



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

CITY COUNCIL

Kevin Johnson, Mayor
Angelique Ashby, District 1
Sandy Sheedy, District 2
Steve Cohn, District 3
Robert King Fong, District 4
Jay Schenirer, District 5
Kevin McCarty, District 6
Darrell Fong, District 7
Bonnie Pannell, Vice-Mayor, District 8

DRAFT Minutes

Tuesday, December 06, 2011

6:00 PM

City Hall-915 I Street, 1st Floor Council Chamber

Published by the Office of the City Clerk (916) 808-7200

CHARTER OFFICERS

Eileen Teichert, City Attorney
Shirley Concolino, City Clerk
John F. Shirey, City Manager
Russ Fehr, City Treasurer

NOTICE TO THE PUBLIC

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

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

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

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

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

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

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DRAFT Minutes

Tuesday, December 6, 2011

6:00 PM

City Hall – 915 I Street- First Floor Council Chamber

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

Open Session - 6:00 p.m.

Regular session called to order by Mayor Vice Mayor Bonnie Pannell at 6:02 p.m. Tuesday, December 6, 2011 at the Sacramento City Hall Council Chamber.

Members Present: Members Angelique Ashby, Steve Cohn, Darrell Fong, Robert King Fong, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, and Jay Schenirer.

Members Absent: Mayor Kevin Johnson.

Pledge of Allegiance - led by, Lexus Drones student participant in Youth @ City Council Program.

Closed Session Report – None.

Special Presentation/General Communications

a. Recognizing Beers Books 75th Anniversary

Action: Resolution presented by Member Robert King Fong.

Public Comments-Matters Not on the Agenda (2 minutes per speaker) (Actual Time: 58 minutes)

1. Occupy Sacramento/Safeground
 - a. Christina Kay
 - b. Chuck Johnson
 - c. Amy Anderson
 - d. Sean Thompson
 - e. Frank Barei
 - f. Jenny Barei
 - g. John Krantz
 - h. David Witkin
 - i. Jeannie Williams
 - j. Christopher MacDonald
 - k. Carol York
 - l. Andrew Haymore
 - m. Mac Worthy
 - n. Tracie Rice Bailey
 - o. Dee Tollefson
 - p. Kevin Carter
 - q. Bob Saunders
 - r. Laura Washore
 - s. Alec Lorz
 - t. Ray Kene
 - u. Joel Ussery
2. Danger and Risk Along the River
 - a. Mary Tappell
3. Code Penalty
 - a. Steve Kopp
4. Sacramento King Updates
 - a. Mike Barnbaum
5. Luis Palau Festival
 - a. Valerie Balash
6. Using City Property for Arena
 - a. James Battles

Consent Calendar (Items 1 - 17) Estimated Time: 5 minutes (Actual Time: 3 Minutes)

Action: **Moved/Seconded:** Member Sandy Sheedy/Robert King Fong

Yes: Members Angelique Ashby, Steve Cohn, Darrell Fong, Robert King Fong, Kevin McCarty, Bonnie Pannell, Jay Schenirer, and Sandy Sheedy.

Absent: Mayor Kevin Johnson.

A motion **passed** to adopt the Consent Calendar in one motion except as indicated at each item.

1. **Administrative Approvals Associated with the June 5, 2012 Primary and November 6, 2012 General Elections**
Report # 2011-00931
Location: Citywide and Districts 2, 4, 6 and 8
Action: Adopted 1) **Resolution No. 2011-643** calling for the holding of a primary municipal election to be held on Tuesday, June 5, 2012, for the election of certain officers (Mayor and Districts 2, 4, 6 and 8); and for a general municipal election to be held on Tuesday, November 6, 2012, for a run-off election of certain officers if necessary; 2) **Resolution No. 2011-644** requesting the Sacramento County Board of Supervisors to consolidate the City of Sacramento's primary and general municipal elections with the statewide primary and general elections; and 3) **Resolution No. 2011-645** requesting the Sacramento County Board of Supervisors to permit the County Elections Official to render certain election services to the City of Sacramento in connection with the consolidated elections.
Contact: Stephanie Mizuno, Assistant City Clerk, (916) 808-8093, Office of the City Clerk

2. **October 2011 Monthly Investment Transactions Report**
Report # 2011-00958
Location: Citywide
Action: Received and filed.
Contact: Shirley Tupaz, Investment and Operations Analyst (916) 808-8295, Office of the City Treasurer

