



# REPORT TO COUNCIL City of Sacramento

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

CONSENT  
December 11, 2007

Honorable Mayor and  
Members of the City Council

**Subject:** Approval of Council Minutes.

**Location/Council District:** (Citywide)

**Recommendation:**

Approve the afternoon and evening City Council, Redevelopment Agency, Housing Authority and Financing Authority Minutes for November 20, 2007 meeting.

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

**Presenters:** None

**Department:** City Clerk

**Division:** None

**Organization No:** 0700

**Financial Considerations:** None.

**Environmental Considerations:** None.

**Policy Considerations:** None.

**ESBD Considerations:** Not Applicable.

Respectfully Submitted by:

  
for Shirley Concolino, City Clerk

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Minutes

# MINUTES

**Tuesday, November 20, 2007**

***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 - 2:00 p.m.**

**Roll Call** - A regular meeting of the Sacramento City Council was called to order by Mayor Fargo at 2:07 p.m. on Tuesday, November 20, 2007 at the Sacramento City Hall Council Chamber. All present

In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.

## **Consent Calendar (Items 1 - 11)**

All items listed under the Consent Calendar are considered and acted upon by one motion. Anyone may request an item be removed for separate consideration.

**Action:** Moved, seconded, carried (Waters / Tretheway; absent Cohn and Hammond; Fong recused on Item 8) to adopt the Consent Calendar in one motion except as indicated.

### **1. Approval of Council Minutes**

**Location:** (Citywide)

**Recommendation:** Approve the afternoon and evening City Council, Redevelopment Agency, Housing Authority and Financing Authority Minutes for October 30, 2007.

**Contact:** Shirley Concolino, City Clerk, (916) 808-7200, Office of the City Clerk.

**Action:** Approved recommendation.

### **2. Grant/Agreement: California Gang Reduction, Intervention and Prevention Program (CalGRIP) Program**

**Location:** (Citywide)

**Recommendation:** Adopt a **Resolution** 1) supporting submission of the program's Grant proposal to reduce teen gang involvement within the City of Sacramento; and 2) authorizing the City Manager to execute all agreements and other documents necessary to apply for and receive a CalGRIP Grant.

**Contact:** Janet Baker, Operations Manager, (916) 808-8234; Daniel Hahn, Captain, (916) 808-0301; Jonathan Rewers, Parks and Recreation Analyst, (916) 808-7590, Departments of Parks and Recreation & Police.

**Action:** Adopted Resolution No. 2007-835.

**3. 2008 State and Federal Legislative Platform**

**Location:** Citywide

**Recommendation:** Adopt the proposed 2008 State and Federal Legislative Platform.

**Contact:** Yvette Rincon, Legislative Analyst, (916) 808-5827, Office of the City Manager.

**Action:** Approved recommendation.

**4. Agreement: Del Paso Road Widening Design**

**Location:** Del Paso Road (District 1)

**Recommendation:** Adopt a **Resolution** authorizing the City Manager to execute an Assignment Agreement between the City of Sacramento, K. Hovnanian Forecast Homes and Wood Rodgers, Inc. in the amount of \$319,500.

**Contact:** Mark Griffin, Fiscal Manager, (916) 808-8788, Carol Shearly, Director, Planning Department, (916) 808-5893, Planning Department.

**Action:** Adopted Resolution No. 2007-836

**5. Agreements: Counseling Services for Attendance Centers**

**Location:** (Districts 1 and 4)

**Recommendation:** Adopt a **Resolution** authorizing the City Manager to execute agreements, not to exceed \$225,800, for the period November 26, 2007 to June 13, 2008, to provide counseling services to truant students and their families for Inderkum, McClatchy and Luther Burbank High Schools' Attendance Centers: 1) EMQ Children and Family Services in the amount of \$64,568; 2) Another Choice Another Chance in the amount of \$62,783; 3) La Familia Counseling Center, Inc. in the amount of \$65,000; and 4) Southeast Asian Vision for Education (S.A.V.E.); and 5) The Dream Collective in an amount not to exceed \$33,449.

