



**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, September 27, 2011

6:00 p.m.

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, September 27, 2011

City Hall – 915 I Street- First Floor Council Chamber

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

Open Session - 6:00 p.m.

Regular session called to order by Mayor Kevin Johnson at 6:00 p.m. Tuesday, September 27, 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 and Mayor Kevin Johnson.

Pledge of Allegiance - led by Boy Scout Troop 402.

Closed Session Report – None.

Public Comments-Matters Not on the Agenda (2 minutes per speaker) (Actual Time: 14 minutes)

- | | |
|--|--|
| 1. Police Department Report Back
a. Mac Worthy | 4. Oak Park Neighborhood Issues
a. Ron Emslie |
| 2. OneBook Convocation (CSUS)
a. Lauren Rodriguez | 5. Commercial Vehicle Parking
a. Jerry Richardson |
| 3. Downtown Conditions
a. Henry Harry | 6. Permit for Feeding the Homeless
a. Liz Green |

Consent Calendar (Items 1 - 11) **Estimated Time: 5 minutes** (Actual Time: 5 minutes)

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

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

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

- Review and Approval of the Municipal Legislation Log**
Report # 2011-00838
Location: Citywide
Actions: Received and filed.
Contact: Michelle Heppner, Special Projects Manager, (916) 808-1226, Office of the City Manager

2. **City Treasurer's Procurement of Investment Operations Service
Report # 2011-00784**
Location: Citywide
Action: Adopted **Resolution No. 2011-530** authorizing the City Treasurer to secure purchase orders for on-going investment and banking services, consulting services, and License, maintenance and/or technical support services for software during the fiscal year 2012 for an amount not to exceed \$300,000.
Contact: John Colville, Chief Investment Officer, Office of the City Treasurer (916) 808-8297, Lydia Abreu, Investment & Operations Manager, (916) 808-7746, Office of the City Treasurer

3. **Supplemental Agreement: Drinking Water Quality for Laboratory Services
Report # 2011-00797**
Location: Citywide
Action: Adopted **Resolution No. 2011-531** authorizing the City Manager or City Manager's designee to execute Supplemental Agreement No. 1 to City Contract 2009-0014 with TestAmerica Laboratories, Inc., to increase the not-to-exceed amount of the contract from \$102,173 to \$147,173 for the performance of additional laboratory testing through December 31, 2011.
Contact: Roland Pang, Water & Sewer Superintendent, (916) 808-1309; Mike Yee, Plant Services Division Manager, (916) 808-5670 - Plant Services, Department of Utilities

4. **Senior Employee Pay Program Termination for Employees in Units 01, 10, 14
Report # 2011-00858**
Location: Citywide
Action: **Moved/Seconded:** Member Robert King Fong/Sandy Sheedy
Yes: Members Angelique Ashby, Steve Cohn, Robert King Fong, Kevin McCarty, Bonnie Pannell, Jay Schenirer, Sandy Sheedy and Mayor Kevin Johnson.
No: Member Darrell Fong.
A motion **passed** adopting **Resolution No. 2011-532** amending the Personnel Resolution Covering Unrepresented Officers and Employees terminating the Senior Employee Pay Program for employees in Unit 01, 10, and 14 effective October 7, 2011.
Contact: Tosha Cherry, Support Services Manager, (916) 808-5498, Human Resources Department

5. **Sewer Credits Approval: Jackson Labs
Report # 2011-00815**
Location: 4910 Raley Boulevard, District 2
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, Sandy Sheedy and Mayor Kevin Johnson.

Removed from Consent Calendar by Member Sandy Sheedy and a motion **passed** adopting **Resolution No. 2011-533**, awarding an additional 133.14 Sacramento Regional County Sanitation District (SRCSD) connection fee credits to The Jackson Laboratory, for the project known as “Jackson Lab.”

Contact: Diana Sasser, Project Manager (916) 808-5519, Economic Development Department

6. Contract: Light Emitting Diode (LED) Lighting Fixtures – Upgrade Interior Lighting Project (V15310000)

Report # 2011-00765

Location: Citywide

Action: Adopted **Resolution No. 2011-534:** 1) awarding a contract to Lofings Lighting for the purchase of LED lighting fixtures for the Downtown Plaza – East, Memorial, and Old Sacramento parking garages in an amount not to exceed \$806,703; and

2) authorizing the City Manager or the City Manager’s designee to execute the contract.