3. **Collection Actions for Delinquent Assessment and Special Tax Levies**
[To Be Delivered]
Report # 2011-00995
Location: Citywide
Action: **Continued** to adopt a Resolution ordering judicial foreclosure of delinquent special assessment installments pursuant to the Improvement Bond Act of 1915 and special taxes pursuant to the Mello-Roos Community Facilities Act of 1982 and making related authorizations.
Contact: Petra Wallace, Treasury Analyst, (916) 808-8292, Office of the City Treasurer

4. **Contract Amendments: Sacramento Valley Depot Retrofit Report # 2011-00991**
Location: 401 I Street, District 3
Action: Adopted **Resolution No. 2011-647:** 1) authorizing the City Manager or the City Manager's designee to execute deductive Change Order #1 to City Agreement No. 2011-1149 with Diede Construction, Inc. in the amount of (-\$145,216); 2) authorizing the City Manager or the City Manager's designee to execute Supplemental Agreement #4 to City Agreement No. 2009-0262 with DCM Group in an amount not to exceed \$28,000; 3) resetting the City Manager's supplemental agreement authority for City Agreement No. 2009-0262; 4) authorizing the City Manager or the City Manager's designee to execute Supplemental Agreement #9 to City Agreement No. 2009-0452 with Simpson, Gumpertz & Heger in an amount not to exceed \$2,000; 5) resetting the City Manager's Supplemental Agreement Authority for City Agreement No. 2009-0452; and 6) authorizing the City Manager or the City Manager's designee to execute a professional services agreement with The RMA Group in an amount not to exceed \$152,769.
Contact: Hinda Chandler, Senior Architect (916) 808-8422, Department of Transportation; Yadi Kavakebi, Facilities Superintendent, (916) 808-8432, Department of General Services
5. **Agreement: Natomas Joint Vision Reimbursement Report # 2011-00870**
Location: Unincorporated portion of the Natomas Basin within Sacramento County adjacent to District 1
Action: Adopted **Resolution No. 2011-648** approving and authorizing the City Manager to execute an agreement with Sacramento County for reimbursement to the City for consultant and staff costs incurred for preparation of the Natomas Joint Vision Visioning Plan.
Contact: Scot Mede, Staff Aide, (916) 808-4756, Community Development Department
6. **(Pass for Publication)** Ordinance Amendment: Sacramento Metropolitan Arts Commission (Continued from 7-19-11)
Report # 2011-00403
Location: Citywide
Action: Reviewed an Ordinance amending Chapter 2.84 of Title 2 of the Sacramento City Code relating to the Sacramento Metropolitan Arts Commission and passed for publication the Ordinance title as required by the Sacramento City Charter section 32(c), to be **adopted on December 13, 2011.**
Contact: Rhyena Halpern, Executive Director, (916) 808-3992, Convention, Culture and Leisure Department
7. **Agreement: Cultural Arts Awards 2012 Grant Award Approval Report # 2011-00844**
Location: Citywide
Action: Adopted **Resolution No. 2011-649:** 1) approving first-year funding for 57 grantee organizations for the 2012-2014 Cultural Arts Awards Grant Program in the total amount of \$285,676 and; 2) authorizing the City Manager or his designee to execute an agreement between the City and County for the transfer of \$285,676 in City funds to the County for the County's administration and disbursement of the funds to the grantee organizations.
Contact: Rhyena Halpern, Executive Director, (916) 808-3989; Anja Aulenbacher, Grants and Cultural Programs Coordinator, (916) 808-3986; Sacramento Metropolitan Arts Commission

8. **Ordinance Amendment: Utility Service Billing and Utility Service Rates, Fees and Charges** (Passed for Publication on 11-29-11, Published on 12-2-11)

Report # 2011-00979

Location: Citywide

Action: Moved/Seconded: Member Steve Cohn/Angelique Ashby

Yes: Members Angelique Ashby, Steve Cohn, Darrell Fong, Robert King Fong, Kevin McCarty, Bonnie Pannell, Jay Schenirer, and Sandy Sheedy.

Absent: Mayor Kevin Johnson.

Public comment heard from Mac Worthy and a motion **passed** adopting **Ordinance No. 2011-051** repealing and reenacting Chapter 13.12; amending Sections 13.04.030, 13.04.220, 13.04.720, 13.04.730, 13.08.020, 13.08.400, 13.08.410, 13.08.470, 13.10.130, 13.10.440, 13.10.450, 13.10.460, 13.10.475 and 13.10.700; and repealing Section 13.04.740, of the Sacramento City Code, relating to utility service billing and utility service rates, fees, and charges.