**Contact:** Daniel Hahn, Captain, (916) 808-0310, Police and Parks and Recreation Departments.

**Action:** Adopted Resolution No. 2007-837

**6. Contract: E.A. Fairbairn Water Treatment Plant (FWTP) and Sacramento River Water Treatment Plant (SRWTP) Projects (PN: ZK06 and ZJ96)**

**Location:** 7501 College Town Drive and Water Street (Districts 1 and 3)

**Recommendation:** Adopt a **Resolution** 1) approving the contract specifications for the purchase of two emergency generators; and 2) awarding the contract for the purchase of the two emergency generators to Nevada Energy Systems Inc. for the projects in an amount not to exceed \$1,054,389.07.

**Contact:** David L. Brent, Engineering Services Manager, (916) 808-1420; Dave Hansen, Supervising Engineer, (916) 808-1421, Utilities Department.

**Action:** Adopted Resolution No. 2007-838

7. **Sewer Credits: Evergreen Phase 2**  
**Location:** (1001-1047 Silver Charm Way, 2301-2301 Green Street, 1027,1033 Calvados Avenue, and 2320, 2330 Evergreen Street (District 2)  
**Recommendation:** Adopt a **Resolution** awarding a total of 20 Sacramento Regional County Sanitation District (SRCSD) connection fee credits to the described project known as "Evergreen Phase 2."  
**Contact:** Jim Rinehart, Citywide Division Manager, (916) 808-5054, Economic Development Department.  
**Action:** Adopted Resolution No. 2007-839.
8. **(Pass for Publication) Mercy Hospital and Sacred Heart Parish School (P04-215)**  
**Location:** (District 3)  
**Recommendation:** 1) Review a Resolution certifying the Environmental Impact Report (EIR) and adopting the Mitigation Monitoring Plan (MMP); 2) review a Resolution approving the entitlements for the Mercy General Hospital, Sacred Heart Parish School, and residential development project; 4) review an Ordinance rezoning various property for the Mercy General Hospital, Sacred Heart Parish School, and residential development sites; and 5) pass for publication the Ordinance title as required by Sacramento City Charter 32c to be adopted November 27, 2007.  
**Contact:** Evan Compton, Associate Planner, 808-5260; Stacia Cosgrove, Senior Planner, 808-7110, Development Services Department.  
**Action:** Approved recommendation.
9. **(Pass For Publication) McClellan Heights and Parker Homes Plan (M03-190)**  
**Location:** Area generally bounded on the north by Bell Avenue, the east by Winters Street, the south by Interstate 80, and the west by Raley Boulevard (District 2)  
**Recommendation:** 1) Review a Resolution certifying the Environmental Impact Report (EIR), adopting statements of overriding consideration, and adopting the Mitigation Monitoring Plan (MMP); 2) review an Ordinance adding Chapter 17.98 to Title 17 of the Sacramento City Code (Zoning Code) establishing the McClellan Heights and Parker Homes Special Planning District; 3) review Ordinance amending the Comprehensive Zoning Code (Title 17 of the Sacramento City Code) to rezone 306± acres from Light Industrial (M-1 / M-1-R / M-1S-R), Standard Single Family (R-1), General Commercial (C-2 / C-2-R), and Heavy Commercial (C-4), to General Commercial Special Planning District (C-2-SPD), Single Family Alternative Special Planning District (R-1-A-SPD), Light Industrial Special Planning District (M-1-SPD), and Residential Mixed Use Special Planning District (RMX-SPD); 4) review an Ordinance amending Ordinance No.85-049 to expand the Del Paso Heights Design Review District Boundaries to include 306 acres known as the McClellan Heights and Parker Homes Plan area; 5) review a Resolution adopting the General Plan Land use Map amendment; 6) review a Resolution adopting the North Sacramento Community Plan Land Use Map amendment; 7) review a Resolution adopting the North Sacramento Community Plan Text amendment; 8) review a Resolution to override the Airport Land Use Commission determination of inconsistency of the proposed McClellan Heights and Parker Homes Plan; 9) receive and file the McClellan Heights and Parker Homes Land Use and Infrastructure Plan; and 10) pass for publication

Ordinance title as required by Sacramento City Charter 32c to be adopted on November 27, 2007.

