement did not require competitive bidding.

* The second point in question was concern that the agreement would overly restrict the City's management of its own data. Mr. Ybarra assured Council that there is specific language in the contract which allows the City to use anything necessary to conduct its business.

* The third point addressed the issue as to whether the agreement with Barclay is consistent with the Public Records Act. Mr. Ybarra said there is language in the Act which specifically exempts computer mapping systems, thus there is no conflict.

Councilmember Yee inquired as to the length of the proposed agreement, and if there were similar agreements in place with other principalities. Mr. Ybarra responded that the agreement is for five years, and if there were no problems, extendable to ten years. He said there is a successful Barclay's partnership in place with Santa Clara County, and that the agreement the City has worked out with Barclay's is superior to that one.

A motion was made by Councilmember Fargo, seconded by Councilmember Kerth, to adopt Resolution No. 96-122 approving Agreement No.96-042. The motion carried by a 7-0 vote, with Councilmembers Pannell and Steinberg being absent.

RESOLUTION NO. 96-122

RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AN AGREEMENT WITH BARCLAY MAPWORKS, INC., FOR THE MARKETING OF THE CITY'S GIS DATA BASES AND THE APPROPRIATION OF REVENUES THEREFROM TO THE GIS CAPITAL PROJECT

- 4.2 Sacramento Northern Railroad Bikeway Landscape Enhancements, located from Colfax Street to Robla Creek: (D-2)
- A. ratify Negative Declaration and the filing of a Notice of Determination;
 - B. suspend competitive bidding and award \$139,262 to the Sacramento Tree Foundation, and \$89,368 to the Sacramento Local Conservation Corps (two-thirds vote required);
 - C. waive the requirement to pay prevailing wages. (PFP'd 3/5/96, item 1.10)

Victor Edmisten, Parks and Recreation Manager, said the Sacramento Northern Bikeway is 7.5 miles in length and extends from North B Street in downtown Sacramento to M Street in Rio Linda. The scope of this project is to provide landscape planting, an irrigation system, bicycle rests with shade structures, gateways identifying neighborhoods, lighting, signing, and fencing to prevent vehicular access to the bikeway.

Councilmember Ortiz asked why Council was being asked to waive not only the prevailing wage, but also the competitive bid process, and Mr. Edmisten responded that the work was being done mostly by volunteers and youth employment. Most of the available funds were being allocated for trees and other plant life.

Councilmember Ortiz asked for clarification of funding sources, particularly the source of \$104,000 in local funds, and whether this project would move up in the CIP ranking.

Michael Matsuoka, Associate Landscape Architect, said the funds were from several sources, i.e., ICT, the Bikeway Fund, SHRA, TDA, and developer fee funds. He said the project was already programmed into the CIP budget, and was being done in ongoing phases.

Councilmember Kerth spoke in favor of the project, giving some background information to Council on the old Sacramento Northern Railroad, which originally reached all the way between Martinez and Chico. He said there is an active SNRR Restoration Society in the Bay Area which has restored a segment of the track itself and purchased and operates some old rolling stock along that section. The bikeway itself will be mostly a community-built, community-maintained project for which much enthusiasm is being generated.

A motion was made by Councilmember Kerth, seconded by Councilmember Fargo, to adopt Resolution No.96-123 awarding Agreement No. 96-043 and Agreement No. 96-044; and to adopt Ordinance No. 96-008. The motion carried by a vote of 7-0, with Councilmembers Pannell and Steinberg being absent.

RESOLUTION NO. 96-123

RESOLUTION RATIFYING THE NEGATIVE DECLARATION, SUSPENSION OF COMPETITIVE BIDDING, AND AWARDING CONSTRUCTION CONTRACTS TO THE SACRAMENTO TREE FOUNDATION IN THE AMOUNT OF \$139,262 AND TO THE SACRAMENTO LOCAL CONSERVATION CORPS IN THE AMOUNT OF \$89,368, FOR THE SACRAMENTO NORTHERN RAILROAD BIKEWAY LANDSCAPE ENHANCEMENTS PROJECT.

ORDINANCE NO. 96-008

AN ORDINANCE WAIVING THE REQUIREMENT TO PAY PREVAILING WAGES FOR TWO CONTRACTS TO CONSTRUCT SACRAMENTO NORTHERN RAILROAD BIKEWAY LANDSCAPE ENHANCEMENTS

4.3 Advertising of City bid invitations via the Internet. (D-All)

Bob Holbrook, Procurement Manager, said that a task force composed of representatives from the City, Sacramento County, SHRA, Regional Transit, and SMUD has been working in a cooperative effort to examine alternatives for electronic dissemination of public agency bid information. The task force has agreed to have the City serve as the pilot agency for advertising bids on the California State Contracts Register (CSCR) on the InterNet.