Contact: Shelette Smallwood, Program Specialist, (916) 808-4928, Department of Utilities

9. **Cannery Plaza Urban Greening Grant Application**

Report # 2011-01011

Location: River District, District 3

Action: Approved State of California Urban Greening Grant Application for Cannery Plaza.

Contact: Rachel Hazlewood, Senior Development Manager (916) 808-8645, Economic Development Department

10. **Establishing a Capital Improvement Project: Energy Reinvestment Program (13001900)**

Report # 2011-00942

Location: Citywide

Action: Adopted **Resolution No. 2011-650:** 1) establishing a new capital improvement project (CIP) for the Energy Reinvestment Program; 2) authorizing the City Manager or the City Manager's designee to accept energy rebates from Energy Technology Assistance Program in the amount of \$217,325, Sacramento Municipal Utilities District in the amount of \$34,530, and Energy Solutions in the amount of \$7,475 and appropriate these rebates to the Energy Reinvestment Program (C13001900, CIP Reimbursable Fund, Fund 3702); 3) authorizing the City Manager or the City Manager's designee to establish revenue and expenditure budgets in the amount of \$259,330 in the Energy Reinvestment Program CIP (C13001900, CIP Reimbursable Fund, Fund 3702); 4) authorizing the City Manager or the City Manager's designee to adjust the Energy Reinvestment Program revenue and expenditure budgets (C13001900, CIP Reimbursable Fund, Fund 3702) as needed for additional rebates to be received during FY2011/12 up to an amount not to exceed \$500,000; 5) authorizing the City Manager or the City Manager's designee to adjust the Energy Reinvestment Program revenue and expenditure budgets (C13001900, CIP Reimbursable Fund, Fund 3702) as needed for administrative cost recovery payments related to solar projects on City facilities to be received during FY2011/12 up to an amount not to exceed \$340,000; and 6) authorizing the City Manager or the City Manager's designee to adjust the expenditure budget in the Energy Reinvestment Program (C13001900, General Fund, Fund 1001) and establish departmental reimbursement budgets to reflect agreements reached between departments related to City facility energy efficiency projects completed by the Department of General Services.

Contact: Yvette Rincon, Sustainability Program Manager, (916) 808-5827, General Services Department

- 11. Contract: Solar Power Purchase
Report # 2011-00940**
Location: Districts 3 and 6
Action: Adopted **Resolution No. 2011-651:** 1) authorizing the City Manager or the City Manager's designee to execute a 20-year power purchase agreement with SolarCity for up to 1.5 megawatts of solar energy for the Fairbairn Water Treatment Plant and the Sacramento Water Treatment Plant; and 2) authorizing the City Manager or the City Managers designee to execute an agreement with SolarCity to reimburse the City's estimated expenses for administration and oversight of the construction of the project.
Contact: James Christensen, Senior Electrical Engineer, (916) 808-5863; Yvette Rincon, Sustainability Program Manager, (916) 808-5827, General Services Department
- 12. Agreement: Phoenix Park Recreation Programs
Report # 2011-00992**
Location: District 8
Action: Adopted **Resolution No. 2011-652:** 1) authorizing the City Manager or designee to enter into a Memorandum of Understanding (MOU) with the Sacramento Housing and Redevelopment Agency (SHRA) to provide staffing, services and supplies for recreational programs at Phoenix Park for a reimbursable amount not to exceed \$95,000 through June 30, 2012; 2) authorizing the City Manager or designee to enter into any necessary amendments to the MOU through June 30, 2012; and 3) authorizing the City Manager to adjust related revenue and expenditure budgets as necessary to implement the agreement with SHRA.
Contact: Bonnie Williamson, Administrative Officer, (916) 808-2348, Parks and Recreation Department
- 13. Disposition and Development Agreement for 3530 10th Avenue with Sacramento Habitat for Humanity
Report # 2011-00972**
Location: District 5
Action: Adopted **Resolution No. 2011-653** authorizing the Sacramento Housing and Redevelopment Agency to execute a Disposition and Development Agreement (DDA) and related conveyance documents with Sacramento Habitat for Humanity for the transfer and development of the vacant, single family residence.
Contact: Chris Pahule, Assistant Director, Community Development (916) 440-1350, Sacramento Housing and Redevelopment Agency
- 14. Contract: Main Avenue Sidewalks Project (T15098300)
Report # 2011-00977**
Location: Main Avenue from Raley Boulevard to Marysville Boulevard, District 2
Action: Adopted **Resolution No. 2011-654:** 1) authorizing the City Manager to approve Change Order No. 3 in the amount of \$63,409 for the Main Avenue Sidewalks Project (T15098300); and 2) resetting the City Manager's administrative authority for the contract with Parker Landscape Development, Inc. for the Main Avenue Sidewalks Project (T15098300).
Contact: Ricky Chuck, Senior Engineer (916) 808-5050, Nicholas Theocharides, Engineering Services Manager, (916) 808-5065, Department of Transportation