**Contact:** Remi Mendoza, Assistant Planner, (916) 808-5003; Jim McDonald, AICP, Senior Planner, (916) 808-5723, Planning Department.

**Action:** Approved recommendation.

**10. (Pass for Publication) Donations of Lost and Unclaimed Property**

**Location:** (Citywide)

**Recommendation:** 1) Review the Ordinance amending sections 3.84.020 and 3.84.030 of the Sacramento City Code; 2) pass for publication of the Ordinance title as required by Sacramento City Charter section 32c; to be adopted on November 27, 2007.

**Contact:** Jim Maccoun, Captain, (916) 808-0417, Police Department.

**Action:** Approved recommendation.

**11. (Pass for Publication) Sacramento Railyards (P05-097) See Item # 18 for Public Hearing information**

**Location:** Generally east of the Sacramento River, south of the City Water Treatment Plant and North B Street, west of 12th Street, north and west of the Alkali Flat neighborhood, north of H Street between 5<sup>th</sup> and 7<sup>th</sup> Street, and northwest of 5<sup>th</sup> & I Street (District 1)

**Recommendation:** Review 1) a Resolution certifying the Environmental Impact Report and adopting the Mitigation Monitoring Plan; 2) a Resolution amending the General Plan Circulation Element to relocate the Intermodal Facility; 3) a Resolution amending the Central City Community Plan to incorporate the Sacramento Railyards Specific Plan; 4) a Resolution amending the 1994 Facility Element of the Railyards Specific Plan and the Richards Boulevard Area Plan to revise the Circulation and Light Rail network; 5) a Resolution amending the Bikeway Master Plan for the Railyards Special Planning District; 6) a Resolution repealing the 1994 Railyards Specific Plan and adopting the Sacramento Railyards Specific Plan; 7) a Resolution adopting the Railyards Specific Plan Public Facilities Financing Plan; 8) a Resolution adopting the Sacramento Railyards Design Guidelines; 9) a Resolution rescinding Resolutions 94-737 and 2000-578 and approving a Memorandum of Understanding regarding remediation of the Sacramento Railyards; 10) review a Resolution approving the Sacramento Railyards Tentative Master Parcel Map and Subdivision Modifications; 11) review a Resolution approving the Inclusionary Housing Plan; 12) a Resolution approving the Water Assessment Report for the Sacramento Railyards Project; 13) an Ordinance establishing the Sacramento Railyards Design Review District; 14) an Ordinance placing the Central Shops Historic District in the Sacramento Register of Historic and Cultural Resources; 15) review an Ordinance amending Sections 17.20.010 and 17.20.030 and Chapter 17.124 of Title 17 of the Sacramento City Code (The Zoning Code) relating to the Sacramento Railyards Special Planning District; 16) an Ordinance adding Section 15.148.195 to Title 15 of the Sacramento City Code relating to signs in the Sacramento Railyards Special Planning District; 17) an Ordinance rezoning from C-3 SPD and M-2 SPD to ORMU-SPD, RCMU-SPD, RMU-SPD; 18) an Ordinance approving the development agreement with S. Thomas Enterprises of Sacramento, LLC; 19) an Ordinance repealing Chapter 18.48 of the

Sacramento City Code, Development in Downtown Railyards; 20) an Ordinance repealing Ordinance No. 95-063 and amending section 18.16.010 of the Sacramento City Code regarding the procedures for adoption and review of development agreements in the Sacramento Railyards; and 21) pass for publication the Ordinance titles as required by City Charter 32c to be adopted December 11, 2007.