Current plans call for activation of the City's bid page before the end of the current fiscal year. If successful, the other local agencies plan to participate as well. The system may be expanded to include bids for public projects issued by the City Departments of Public Works and Utilities.

The cost will initially be \$15.50 per advertisement, which covers ad placement on the system for a two-week period. The charge is subject to annual review, and may be adjusted according to number of users and staff time required for processing.

Councilmember Yee asked what the anticipated total cost is over the period of a year, and Mr. Holbrook replied that it is expected to be less than \$1,000 - probably about \$500.

This report was for Council information only.

- 4.4 Truxel Road Interchange at Interstate 80 Project (PN:TH43/TH44) - approval of plans and specifications; approval of addendum to City Agreement 95-047; award contract to Teichert Construction in the amount of \$9,850,950.50. (D-1)
-

Ken Grehm, Associate Engineer, told Council that the Department now has all necessary approvals and right-of-way agreements, and with Council approval today, construction is to begin in April, 1996.

Terry Moore, Special Projects Manager, said the financing sources for this project were gas tax funds, and \$4.5 million in matching funds from Raley's, Coca Cola, Sanwa Bank, Gateway Truxel Partnership, Allegheny Properties, and Kings Arco Arena LTD Partnership. Mr. Moore said this is a mutually beneficial Public/Private partnership between the City and these private businesses.

Mayor Serna said this approach is a good use of cooperative efforts and funds.

Councilmember Fargo agreed that it is a good and innovative way to accomplish a project, and inquired about the landscaping efforts on the interchange, and if there would be provision made for a bikeway and walkers.

Mr. Grehm indicated that bikeway paths are planned, and the bridge will accommodate heavier light rail use eventually. In the meantime, the school district will plant the area planned for light rail and use it for ball fields until light rail is actually underway.

Councilmember Fargo asked about landscaping for the interchange, and Mr. Grehm replied that there were no plans in the budget to cover this cost, that there would be additional funds needed for landscaping. He said that property owners had been approached on that issue, but they had felt it was too costly, and wanted regional funding for the median. Mr. Grehm went on to say that Caltrans had agreed to approve the interchange landscaping, but will not contribute funding. They will sign a 20-year agreement if the City will agree to maintain the landscaping.

Councilmember Fargo expressed hesitancy to approve the plans under those circumstances.

Mayor Serna inquired as to actual cost of landscaping, and Mr. Grehm replied that the cost depended upon the level of improvement, giving a possible range of \$800,000-\$900,000, with \$300,000-\$500,000 being more typical. Without the additional funding, Mr. Grehm said that erosion-proofing using native grasses would be the only planting utilized.

Further discussion centered around the provision for a water supply to the interchange, and it was established that irrigation systems were not being installed at this time, although sleeves have been provided for the future.

Councilmembers Kerth and Fargo felt that it would be a good idea to install the water now, rather than later, and Ken Grehm said he would look into the costs of a full irrigation system vs. a partial system.

A motion was made by Councilmember Fargo, seconded by Councilmember Kerth, to adopt staff recommendations awarding Contract No. 96-016, with the understanding that staff would investigate the water options to the interchange landscaping as discussed. The motion carried by a 7-0 vote, with Councilmembers Pannell and Steinberg being absent.

- 4.5 Downtown Parking Study Report, located at I-5 Freeway to 19th Street and F Street to Capitol Avenue. (D-1,3)
-

Discussion on this item focused on the expected impact to downtown parking due to the planned construction of some projects and the completion of others, such as the Sacramento Convention Center Expansion Project, the Memorial Auditorium renovation, Cal EPA, the Federal Courthouse, the Sacramento County Data Center, and current proposals for a cinema/office complex at 13th & K Streets, and a hotel between I & J Streets at 13th.

Mel Johnson, Interim Parking Manager, introduced Vic Maslanka, of DKS Associates, a company commissioned by the City Council in September 1995 to prepare the study. Mr. Maslanka presented a comprehensive analysis which concluded that:

Currently the majority of parking (76%) is comprised of regular commuters. There are only 1400 spaces available, and the projected figures by the year 2000 clearly indicate that the demand will outstrip the supply, doubling to more than 2800 spaces.