15. **Change Order/Supplemental Agreement/Contract: Sacramento Intermodal Facility, Track Relocation Project**
Report # 2011-00974
Location: District 3
Action: Adopted **Resolution No. 2011-655:** 1) approving a change order agreement with Granite Construction (City Agreement No. 2011-0467) for waterproofing, drainage and detention basin revisions and other items in an amount not to exceed \$1,775,311 (T15029000/T15029006); 2) approving Supplemental Agreement No. 3 (City Agreement No. 2011-0469) with TranSystems in the amount of \$250,000 for construction design support of Track Relocation (T15029006); 3) resetting the City Manager's authority for TranSystems Agreement 2011-0469; 4) approving Supplemental Agreement No. 21 (City Agreement No. 2008-0034) with TranSystems in the amount of \$110,250 for West Tunnel ramp design (T15029005); 5) resetting the City Manager's authority for TranSystems Agreement 2008-0034, and; 6) approving a funding agreement with Regional Transit and appropriating \$1,580,040 in federal funds for the Intermodal Phase 2 design (T15029040).
Contact: Hinda Chandler, Senior Architect, (916) 808-8422, Department of Transportation
16. **Contract: Alhambra Boulevard and Folsom Boulevard Traffic Signal Modification Project (T15105600)**
Report # 2011-00963
Location: Alhambra Boulevard and Folsom Boulevard District 3
Action: Adopted **Resolution No. 2011-656:** 1) appropriating \$190,484 (Fund 3703) to the project; 2) approving the transfer of \$61,772 (Fund 2007) from the Major Street Improvement Project (T15098000) to the Alhambra Boulevard and Folsom Boulevard Traffic Signal Modification Project (T15105600); project; 3) approving plans and specifications for the project; 4) awarding the construction contract to Pacific Excavation Inc. in an amount not to exceed \$194,979 and authorizing the City Manager to execute the contract.
Contact: John Matoba, Associate Electrical Engineer, 808-7891; Nicholas Theocharides, Engineering Division Manager, (916) 808-5065, Department of Transportation
17. **Del Paso Road and Interstate 5 Traffic Signalization Project (S15084900)**
Report # 2011-00982
Location: Del Paso Road & Interstate 5 Interchange, District 1
Action: Adopted **Resolution No. 2011-657:** 1) transferring \$136,000 (Fund 2007) from the Major Streets Improvements Project (T15108000) to the project; 2) approving Change Order No. 4 in the amount of \$141,844 with DeSilva Gates Construction, LP; and 3) resetting the City Manager's authority for the construction contract with DeSilva Gates Construction, LP.
Contact: Ricky Chuck, Senior Engineer, (916) 808-5050; Nicholas Theocharides, Engineering Services Manager, (916) 808-5065, Department of Transportation

Public Hearings (Item 18 - 19)

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

18. Neighborhood Code Compliance Case Fees and Penalties – Findings of Fact for Special Assessment Liens [Noticing Not Required]

Report # 2011-01005 Estimated Time: 5 Minutes (Actual Time: 2 minutes)

Location: Citywide

Action: Moved/Seconded: Member Sandy Sheedy/Angelique Ashby

Yes: Members Angelique Ashby, Steve Cohn, Darrell Fong, Robert King Fong, Kevin McCarty, Bonnie Pannell, Jay Schenirer, and Sandy Sheedy.

Absent: Mayor Kevin Johnson.

Conducted a public hearing with public comment heard from Mac Worthy and upon conclusion a motion **passed** adopting **Resolution No. 2011-658 as amended** placing liens on the properties for the amount listed on Exhibit A for unpaid fees and penalties and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the properties.