**Contact:** Nedzlene Ferrario, Senior Planner, (916) 808-7826; Greg Bitter, Principal Planner (916) 808-7816, General Services Department.

Action: Approved recommendation.

### **Public Hearings (Items 12 - 15)**

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

**12. Code Enforcement Case Fees and Penalties – Findings of Fact for Special Assessment Liens** (Noticed on 10-5-07)

**Location:** (Citywide)

**Recommendation:** Conduct a public hearing and upon conclusion adopt a **Resolution** placing liens on the properties in the amount of \$54,860.16 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, Program Manager, 808-8577, Code Enforcement Department.

**Action:** No public comment. Moved, seconded, carried (Sheedy / Tretheway; absent Hammond) to close the public hearing and adopt Resolution No. 2007-840.

**13. Housing Case Fees and Penalties – Findings of Fact for Special Assessment Liens** (Noticed on 10-5-07)

**Location:** (Citywide)

**Recommendation:** Conduct a public hearing and upon conclusion adopt a **Resolution** placing liens on the properties in the amount of \$55,496.17 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.

**Action:** Public comment given by Naran Khushal. Moved, seconded, carried (Sheedy / Waters; absent Hammond) to close the public hearing and adopt Resolution No. 2007-841 as amended.

**14. Freeport Marketplace (P03-018)** (Noticed on 11-9-07)

**Location:** Southeast corner at the intersection of Freeport Boulevard and Meadowview Road (District 8)

**Recommendation:** Conduct a public hearing and upon conclusion 1) adopt a **Resolution** adopting the Mitigated Negative Declaration and Mitigation Monitoring Plan; 2) adopt a **Resolution** amending the General Plan Land Use Map from Low Density Residential to Community/Neighborhood Commercial & Office; 3) adopt a **Resolution** amending the Airport Meadowview Community Plan Land Use Map from Residential to Commercial; 4) adopt a **Resolution** approving a Tentative Map, Special

Permits, Variances, and a Plan Review; and 5) adopt an **Ordinance** rezoning from Single-family Alternative (R-1A) zone to the Shopping Center (SC).

**Contact:** Kimberly Kaufmann-Brisby, Associate Planner, (916) 808-5590; Mark Martin, Senior Planner, (916) 808-5945, Development Services Department.

**Action:** No public comment. Moved, seconded, carried (Pannell / Waters; absent Hammond) to close the public hearing and adopt Resolution Nos. 2007-842, 2007-843, 2007-844 and 2007-845 and Ordinance No. 2007-086.

**15. (City Council/Redevelopment Agency/Housing Authority) 2008 Sacramento Housing and Redevelopment Agency Budget ( Noticed on 11-5-07)**

**Location:** (Citywide)

**Recommendation:** Conduct a public hearing and upon conclusion adopt a **City Resolution, Redevelopment Agency Resolution and Housing Authority Resolution** approving the 2008 budget for Sacramento Housing and Redevelopment Agency, related finds, approvals, delegations and implementing authorities, including authorities for HUD submissions, grants and fund transfers.

**Contact:** Anne M. Moore, Executive Director, (916) 440-1333; Don Cavier, Finance Director, (916) 440-1399, ext. 1220, Sacramento Housing and Redevelopment Agency.

**Action:** No public comment. Moved, seconded, carried (Pannell / Sheedy) to close the public hearing and adopt City Resolution No. 2007-846, Redevelopment Agency Resolution No. 2007-061, and Housing Authority Resolution No. 2007-015.

**Staff Reports (Item 16)**

Staff reports include an oral presentation including those recommending receive and file.

**16. Ordinance Amendments: Living Wage** (Passed for publication on 11-13-07, published on 11-16-07)

**Location:** (Citywide)

**Recommendation:** Adopt an **Ordinance** amending Sections 3.58.030, 3.58.070, 3.58.110, and 3.58.120, of the Sacramento City Code relating to the Living Wage.