The recommendation for the most cost-effective way to reduce parking space deficits is to encourage alternative means of transportation, as well as short-term vs. long-term parking in order to ensure adequate parking for visitors to events.

Bill Farley, Economic Development Manager, said there was no decision made to construct a garage, and that options regarding such a venture may be presented at a later date.

Councilmember Fargo felt that shuttle parking might be encouraged, such as the State operates.

Councilmember Cohn asked for figures supporting any proposed parking additions. He also wanted to know if there was any specific mention of a shuttle to service outlying hotels.

The goal as outlined is to provide seamless transportation from airport to hotel to events to shuttles.

Councilmember Cohn said the report was a good step in developing a baseline, and felt a garage should be built as a last resort. He felt it was best to encourage alternative transportation and explore other options.

Mayor Serna said consideration must be given to the impact of the proposed South area light rail, which may lessen the parking space deficit.

Councilmember Fargo asked for a report back from staff regarding the possibility of initiating a no-charge policy for downtown parking meters on Saturdays, and asked how much money was being lost (referencing the Downtown Plaza). Mel Johnson said he would report back in a month.

Councilmember Fargo said that while parking in Sacramento is still fairly reasonable, pricing increases would effect parking demand. She also felt there should be a discount for City residents who pay City taxes, and that alternative modes of travel should be encouraged for outlying commuters.

A motion was made by Councilmember Fargo, seconded by Councilmember Cohn, to adopt staff recommendations with the understanding that the items discussed will be coming back to Council. The motion carried by a vote of 6-0, with Councilmembers Kerth, Pannell, and Steinberg being absent.

4.6 Merger of Union Pacific Railroad and Southern Pacific Railroad (D-1)

Terry Moore, Special Projects Manager, urged Council to approve only conditional support of the Union Pacific merger, since the impact on City heavy rail traffic is unclear at this time.

Mayor Serna said that should the Union Pacific/Burlington Northern merger be successful, the Burlington Northern would still be routed through the mid-town area. Since this is an intense, heavy use system, this creates a problem. If the UP/SP merger is successful, most of the heavy traffic will be redirected to Southern Pacific trackage, toward the east side of the City and the valley. If the heavy rail is eliminated from mid-town, light rail could eventually extend all the way to Stockton.

Mayor Serna referenced a 1991 study which established that logistically, heavy rail removal and relocation could be accomplished. The study had indicated that the proposed change was really a Southern Pacific business decision. The mayor supported the resolution as written.

Councilmember Ortiz said she felt the resolution as drafted was acceptable, except that she wanted to strike the definition of "mid town" in the referenced section. She also questioned the urgency of reaching a decision today.

Mr. Moore said the decision must be made regarding this resolution today, because the clause concerning the 19th Street corridor must be included in the package being sent to Washington.

Councilmember Ortiz wanted to be certain that the matters under consideration were forwarded to the Union Pacific Land Use Committee, and that Regional Transit was also kept informed.

Councilmember Fargo also referred to the definition of mid-town traffic, and Mr. Moore responded that the UP/SP rail lines parallel each other to Stockton. With the merger, it will be possible to bypass to the Southern Pacific line north of the City.

Councilmember Fargo, looking at the situation as a light rail alignment, asked for clarification of Council's support or non-support of a merger of two large corporations.

Mr. Moore explained that it is unusual for a political entity to be involved in a merger decision, but that this is a unique situation because of the impact on the community.

Councilmember Cohn, the current representative for the mid-town area, stressed the safety factor for children, citing an accident involving a boy who had lost his leg when playing by the tracks last year. He also said consideration must be given to the impact of the merger and subsequent relocation of the rail traffic to the vicinity of Elvas and Moddison in River Park, which would create more traffic in those areas.

Councilmember Cohn felt there should be a condition added re: noise mitigation to the rerouted areas. Mr. Moore referenced wording currently in the resolution, section 2, which addresses that issue.

Cleve Livingston, speaking on behalf of the Grove Investment Group, expressed concern that the UP/SP merger would have a dramatic impact on City projects. Without full cooperation of UP/SP, the Richards Boulevard, 7th Street Extension, and Light Rail Intermodal Station projects would come to a standstill. Mr. Livingston asked Terry Moore to incorporate these items into the resolution.

Mr. Moore indicated that he had not wished to introduce specificity into the document, and agreed that while the Intermodal Station and 7th Street were legitimate concerns, he was concerned that there would be too many items if he began to enumerate them.