Contact: Robert Rose, Code Enforcement Manager (916) 808-5947, Community Development Department

19. Housing Case Fees and Penalties – Findings of Fact for Special Assessment Liens [Noticing Not Required]

Report # 2011-00997 Estimated Time: 5 Minutes (Actual Time: 3 minutes)

Location: Citywide

Action: Moved/Seconded: Member Sandy Sheedy/Angelique Ashby

Yes: Members Angelique Ashby, Steve Cohn, Darrell Fong, Robert King Fong, Kevin McCarty, Bonnie Pannell, Jay Schenirer, and Sandy Sheedy.

Absent: Mayor Kevin Johnson.

Conducted a public hearing with public comment heard from Mac Worthy and Julie Berrey; and upon conclusion a motion **passed** adopting **Resolution No. 2011-659 as amended** placing liens on the properties for the amount listed on Exhibit A 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-Operations Manager, (916) 808-8183, Community Development Department

Discussion Calendar (Item 20 - 22)

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

20. 2011 Leadership Sacramento Class's Tree Planting Project

Report # 2011-01015 Estimated Time: 5 Minutes (Actual Time: 6 minutes)

Location: District 8

Action: Moved/Seconded: Member Bonnie Pannell/Robert King Fong

Yes: Members Angelique Ashby, Steve Cohn, Darrell Fong, Robert King Fong, Kevin McCarty, Bonnie Pannell, Jay Schenirer, and Sandy Sheedy.

Absent: Mayor Kevin Johnson.

A motion **passed** adopting **Resolution No. 2011-660** in support of the 2011 Leadership Sacramento Class's tree planting project that will upgrade the Florin Road Bingo Hall's parking lot to be consistent with the City's Shade Tree Ordinance.

Contact: Michelle Heppner, Special Projects Manager, (916) 808-1226, Office of the City Manager

21. Executive Management Unit Benefits Modification

Report # 2011-00967 Estimated Time: 10 Minutes (Actual Time: 24 minutes)

Location: Citywide

Action: Moved/Seconded: Member Steve Cohn/Robert King Fong

Yes: Members Angelique Ashby, Steve Cohn, Darrell Fong, Robert King Fong, Kevin McCarty, Bonnie Pannell, Jay Schenirer, and Sandy Sheedy.

Absent: Mayor Kevin Johnson.

A motion **passed** adopting amended Personnel **Resolution No. 2011-661** covering Unrepresented Officers and Employees requiring the Executive Management Employee Unit to pay the employee share of the retirement contribution to CalPERS and cease furloughs.

Contact: Geri Hamby, Director of Human Resources, (916) 808-7173, Department of Human Resources

22. Cosumnes River Blvd. /I-5 Interchange Agreement and Sacramento Transportation Authority funding allocation changes with Richards Blvd/I-5 Interchange Project

Report # 2011-00890 Estimated Time: 15 Minutes (Actual Time: 0 minutes)

Location: Cosumnes Blvd Interchange: along Interstate 5, one mile south of Pocket Road/Meadowview Road , Districts 7 and 8). Richards Blvd/I-5: located in the River Districts 3 and 4

Action: Continued to adopt a Resolution authorizing the City Manager to 1) execute a Cost Sharing Agreement with M&H Realty Partners VI, LP outlining the roles and responsibilities for financing and construction of the I-5 Interchange and Cosumnes River Boulevard extension (Cosumnes River Boulevard Project); 2) request Sacramento Transportation Authority(STA) approval to reprogram from the Measure A Expenditure Plan \$3,193,000 in FY 2013/14 and \$5,905,000 in FY 2015/16 from the Richards/ I-5 Project to the Cosumnes River Boulevard Project; and 3) request Sacramento Transportation Authority to reprogram up to an estimated \$29,066,700 from FY 2017/18 to FY 2023/24, from the Cosumnes River Boulevard Project to the Richards/ I-5 project.

Contact: Sheri Smith, Project Manager, (916) 808-7204, Economic Development Department

Council Comments-Ideas, Questions and Meeting/Conference Reports

1. Information Requests

- a. Member Jay Schenirer
 - 1. Homelessness Issue and legal options as soon as possible
- b. Member Sandy Sheedy
 - 1. Status on available facilities for homeless

2. Board/Commission Appointments

- a. Sacramento Youth Commission
 - 1. Winson Ekkaphanh (at large)

Adjourned 7:45 at p.m. in memory of Irene Jefferson.