**Contact:** Christopher Stewart, Procurement Services Manager, (916) 808-6202, General Services Department.

**Action:** No public comment. Moved, seconded, carried (Hammond / Pannell) to adopt Ordinance No. 2007-087.

**Information Reports (Item 17)**

These items are for information only and are not eligible for action at this time.

**17. Notification of Final Map and Subdivision Improvement Agreement for Ascension Square (P06-027)**

**Location:** Southside of Grand Avenue between Astoria Street and Ripley Street (District 2)

**Recommendation:** Receive and file.

**Contact:** Jerry Lovato, Senior Engineering Technician, (916) 808-7918, Development Services Department.

**Action:** Received and filed.

**Public Comments- Matters Not on the Agenda**

None.

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

- a. Board/Commission Appointments:
  - 1. Sacramento Heritage Inc. Board of Director: Marc De La Vergne (Category A-1), Ian Merker (Category A-2), Vivian Gerlach (Category A-4), and Lisa Ouellette (Category A-5).
  - 2. Sacramento Youth Commission: Julian Nagler (Representing District 5).
- b. Report Backs - None.
- c. Meeting/Conference Reports – None

**Closed Session**

**City Council**

- a) Pursuant to Government Code section 54956.9 (a), for a matter pertaining to pending litigation. Ramos v. City of Sacramento, Sacramento County Superior Court Case No. 05AS00075.
- b) Pursuant to Government Code section 54956.8 for a matter pertaining to real property negotiations. The purpose is to discuss the grant of authority to the chief negotiator for the City, John Dangberg, regarding the price, terms and conditions of sale for Lot X (201 N Street), Assessor's Parcel Numbers 006-0135-028 and 006-0135-029, to CIM Group, Inc.

**Redevelopment Agency of the City of Sacramento**

- c) Pursuant to Government Code section 54956.8 for a matter pertaining to real property negotiations. The purpose is to discuss the grant of authority to the chief negotiator for the Agency, John Dangberg, regarding the price, terms and conditions of sale for Lot X (201 N Street), Assessor's Parcel Number 006-0135-030, to CIM Group, Inc.

**Recess to Closed Session** – 3:10 p.m.



## **Reconvened – 6:00 p.m.**

**Roll Call** - A regular meeting of the Sacramento City Council was called to order by Mayor Fargo at 6:10 p.m. on Tuesday, November 20, 2007 at the Sacramento City Hall Council Chamber. All present.

**Pledge of Allegiance** – led by Mayor Fargo.

**Closed Session Report** – None.

The City Attorney shall determine if any actions taken by the City Council or legislative bodies in Closed Session shall require a reporting on those actions as required by Law (Government Code §54957.1 (a) (3) (B)).

### **Special Presentations/General Communications**

a. **City Management Academy**

**Action:** None.

b. **City Planning Academy**

**Action:** None.

In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.

### **Public Hearings (Item 18)**

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

**18. Sacramento Railyards P05-097** (Noticed on 11-9-07)

**Location:** Generally east of the Sacramento River, south of the City Water Treatment Plant and North B Street, west of 12th Street, north and west of the Alkali Flat neighborhood, north of H Street between 5<sup>th</sup> and 7<sup>th</sup> Street, and northwest of 5<sup>th</sup> & I Street (District 1)