Councilmember Fargo felt it would be appropriate to make the wording very clear regarding the implementation of in-place plans in the "whereas" section of the resolution. Mr. Moore agreed to include 7th Street and the Intermodal Station in the revision.

Ted Kobey, Deputy City Attorney, cautioned Mayor Serna against voting on any material relating to the UP yards MOU at Curtis Park, since the mayor's residence is in that area.

This necessitated two separate motions in order to adopt the resolution.

A motion was made by Councilmember Cohn, seconded by Councilmember Fargo, to adopt the resolution as amended, excluding reference to UP Yards MOU at Curtis Park. The motion carried by a 7-0 vote, with Councilmembers Pannell and Steinberg being absent.

Councilmember Ortiz requested that Mayor Serna not participate in the vote on the second motion, because of his residential conflict.

A motion was made by Councilmember Ortiz, seconded by Councilmember Fargo, to adopt the resolution and include UP Land Use Committee, Memo Of Understanding, and all other materials reflecting the agreement thus far between UP and the City. The motion carried by a 6-0 vote, with Mayor Serna abstaining and Councilmembers Pannell and Steinberg absent.

- 4.7 Historic City Cemetery vandalism report, located at Broadway and Riverside Boulevard - suspend competitive bidding and authorize the use of informal competitive bidding procedures (two-thirds vote required). (D-4)
-

Jim Henley, Manager History & Science Division, discussed long-term security measures under consideration in Alternative II of the staff report. This involved removal of existing perimeter chain link fencing and replacement with 8 ft. high wrought iron fencing; installation of an electronic alarm system; various security landscaping supplies; new lights and poles, including motion-detecting equipment; and the presence of a security guard at key periods.

All of these measures are designed to prevent recurrence of the recent vandalism to the Historic City Cemetery, which occurred on November 11 and 16, 1995, with damage to headstones and grounds in excess of \$500,000.

A motion was made by Councilmember Yee, seconded by Councilmember Cohn, to adopt Alternative II of the staff report. The motion carried by a 7-0 vote, with Councilmembers Pannell and Steinberg being absent.

- 4.8 Revisions to the 1996/97 Transportation Sales Tax Expenditure Plan. (D-All)
-

Ann Olson, Senior Engineer, began her report to Council by pointing out an inconsistency between the text of the staff report and Exhibit 1, the Arden Garden Connector Project. She indicated that the slightly higher figure of \$1,708,431 was the correct figure.

Ms. Olson went on to present proposed revisions to the Measure A Transportation Sales Tax Expenditure Plan, which included the Transportation Programming Guide (TPG), and the transportation element of the City's CIP program.

As a result of the revisions, Measure A funds increased for the Arden Garden Connector project, a traffic signal upgrade project, the neighborhood traffic management program, a new traffic signal project, and a mid-town neighborhood transportation project.

Ms. Olson stated that the overall budget remained the same, but on two of the projects, funds were exchanged, increasing Measure A funds while decreasing other transportation revenues.

Revisions included decreased or eliminated funding on six projects: the Northgate All-weatherization and Widening Project, 7th Street Northerly Extension Project, Center Median/Left Turn Lane Program, the Folsom Boulevard/Power Inn Road Urban Interchange Project, the Power Inn Road Widening Project, and the Evergreen Extension. These projects have adequate funding for FY 96/97.

In addition, Ms. Olson stated that the City, County, and STA have been doing strategic planning for the State Highways Program, for which the City allocates \$2,160,000 and the County allocates \$3,840,000. Some City projects here include: a new traffic signal @ Bus. 80/Exhibition Blvd. Interchange; RT/Power Inn Grade Separation; Auxiliary Lanes on I-80 between Garden Highway & Richards Blvd.; reconstruction of the westbound off-ramp from I-80 and Northgate Blvd.; SR 160 @ Exposition Blvd. Interchange.

Ms. Olson said she was requesting Council approval today of minor revisions to text being submitted to the Transportation Authority to ask them to include Truxel Road Interchange Project.

Councilmember Fargo expressed concern re: funding reductions to Northgate Boulevard and the N. 7th Street Extension, and requested a staff explanation as to why this had been done.

Ms. Olson replied that there are adequate funds for studies related to these projects as estimated for FY 96/97.

Councilmember Fargo felt that even though the projects were not funded for actual construction, it would be prudent to reserve the funding allocated to them so that they could be applied to complete the projects.

Ms. Olson responded that the actual costs were unknown, and the plan was to keep the funds for studies as planned. She indicated that the projects would be brought back next year for Measure A funding.

