



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

DRAFT Minutes

Tuesday, April 7, 2009

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

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

CITY COUNCIL

Kevin Johnson, Mayor
Raymond L. Trachea III, District 1
Sandy Sheedy, District 2
Steve Cohn, District 3
Robert King Fong, District 4
Lauren Hammond, Vice-Mayor, District 5
Kevin McCarty, District 6
Robbie Waters, District 7
Bonnie Pannell, District 8

CHARTER OFFICERS

Eileen Teichert, City Attorney
Shirley Concolino, City Clerk
Ray Kerridge, 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, April 7, 2009

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.

Roll Call Regular session called to order by Mayor Kevin Johnson at 6:02 p.m. Tuesday, April 7, 2009 at the Sacramento City Hall Council Chamber.

Members Present: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, Robbie Waters and Mayor Kevin Johnson

Pledge of Allegiance led by Member Robbie Waters.

Closed Session Report None.

Special Presentations/General Communications

a. **National Community Development Week**

Action: Presented by LaShelle Dozier, Executive Director-Sacramento Housing and Redevelopment Agency

Public Comments-Matters Not on the Agenda (2 minutes per speaker)

1. Mike Barnbaum- Update Arden Del Paso Rehabilitation Project and Swanston Station Transit Village Plan

Consent Calendar (Items 1 - 17) **Estimated Time: 05 minutes**

Action: Moved/Seconded: Member Robbie Waters/Member Bonnie Pannell

Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, Robbie Waters, and Mayor Kevin Johnson

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

1. **(City Council/Financing Authority/Housing Authority/Redevelopment Agency) Approval of Minutes for March 24, 2009.**

Location: (Citywide)

Action: Approved the City Council, Financing Authority, Housing Authority, and Redevelopment Agency Minutes for March 24, 2009.

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

2. Open an Application Period for Various Boards and Commissions

Location: (Citywide)

Action: Opened an application period for the: 1) Sacramento Youth Commission to open 04/08/09 with applications due 05/22/09 and 2) Housing Code Advisory & Appeals Board to open 04/08/09 with application due 05/08/09.

Contact: Stephanie Mizuno, Assistant City Clerk, (916) 808-7200, Katia Ligaiviu, Deputy City Clerk, (916) 808-7200, Office of the City Clerk.

3. Agreements: Fiscal Year (FY)2008/09 Revised County Contributions to City Organizations

Location: (Citywide)

Action: Adopted **Resolution No. 2009-199** 1) approving and authorizing the City Manager or his designee to execute agreements regarding revised contributions from Sacramento County for the FY2008/09 operations of the Sacramento Metropolitan Arts Commission and the Sacramento Sports Commission; 2) approving a decrease of the FY2008/09 Sacramento Metropolitan Arts Commission budget by \$38,347; and 3) approving a decrease of the FY2008/09 Sports Commission budget by \$21,475.

Contact: Karolyn Pelka, Administrative Officer, (916) 808-5898, Barbara E. Bonebrake, Director, Convention, Culture & Leisure, (916) 808-8225, Convention, Culture and Leisure Department.

4. (Redevelopment Agency) Docks Area Exclusive Right to Negotiate and Business Terms

Location: Along the eastern bank of the Sacramento River, north of the Marina/Miller Park, west of Interstate 5 and south of Capitol Mall (District 4)

Action: Adopted **Redevelopment Agency Resolution No. 2009-027** 1) authorizing the Executive Director or her designee to execute an Exclusive Right to Negotiate with KSWM Docks Partners, LLC; and 2) approving the Term Sheet and Performance Schedule for the project.

Contact: Beth Tincher, Senior Economic Development Project Manager, (916) 808-7730; Leslie Fritzsche, Downtown Development Manager, (916) 808-5450, Economic Development Department.

5. Public Employees' Retirement System Contract No. 8-110

Location: (Citywide)

Action: 1) Adopted **Ordinance No. 2009-018** amending Contract 89-110 between the City of Sacramento and the Board of Administration California Public Employees' Retirement System (PERS) to provide Section 20434 Fire Safety Plan for Fire Prevention Officers, Section 21574.5 Indexed Level of 1959 Survivor Benefits, and Section 21548 Pre-Retirement Option 2W Death Benefit for police members; and 2) publish the Ordinance on April 10, 2009 as required by Sacramento City Charter Section 32(d).

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

6. Pacific Gas and Electric (PG & E) PowerPathways Program

Location: (Citywide)

Action: Moved/Seconded: Member Robbie Waters/Member Bonnie Pannell

Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, and Robbie Waters

Abstain: Mayor Kevin Johnson

Adopt **Resolution No. 2009-200** 1) approving the Fiscal Year 2008-2009 Operating Budget for the Sacramento Employment and Training Agency (SETA) in the amount of \$78,166,125; and 2) authorizing the SETA Auditor-Controller to transfer and adjust reserve accounts in the amounts of the approved operating budget.