Contact: Sonny Eboigbe, Procurement Analyst, (916) 808-7432; Craig Lymus, Procurement Manager, (916) 808-5524, General Services Department

7. Agreements: Elk Grove Unified School District for After-School Programs Report # 2011-00811

Location: 8401 Valley Lark Drive, District 8; 8351 Cutler Way, outside City limits

Action: Adopted **Resolution No. 2011-535** authorizing the City Manager or designee to 1) execute two agreements and any other related documents with the Elk Grove Unified School District (Elk Grove) as necessary for the City’s Sacramento START program to continue to operate the after-school program at John Reith and Isabelle Jackson Elementary Schools and be reimbursed by Elk Grove up to a total of \$284,571 in Fiscal Year (FY) 2011/12; 2) enter into any amendments or new agreements with Elk Grove for operation of the START program at John Reith or Isabelle Jackson through June 30, 2015, subject to approval as to form by the City Attorney, which may extend the term, change the cost paid per student, change the number of students to be served at any particular school or change other operational requirements, as long as any amendment or new agreement does not increase the maximum payment to the City by more than \$300,000 and the additional services can be provided by the START program and fully funded with Elk Grove’s payments; 3) enter into any new agreements with Elk Grove for operation of the START program through June 30, 2015, subject to approval as to form by the City Attorney, which may expand the number of schools or substitute schools where the START program is operated if the new agreements contain substantially the same contract terms and conditions as the agreements described in Section 1 and the START program is fully funded with Elk Grove’s payments so that no additional General Fund appropriation is required to perform the services under the new agreements; and 4) adjust the operating revenue and expenditure budgets as necessary to implement the agreements with Elk Grove.

Contact: Murray Levison, Administrative Officer, (916) 808-6195, David Mitchell, Operations Manager, (916) 808-6076, Alan Tomiyama, Recreation Manager, (916) 808-8958, Department of Parks and Recreation

8. **(Pass for Publication) Ordinance Amendment: Re-establishment of Exemption from Prevailing Wage Requirement for Public Projects Performed by Volunteers**
Report # 2011-00791
Location: Citywide
Action: 1) Reviewed an Ordinance amending Sacramento City Code Chapter 3.60 to add Section 3.60.195 to reestablish the exemption from the City's prevailing wage requirement for volunteers who work on City public projects; and
2) passed for publication the Ordinance title as required by Sacramento City Charter section 32(c) to be adopted on **October 4, 2011**.
Contact: J.P. Tindell, Park Planning & Development Manager, (916) 808-1955, Department of Parks and Recreation
9. **Lease Agreement: Elmo Slider Clubhouse**
Report # 2011-00776
Location: 7851 35th Avenue, District 6
Action: Adopted **Resolution No. 2011-536:** 1) finding that it is in the best interest of the City, pursuant to Sacramento City Code section 3.68.110E, to lease the property located at 7851 35th Avenue, commonly known as Elmo Slider Clubhouse, without bidding; 2) authorizing the City Manager or the City Manager's designee to execute a nearly two-year lease agreement with Root Causes for the Elmo Slider Clubhouse; 3) authorizing the City Manager or his designee to establish revenue and expenditure budgets as required within the Parks and Recreation Department, Teen and Community Recreation Division General Fund Budget; and 4) authorizing the City Manager or the City Manager's designee to execute such additional documents and to take such additional actions as necessary to implement the lease agreement for the property.
Contact: Dave Mitchell, Operations Manager, (916) 808-6076; Jim Combs, Director, (916) 808-8526, Department of Parks and Recreation
10. **Ordinance Amendment: Blanket Encroachment Permits (Passed for Publication on 9-20-11, Published on 9-23-11)**
Report # 2011-00788
Location: Citywide
Action: Adopted **Ordinance No. 2011-041** amending Section 12.12.090 of the City Code relating to Blanket Encroachment Permits.
Contact: Jon Blank, Supervising Engineer, (916) 808-7914; Nicholas Theocharides, Engineering Service Manager, (916) 808-5065 Department of Transportation
11. **Fiscal Year 2010/11 Measure A Construction Interest Allocation**
Report # 2011-00736
Location: Citywide
Action: Adopted **Resolution No. 2011-537:** 1) accepting the FY2010/11 Measure A Construction interest allocation of \$183,934; 2) directing staff to submit the FY2011/12 Measure A Construction interest allocation funding plan to Sacramento Transportation Authority (STA).
Contact: Nicole Henderson, Supervising Financial Analyst, (916) 808-8242; Nicholas Theocharides, Engineering Services Manager, (916) 808-5065, Department of Transportation

Public Hearings (Item 12)

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

12. **City of Sacramento Property Assessed Clean Energy Program (Noticed on 9-12-11 and 9-19-11) [To Be Delivered]**

Report # 2011-00565 Estimated Time: 10 Minutes (Actual Time: 14 minutes)

Location: Citywide

Action: Moved/Seconded: Member Kevin McCarty/Steve Cohn

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

Conducted a public hearing with public comment heard from Richard Markuson, Jack Frost, and James Beckwith; and upon conclusion, a motion **passed** adopting **Resolution No. 2011-538:** 1) approving the establishment of an Assembly Bill (AB) 811 commercial Property Assessed Clean Energy (PACE) district; and 2) with the understanding that the program report will be reviewed for technical changes/modifications and will come back to council for final approval.

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

Discussion Calendar (Item 13 - 17)

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

13 **Agreement: City of Sacramento Commercial Property Assessed Clean Energy Program [To Be Delivered]**

Report # 2011-00820 Estimated Time: 5 Minutes (Actual Time: 76 minutes)

Location: Citywide

Action: Moved/Seconded: Member Kevin McCarty/Steve Cohn

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

A motion **passed** 1) adopting **Resolution No. 2011-539:** a) approving a five-year professional services agreement with Ygrene Energy Fund, Inc. in an amount not to exceed \$321,000 to administer and finance a City sponsored commercial Property Assessed Clean Energy (PACE) program; b) authorizing the City Manager or the City Manager's designee to execute commercial PACE contractual assessments on behalf of the City; and 2) directing staff and City attorney to develop a residential PACE pilot program.