Councilmember Fargo said she would not approve the request before Council, stating she felt these were two important projects and the funding for them should not be reduced.

A motion was made by Councilmember Kerth, seconded by Councilmember Waters, to adopt Resolution No. 96-127. The motion carried by a 6-1 vote, with Councilmember Fargo voting no, and abstaining on the Arden Garden portion only. Councilmembers Pannell and Steinberg were absent.

RESOLUTION NO. 96-127

RESOLUTION AUTHORIZING APPROVAL OF REVISIONS TO
THE TRANSPORTATION SALES TAX EXPENDITURE PLAN

4.9 THIS ITEM MOVED TO ITEM 7.2

* * * * *

5.0 S.H.R.A.

None

* * * * *

6.0 CITIZENS ADDRESSING COUNCIL (MATTERS NOT ON AGENDA)

(A Three minute time limit is imposed on speakers addressing the Council under this heading)

- 6.1 Rodrigo Hernandez brought a personal issue before Council which is now in litigation; therefore, it was explained to Mr. Hernandez that neither Council nor the Manager's Office could assist him. Councilmember Ortiz suggested that an interpreter might be helpful.

* * * * *

7.0 COUNCIL IDEAS AND QUESTIONS

- 7.1 Request that negotiations with the Police Union be held in public and not in secret [Mayor].

Mayor Serna requested a report back from staff to clarify the difference between "last, best offer" initiative vs. "binding arbitration". He stressed his intent that the public and Council understand how these two mechanisms operate, and that the negotiations and City offerings be periodically agendized for public information.

Councilmember Waters commented that he had been misquoted in the newspaper, and was well aware of the restrictions of the Brown Act.

A motion was made by Councilmember Waters, seconded by Councilmember Ortiz, to continue this item until April 2, 1996. The motion carried by a 7-0 vote, with Councilmembers Pannell and Steinberg being absent.

THIS WAS ORIGINALLY ITEM 4.9

- 7.2 An ordinance amending Sections 2-B-9 and 2-C-30 of the Comprehensive Zoning Ordinance (Ordinance No. 2550, Fourth Series, as amended) relating to residential care facilities and non-residential care facilities in the Hospital (H) zone and declaring the ordinance an emergency measure to take effect immediately (requires two-thirds vote) (M96-016). (D-All) [Kerth]

Gary Stonehouse, General Manager of the Development Services Division, explained that the current zoning ordinance permits residential care and non-residential care facilities to locate in the Hospital (H) zone. The proposed amendment would require residential care and non-residential care facilities to obtain a special permit from the Planning Commission prior to locating in the Hospital zone.

Discussion centered around concerns that while such facilities serve a valuable purpose, there is also the potential to have a significant negative impact on the neighborhoods in which they are located. A review of Hospital (H) zones in the City revealed that a large number of such facilities are currently located in residential neighborhoods.

Councilmember Kerth cited instances in which an old hospital was closed in North Sacramento, one closed on Arcade Boulevard, and the proposal to close Sutter Memorial. Such occurrences make hospital land and buildings available for other uses, and he felt there is now a need for a mechanism which would allow for negotiations between all parties concerned.

The task force examining social service siting issues as related to high-impact facilities has not yet reached any conclusions; various aspects are being considered. Councilmember Kerth stated that the intent is to formalize negotiations in the community, not to block the care facility.

Mayor Serna inquired as to why this was considered an emergency situation, and Ted Kobey, Assistant City Attorney, explained that an Interim ordinance lasts 120 days, commencing in 30 days, whereas an Emergency ordinance is effective immediately. Mr. Kobey indicated that a two-thirds vote is needed for an emergency ordinance.

Councilmember Fargo inquired as to whether such a report on ancillary uses had gone to the Social Services Advisory Committee, and Mr. Stonehouse replied that it had not gone to Social Services or the Planning Commission.

Councilmember Fargo asked how long it would take for an entity to get through the Planning Commission under ordinary circumstances if required to get a special permit, and was informed by Mr. Stonehouse that the time frame would be 4-6 months, at a cost of approximately \$4,000.

Mayor Serna then opened the discussion to public testimony, and the following people spoke in favor of establishing a permit process: Dot Busher, Dolores Underwood, Cindy Duarte. Craig Castellanet, who is a member of the Social Services Siting Task Force Committee, expressed concern that while rezoning might be appropriate, siting is always difficult for social service programs, and felt there might be serious implications with ADA and others.