Contact: Robin Purdy, Deputy Director, (916) 263-3860, Sacramento Employment and Training Agency.

7. Zapata Park Master Plan

Location: 905 E Street (District 1)

Action: Moved/Seconded: Member Robbie Waters/Member Bonnie Pannell

Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, and Robbie Waters

Abstain: Mayor Kevin Johnson

Adopted **Resolution No. 2009-201** approving the Zapata Park Master Plan.

Contact: Tin-Wah Wong, Associate Landscape Architect, (916) 808-5540, J.P. Tindell, Park Planning and Development Manager, (916) 808-1955, Parks and Recreation Department.

8. Contract: Parks and Recreation Safety Implementation Plan: Bill Bean, Jr. Memorial Park Safety Improvements (L19807700 and L19808700)

Location: 7400 17th Avenue (District 6)

Action: Moved/Seconded: Member Robbie Waters/Member Bonnie Pannell

Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, and Robbie Waters

Abstain: Mayor Kevin Johnson

Adopted **Resolution No. 2009-202** 1) approving the contract specifications and awarding the contract to Saenz Landscape Construction Company to perform the improvements to the park for an amount not to exceed \$211,032; and 2) authorizing the City Manager to execute the contract for the project.

Contact: Dennis Day, Associate Landscape Architect, (916) 808-7633, J.P. Tindell, Park Planning and Development Manager, (916) 808-1955, Parks and Recreation Department.

9. **Grant: FY2009 Community Oriented Policing Services (COPS) Hiring Recovery Program**

Location: (Citywide)

Action: Moved/Seconded: Member Robbie Waters/Member Bonnie Pannell

Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, and Robbie Waters

Abstain: Mayor Kevin Johnson

Adopted **Resolution No. 2009-203** authorizing the City Manager, or his designated representative, to apply for federal grant funding through the COPS Hiring Recovery Program grant administered through the U.S. Department of Justice, Office of COPS.

Contact: Jim Maccoun, Captain, (916) 808-0841, Police Department.

10. **On-Street Angled Parking Program (S15071500)**

Location: 14th Street between P Street and Q Street (District 4)

Action: Adopted **Resolution No. 2009-204** approving the implementation of angled parking on west side of 14th Street between P Street and Q Street through the program.

Contact: Zarah Bringas, Assistant Civil Engineer, (916) 808-8494, Samar Hajeer, Senior Engineer, (916) 808-7808, Transportation Department.

11. **Contract/Supplemental Agreement: Dixieanne Avenue Green Street Improvements Project (T15056001)**

Location: Dixieanne Avenue between the Dixieanne Light Rail Station and Erickson Street (District 2)

Action: Moved/Seconded: Member Robbie Waters/Member Bonnie Pannell

Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, and Robbie Waters

Abstain: Mayor Kevin Johnson

Adopted **Resolution No. 2009-205** 1) approving plans and specifications for the project; 2) awarding the construction contract to Argonaut Constructors for an amount not to exceed \$1,048,837; 3) executing Supplemental Agreement No. 4 to City Agreement No. 2005-0187 with Moore Iacofano Goltsman, Inc. (MIG) to perform additional services during design, bidding and anticipated assistance with the construction needed to complete this project for an amount not to exceed \$33,384 and; 4) resetting City Manager's supplemental agreement authority with MIG for this project.

Contact: Nader Kamal, Special Projects Engineer, (916) 808-8279, Tim Mar, Supervising Engineer, (916) 808-7531, Transportation Department.

12. **Agreement: New Measure A Funds for Sacramento Intermodal Transportation Facility (SITF)** (Continued from 3-24-09, 3-31-09)
Location: Downtown Railyards (District 1)
Action: Withdrawn by staff.
Contact: Hinda Chandler, Senior Architect, (916) 808-8422, Lucinda Willcox, Program Manager, (916) 808-5052, Transportation Department.
13. **FY2008/09 Adjustments to the Utilities Capital Improvement Program (CIP) Budgets**
Location: (Citywide)
Action: Moved/Seconded: Member Bonnie Pannell/Member Sandy Sheedy
Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Robbie Waters and Mayor Kevin Johnson
Absent: Member Ray Tretheway
Removed from Consent Calendar by Member Bonnie Pannell and a motion **passed** to adopt **Resolution No. 2009-207** authorizing the City Manager to amend the FY2008/09 (FY09) Utilities CIP budgets to add eight new projects to the FY09 Utilities Capital Improvement Programs and to defund various projects and appropriate funds to other projects and to new projects.
Contact: David L. Brent, Engineering Manager, (916) 808-1420, Jamille Moens, Business Services Manager, (916) 808-5988, Utilities Department.
14. **Supplemental Agreement: Dellar Landfill**
Location: (Citywide)
Action: Moved/Seconded: Member Steve Cohn/Member Lauren Hammond
Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Robbie Waters and Mayor Kevin Johnson
Absent: Member Ray Tretheway
Removed from Consent Calendar by Member Steve Cohn and a motion **passed** to adopt **Resolution No. 2009-208** authorizing the City Manager or designee to execute Supplemental Agreement No. 2 to City Agreement No. 2008-0629 with SCS Engineering for additional work related to the final closure plan for the Dellar Landfill, for an amount not to exceed \$15,500.
Contact: Edison Hicks, Integrated Waste General Manager, (916) 808-4949, Marty Strauss, Integrated Waste Planning Superintendent, (916) 808-4934, Utilities Department.