Contact: Yvette Rincon, Sustainability Program Manager, (916) 808-5827; Reina J. Schwartz, Director, (916) 808-7195, Department of General Services

14. **Vending Machine Nutrition Policy and Request for Proposal (RFP) for Snack/Beverage Vending Services**
Report # 2011-00720 Estimated Time: 20 Minutes (Actual Time:15 minutes)
Location: Citywide

Action: Moved/Seconded: Member Angelique Ashby/Robert King Fong

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

Public comment heard from Fatima Malick, Harold Goldstein, Dave Gibbons, Nikolaas Bos, Gary Watson, John Sain, Jeff Farias, and Trent Van Dusen; and a motion **passed** 1) directing staff to develop a Vending Machine Nutrition Policy based on Option B working with vendors to provide healthier alternatives with a report back in one year; 2) determining as provided by Sacramento City Code section 3.72.120 that special circumstances make the use of the bid procedure inappropriate and that it is in the best interest of the City to consider factors such as energy efficiency, wireless/remote monitoring, and cashless payment options in addition to price, and 3) directing staff to issue an RFP for snack and beverage vending services in City operated facilities.

Contact: Mark Prestwich, Special Projects Manager, (916) 808-5380, City Manager's Office

15. **Agreement: Exclusive Right to Negotiate for Entertainment and Sports Complex**
Report # 2011-00845 Estimated Time: 15 Minutes
Location: District 1 (Actual Time: Item 15 and Item 16: 129 minutes)

Mayor Kevin Johnson announced **appointment of Kevin Johnson, Robert King Fong and Steve Cohn to an ad hoc committee** to delve into details of the project, coordinate with staff, assist with the community, and help with deliberations at council meetings and other public meetings.

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

Yes: Members Angelique Ashby, Steve Cohn, Robert King Fong, Kevin McCarty, Bonnie Pannell, Jay Schenirer, and Mayor Kevin Johnson.

No: Members Sandy Sheedy and Darrell Fong

Public comment heard from Steven Cook, Rosanna Herber, Susan McKee, Linda Norman, and Mac Worthy; and a motion **passed** 1) adopting **Resolution No. 2011-540** authorizing the City Manager to execute an Agreement for the Exclusive Right to Negotiate with Icon Taylor for the Entertainment and Sports Complex and 2) directing that the city be made whole on this investment if the project goes forward, allowing reimbursement from other sources as well.

Contact: John Dangberg, Assistant City Manager, (916) 808-1222, Office of the City Manager

16. **Entertainment and Sports Complex: Schedule, Budget and Professional Services Report # 2011-00847** **Estimated Time: 10 Minutes**

Location: District 1

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

Yes: Members Angelique Ashby, Steve Cohn, Robert King Fong, Kevin McCarty, Bonnie Pannell, Jay Schenirer, and Mayor Kevin Johnson.

No: Members Sandy Sheedy and Darrell Fong

Public comment heard from Blake Elling, Kevin Fippin, Eduardo Monte, Henry Harry, Mac Worthy, Richard Cohen, Greg Hayes, Kathryn Sweeney, and Kanar Tibet; and a motion **passed** adopting **Resolution No. 2011-541** authorizing the City Manager or his designee to enter into contracts for professional services for the Entertainment and Sports Complex.

Contact: John Dangberg, Assistant City Manager, (916) 808-1222, Office of the City Manager

17. **Wastewater Workshop**

Report # 2011-00684 **Estimated Time: 30 Minutes** (Actual Time: 0 minutes)

Location: Citywide

Action: **Continued to October 11, 2011** a Workshop on the City's two wastewater systems presented for Council information, discussion and direction.

Contact: Bill Busath, Interim Engineering Manager, 808-1434 - Department of Utilities

Council Comments-Ideas, Questions and Meeting/Conference Reports

1. Report Back

- a. Member Angelique Ashby
 - 1. Solutions for restoration of police officers
- b. Member Darrell Fong
 - 1. Calls for fire service
- c. Member Sandy Sheedy
 - 1. Research restrictions on marijuana cultivation in City
- d. Member Bonnie Pannell
 - 1. Removing green waste turning to brown waste in City streets

2. Board/Commission Appointments

- a. Entertainment and Sports Complex Ad Hoc
 - 1. Mayor Kevin Johnson
 - 2. Member Steve Cohn
 - 3. Member Robert King Fong
- b. Sacramento Youth Commission
 - 1. Charlie Tschudin (District 3)
 - 2. Olivia Godby (District 3)
- c. Code Enforcement Hearing Examiners
 - 1. Terry A. Reed
- d. Sacramento Heritage, Inc Board
 - 1. William Burg

Adjourned at 10:07 pm.