Speaking in opposition to the proposed amendment was Jack Ward, who is a general partner of the current ownership of the building in question. He said that it has never been used as a hospital, but rather as a clinic and office. He said that he wanted to conclude the sale for the property, and felt it is an ideal site for a social services entity, since the building is obsolete for use as a hospital.

Also speaking against the amendment was Steve Brooks, a former patient who had been helped by a social services program, and said such facilities turn out successful "grads" who participate in a positive way in the community.

Dan McVeigh felt that such a permit requirement would prevent and/or delay the proceedings for converting the building to a social services facility, and that it was inappropriate to use "spot zoning" to prevent such expanding social services.

Karen Warne, a resident of the area in question, felt that community drug abuse and crime is out of control, and strongly supports the effort to require a special permit.

Sharon Melberg, an RN, spoke in support of creating facilities within the community, where social service programs might best meet needs of the people.

Trisha Stanionis, manager of the care facility, said several properties had been considered, and that the goal was to reduce reliance on government funds. In order to do this the care facility must expand. She stated that she wants to close escrow by September 1, 1996, and urged Council not to support the "emergency ordinance". She extended reassurance that there is no cause to fear; the facility is, and would continue to be, a good neighbor.

It was further established in discussion that there would be unavoidable delays if such a special use permit were to be put in place which would result in the loss of the deal under way. It was agreed that there should be a policy established which would allow negotiations between interested parties and the community, and Attorney Ted Kobey suggested the possibility of drawing up an enforceable "agreement" wherein opposing parties needed to sit down and work out the conditions.

A substitute motion was made by Councilmember Kerth which would encourage the parties to negotiate with each other, but the motion died for lack of a second.

Mayor Serna asked why a special permit takes so long. Gary Stonehouse responded that the delay is due to the required initial study, mitigation, EIR, etc. Bill Edgar, City Manager, added that there are notification requirements.

Councilmember Steinberg arrived late, and asked for clarification of the issue. It was explained to him by Councilmember Kerth that it was to be an interim ordinance. Mr. Steinberg said he did not understand the need for an emergency ordinance if by continuing for 10 days, the residents could express their concerns.

A motion was made by Councilmember Ortiz, seconded by Councilmember Steinberg, to continue the item until April 16, 1996. The motion carried by a 7-1 vote, with Councilmember Kerth voting no, and Councilmember Pannell being absent.

* * * * *

8.0 CLOSED SESSION

8.1 Pursuant to Government Code Section 54956.9(a) for discussion of pending litigation in the following matters:

-
- a. Customer Company vs City of Sacramento, United States District Court No. CVS 94 0910 WBS JFM
 - b. Jimmy K. Lister vs City of Sacramento, United States District Court No. CIV-S-92 1157 WBS PAN
 - c. Paul Hietala vs City of Sacramento et al, Sacramento Superior Court Case No. 96AS 01596

Items b and c were continued to April 2, 1996.

8.2 Pursuant to Government Code Section 54956.8 for real property transactions related to the following matters:

- a. Bank of America, located at the southwest corner of 8th and I Streets
- b. Sierra Two Center for the Arts and the Community, located at 2791 24th Street
- c. Father Keith B. Kenny Elementary School, located at 3525 Martin Luther King, Jr. Boulevard

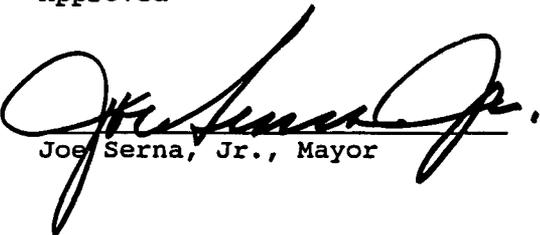
* * * * *

There being no further business to come before the City Council, the meeting was adjourned at the hour of 6:00 p.m.

Submitted


Valerie A. Burrowes, City Clerk

Approved


Joe Serna, Jr., Mayor

MINUTES

OF THE

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

REGULAR MEETING

MARCH 28, 1996

CALL TO ORDER

The Regular Meeting of the Sacramento City Council was called to order by Mayor Serna at 7:10 p.m. on the above date in the City Council Chamber located at 915 I Street.