15. **Ordinance Amendment: Chapter 13.10 of the City Code Regarding Recycling**
(Passed for Publication on 3-31-09, Published on 4-3-09)
Location: (Citywide)
Action: Adopted **Ordinance No. 2009-019** amending section 13.10 of the Sacramento City Code, adding Article VII mandating recycling and participation by residential property owners in the City's existing curbside recycling collection service.
Contact: Shelle Smallwood, Billing Manager, (916) 808-4928, Jamille Moens, Business Services Division Manager, (916) 808-5988, Utilities Department.
16. **Supplemental Agreement: Update of Development Fees for Water, Sewer and Drainage (W14004700)**
Location: (Citywide)
Action: Adopted **Resolution No. 2009-209** authorizing the City Manager to execute a Supplemental Agreement No. 1 to City Agreement 2008-1046 with Willdan Financial Services to modify the existing Professional Services Agreement for Phase 1 of the fee study project, to add the scope of services for Phase 2 of the project, and increase the contract not to exceed amount from \$8,000 to \$137,200.
Contact: David L. Brent, Engineering Services Manager, (916) 808-1420, Robert D Armijo, Senior Engineer, (916) 808-1411, Utilities Department.
17. **Supplemental Agreement: Study program on the Lower American River Project (Z14009100)**
Location: (Citywide)
Action: Withdrawn by staff.
Contact: David L. Brent, Engineering Services Manager, (916) 808-1420, Dan R. Sherry, Special Projects Engineer, (916) 808-1419, Utilities Department.

Public Hearings (Item 18)

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

18. **Estimated Time: 1 hour**
Appeal: Sutterville KFC and Long John Silver's Restaurant with Drive-Through Service (P08-002) (Noticed 3-27-09)
Location: 2128 Sutterville Road, between 21st and 22nd Streets (District 5)
Action: Moved/Seconded: Member Lauren Hammond/Member Bonnie Pannell
Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, Robbie Waters, and Mayor Kevin Johnson
Conducted a public hearing with public comment heard from Melanie Neves, Ryan Curtis, and Richard Cortez; and upon conclusion a motion **passed** to adopt 1) **Resolution No. 2009-211** approving the environmental exemption per CEQA Guidelines Section 15332 (Infill Development); and 2) **Resolution No. 2009-212** approving the Sutterville KFC/Long John Silver's Restaurant with Drive-through Service Project.

Contact: Jamie Cutlip, Associate Planner (916) 808-8684; Joy Patterson, Principal Planner (916) 808-5607, Developments Services.

Discussion Calendar/Staff Reports (Items 19 and 20)

19. **Estimated Time: 30 minutes**
Organization Placement of the City Auditor
Location: (Citywide)

Action: Withdrawn by staff.

Contact: Marty Kolkin, City Auditor, (916) 808-5704, Office of the City Manager.

20. **Estimated Time: 15 minutes**
Increasing Requirement for Recognizing Landlords and Property Managers who Designate Rental Units as Non-Smoking
Location: (Citywide)

Action: Moved/Seconded: Member Kevin McCarty/Member Ray Tretheway

Yes: Members Steve Cohn, Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, Robbie Waters, and Mayor Kevin Johnson

Public comment heard from Cory Koehler and Carolyn Martin; a motion **passed** to adopt **Resolution No. 2009-213** increasing the minimum number of non-smoking multi-family units from 25% to 50% for recognizing landlords and property managers who designate existing rental units as non-smoking.

Contact: Max Fernandez, Director of Code Enforcement, (916) 808-7940, Bob Rose, Code Enforcement Manager, (916) 808-5947, Randy Stratton, Code Enforcement Manager, (916) 808-6497, Code Enforcement Department.

Council Comments-Ideas, Questions and Meeting/Conference Reports

a. Report Back

1. Member Ray Tretheway- Green waste exceptions for those with homeowner waste collection inclusion
2. Member Ray Tretheway-Study on economic and employment impacts of Arco Arena on Natomas
3. Member Sandy Sheedy-Refer medical marijuana clinic issue to the Law and Legislation Committee
4. Member Robbie Waters-Alert that DEA not involved in local medical marijuana clinic issue and examine current City zoning ordinances
5. Member Sandy Sheedy-Reestablish Animal Care Services Ad Hoc Committee
6. Member Robert King Fong-Refer an Ordinance regarding the placement of donation boxes to the Law and Legislation Committee
7. Member Sandy Sheedy-Reminder of budget questions

b. Board/Commission Appointments

None

Adjourned at 7:17 p.m.