**Recommendation:** Conduct a public hearing and upon conclusion on December 11, 2007 adopt 1) a Resolution certifying the Environmental Impact Report and adopting the Mitigation Monitoring Plan; 2) a Resolution amending the General Plan Circulation Element to relocate the Intermodal Facility; 3) a Resolution amending the Central City Community Plan to incorporate the Sacramento Railyards Specific Plan; 4) a Resolution amending the 1994 Facility Element of the Railyards Specific Plan and the Richards Boulevard Area Plan to revise the Circulation and Light Rail network; 5) a Resolution amending the Bikeway Master Plan for the Railyards Special Planning District; 6) a Resolution repealing the 1994 Railyards Specific Plan and adopting the Sacramento Railyards Specific Plan; 7) a Resolution adopting the Railyards Specific Plan Public Facilities Financing Plan; 8) a Resolution adopting the Sacramento Railyards Design Guidelines; 9) a Resolution rescinding Resolutions No. 94-737 and 2000-578 and approving a Memorandum of Understanding regarding remediation of the Sacramento Railyards; 10) a Resolution approving the Sacramento Railyards Tentative Master Parcel Map and Subdivision Modifications; 11) a Resolution approving the Inclusionary Housing Plan; 12) a Resolution approving the Water

Assessment Report for the Sacramento Railyards Project; 13) an Ordinance establishing the Sacramento Railyards Design Review District; 14) an Ordinance placing the Central Shops Historic District in the Sacramento Register of Historic and Cultural Resources; 15) an Ordinance amending Sections 17.20.010 and 17.20.030 and Chapter 17.124 of Title 17 of the Sacramento City Code (The Zoning Code) relating to the Sacramento Railyards Special Planning District; 16) adopt an Ordinance adding Section 15.148.195 to Title 15 of the Sacramento City Code relating to signs in the Sacramento Railyards Special Planning District; 17) an Ordinance rezoning from C-3 SPD and M-2 SPD to ORMU-SPD, RCMU-SPD, RMU-SPD; 18) an Ordinance approving the development agreement with S. Thomas Enterprises of Sacramento, LLC; 19) an Ordinance repealing Chapter 18.48 of the Sacramento City Code, Development in Downtown Railyards; 20) an Ordinance repealing Ordinance No. 95-063 and amending section 18.16.010 of the Sacramento City Code regarding the procedures for adoption and review of development agreements in the Sacramento Railyards; and 21) continue the public hearing to December 4<sup>th</sup> and December 11<sup>th</sup> 2007.

**Contact:** Nedzlene Ferrario, Senior Planner, (916) 808-7826; Greg Bitter, Principal Planner (916) 808-7816, Development Services Department.

**Action:** Public comment by Stan Thomas, Ruth Coleman, Paul Thayer, Naran Khushal, Joshua Wood, Scott Maxwell, Terry Street, Steve Biondi, Matt Mahood, William Burg, Robert Waste, Brooks Truitt, Adam Rhinehart, Lori Soldans, Steve Yee, Lee Balchowicz, Sam K Ong, Nicole Goehring, Mike Testa, Joe Debbs, Jon Marshack, Alex Kelter Roxanne Fuentes, Buz Miller, Dannetta Garcia, Peggy Shannon, Norm Lucas, Denny S Auspach, Paula Boghosian, Richard Tolmack, Joan Burke, Shamus Roller, William D. Kopper . Direction given to staff. Moved, seconded, carried (Tretheway/Sheedy) to continue the public hearing to December 4, 2007 and December 11, 2007.

### **Information Reports (Item 19)**

These items are for information only and are not eligible for action at this time.

#### **19. Status Report on the Fall 2007 Planning Academy**

**Location:** (Citywide)

**Recommendation:** Receive and file.

**Contact:** Helen Steph, Assistant Planner, (916) 808-7852, Jim McDonald AICP, Senior Planner, (916) 808-5723, Planning Department.

**Action:** Received and filed.

### **Public Comments- Matters Not on the Agenda**

- a. Jay Raj Narayan on the planning academy and general community issues.
- b. Earl W. Boynton on the Friend of the Court Brief.
- c. Joe Debbs regarding loud noise and profanity.

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

- a. Board/Commission Appointments - None.
- b. Report Backs - None.
- c. Meeting/Conference Reports – None

**Adjourned** in memory of Inez Turner at 10:10 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the November 20, 2007 meeting as approved by the Sacramento City Council.

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Shirley Concolino, City Clerk