ROLL CALL

Present: Councilmembers Cohn, Fargo, Kerth, Ortiz, Steinberg, Waters, Yee and Mayor Serna

Absent: Councilmember Pannell

PLEDGE OF ALLEGIANCE was led by Mayor Serna

9.0 SPECIAL PRESENTATIONS/GENERAL COMMUNICATIONS

None

* * * * *

10.0 PUBLIC HEARINGS

10.1 Weed abatement to hear and consider objections to the proposed removal of weeds, rubbish and/or dirt from various parcels of property within the City of Sacramento. (D-All)

Thomas Cook, a student at CSUS, inquired if any chemicals were being used.

Gary Atchley, Nuisance Abatement Officer, replied that no chemicals were used in Sacramento.

Councilwoman Fargo, stated that she had received a notice on property that she owned on Colfax Street. She was protesting the notice as she

claimed her property was well maintained. Councilman Kerth stated that Ms. Fargo's property was exceptionally well maintained.

Councilman Yee asked Mr. Atchley if he had received a copy of Erwin Berke's letter. Mr. Atchley replied that staff would be responding to Mr. Berke.

Councilman Waters stated that he had received a notice in error about property that he owned, so he knew that mistakes were sometimes made.

A motion was made by Councilmember Waters, seconded by Councilmember Kerth to close the hearing and to continue the issue to April 9, 1996 for findings of fact. The motion carried with a 7-0 roll call vote, with Councilmember Pannell being absent and Councilwoman Fargo abstaining.

10.2 Golf Course fee changes. (D-ALL)

Ann Weaver, Golf Manager, stated that she was recommending a new fee schedule for the City golf courses. She informed Council that she had met with all the area golf clubs and they supported the fee schedule.

Councilman Yee asked if the Junior rates were being reduced at William Land Park. Ms. Weaver replied yes they were.

Mr. Yee asked why some area golf courses had cheaper fees. Ms. Weaver replied those golf courses were maintained at different levels.

Mr. Yee inquired if it would be feasible for the City golf courses to do some promotions. Ms. Weaver stated that staff would track the plays and times to determine if promotions could be offered in the coming year.

Ms. Weaver projected that there would be approximately 556,844 rounds of play on the City courses in 1996/97.

Mayor Serna asked the number of rounds projected for Land Park and was told by Ms. Weaver 77,204 rounds.

A motion was made by Councilmember Yee, seconded by Councilmember Fargo, to close the hearing and to adopt Resolution 96-124 approving user fees. The motion carried with a 8-0 roll call vote, with Councilmember Pannell being absent.

RESOLUTION NO. 96-124

RESOLUTION APPROVING USER FEE SCHEDULE FOR THE
DEPARTMENT OF COMMUNITY & VISITOR SERVICES GOLF
DIVISION

10.3 Hollow sidewalk evaluation (PN:RC46); authorization to proceed with temporary repairs to thirteen sidewalks by informal contract. (D-1)

Tim Mar, Senior Engineer, stated that staff was recommending that Council authorize temporary repairs to thirteen hollow sidewalk locations. He said affected property owners had been sent letters advising them of the hearing. Three of the property owners elected to perform the repairs with their own contractor. Another two owners requested that the City retain a contractor to perform the repairs.

Councilwoman Fargo asked if each property owner had agreed to the repairs.

Mr. Mar replied that only five owners had responded.

Ms. Fargo asked if the letters were sent registered; Mr. Mar replied they were not. Ms. Fargo requested staff to send another letter registered mail to each owner.

A motion was made by Councilmember Fargo, seconded by Councilmember Waters, to adopt Resolution 96-129 authorizing repairs. The motion carried with a 8-0 roll call vote, with Councilmember Pannell being absent.

RESOLUTION NO. 96-129

RESOLUTION AUTHORIZING TEMPORARY REPAIRS TO
HOLLOW SIDEWALKS (PN:RC46)

- 10.4 Appeal of the City Planning Commission's decision approving conditions of approval for Variances which require Design Review and a 30 inch setback from the rear property line for property located at 1554 35th Street (P95-075). (D-3)
-

Councilman Cohn stated that this application was for an artist's studio behind a private residence. He suggested that perhaps this issue could be resolved with the amended resolution.

Mike Dale, Associate Planner, read the seven conditions of approval into the record, which are listed on page 2 of the resolution.

Councilwoman Fargo asked how long this process took; Mr. Dale replied approximately seven months.

A motion was made by Councilmember Cohn, seconded by Councilmember Kerth, to adopt Resolution 96-130, as amended. The motion carried with a 8-0 roll call vote, with Councilmember Pannell being absent.

RESOLUTION NO. 96-130

A RESOLUTION GRANTING AN APPEAL OF THE PLANNING
COMMISSION'S ACTIONS ON VARIANCE FOR PROPERTY
LOCATED AT 1554 35TH STREET (P95-075)

11.0 STAFF REPORTS

- 11.1 Truxel and I-80 Power Center "Natomas Marketplace" (P95-074). (continued from 3/12/96, item 10.1). (D-1)
-

Carol Shearly, Associate Planner, informed the Council that she would be outlining the project for the Council, and that the hearing would be held April 9, 1996. She requested Council to inform staff of any questions that they want answered at the hearing.

Ms. Shearly stated the applicant was requesting major amendments to the General plan and 1994 North Natomas Community Plan, and rezoning, development agreement, Planned Unit Development (PUD) designation, and a tentative master parcel map. Eventually, the applicant proposed to construct a 597,000 square foot regional commercial center on the 68.9 gross acre site at the northwest corner of Truxel Road and Interstate 80 in North Natomas. The power center includes seven major retail stores, several specialty shops, a ten screen theater, and a food village and restaurants. The applicant was also proposing to realign South Loop Road and to amend the policies of the NNCP related to regional commercial uses.

Ms. Shearly called Council's attention to pages 8 and 9 of the report which summarized the advantages and disadvantages of the proposal. She said if the council wished to deny the project, a notice of Decision and Findings of Fact was prepared and included with the report. If the Council wished to approve the project, draft resolutions and ordinances had been prepared and included as apart of the report. Planning staff suggested that the Council make an intent motion and staff would return to the Council within a week with the final resolutions and ordinances.

Ms. Shearly said that staff recommended denial of the project, as they wanted to see the Community Plan adopted.

David Martinez, Deputy City Manager, said the City Manager's office had reviewed the process followed and the specific details of the proposed project. The Planning and Development department staff had done a good job of identifying the key issues relative to the project which were: a large amount of planned retail; change required to the North Natomas Community Plan; traffic circulation issues; and questions relative to movie theaters and possible economic impacts on downtown revitalization efforts.

Mr. Martinez said that the Planning department made their recommendations based on solid professional planning considerations. However, the City Manager's office supported the proposed project because it responded well to the overall objectives of positive economic development for the City of Sacramento. The project would also serve as a catalyst for additional future development and services in the Natomas area. The project would provide quality amenities and services to a growing community.

Councilwoman Fargo said the project would adversely impact the community in two ways: an increase in traffic and economic impacts on existing retail centers in North Sacramento and Natomas.

Tim Terrant, spoke on behalf of the developer and land owner. He said the North Natomas Community Plan allowed for warehouse retail if it was close to freeway access; was built with a capacity to accommodate traffic; was not adjacent to residential; and was generally accepted in light industrial areas.

The item was continued to April 9, 1996 for a public hearing.

12.0 S.H.R.A.

None

* * * * *

13.0 CITIZENS ADDRESSING COUNCIL AGENCY OR AUTHORITIES BY PERSONAL APPEARANCE OR TELEPHONICALLY ON MATTERS NOT ON THE AGENDA

None

* * * * *

14.0 COUNCIL IDEAS AND QUESTIONS

None

* * * * *

15.0 ANNOUNCEMENTS

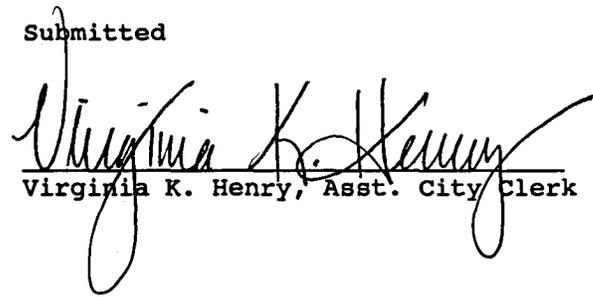
None

* * * * *

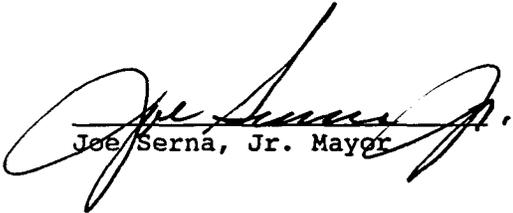
ADJOURNMENT

There being no further action to come before the Council, the meeting was adjourned at the hour of 9:15 p.m. in memory of Brianne Marie Sadler.

Submitted


Virginia K. Henry, Asst. City Clerk

Approved


Joe Serna, Jr. Mayor