



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

DRAFT Minutes

Tuesday, August 17, 2010

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

CHARTER OFFICERS

Eileen Teichert, City Attorney
Shirley Concolino, City Clerk
Gus Vina, Interim 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.

Meetings are broadcast live on Metrocable, Channel 14, AT&T Broadband Cable System and rebroadcast on the Saturday following the date of the meeting. (Check Listings)

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Meeting facilities are accessible to persons with disabilities. If you require special assistance to participate in the meeting, notify the Office of the City Clerk at (916) 808-7200 at least 48 hours prior to the meeting.

DRAFT Minutes

Tuesday, August 17, 2010

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 6:02 p.m. Tuesday, August 17, 2010 at the Sacramento City Hall Council Chamber.

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

Absent: Member Steve Cohn.

Pledge of Allegiance—led by Boy Scout Troup 8.

Closed Session Report – None.

Public Comments-Matters Not on the Agenda (2 minutes per speaker)(Actual Time: 12 minutes)

1. Safeguard
 - a. Tracie Rice Bailey
2. Parking Citation Dismissal
 - a. Ceasar Nelson
3. Identity Theft
 - a. Leo Benavidez
4. Trustee Sale Foreclosure Proposal
 - a. Rueben Nieves
5. Senor Issues
 - a. Bill Grant

Consent Calendar (Items 1- 15) **Estimated Time: 5 minutes** (Actual Time: 3 minutes)

Action: Moved/Seconded: Member Robbie Waters/Member Kevin McCarty

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

Absent: Member Steve Cohn.

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 August 5, 2010.**

Location: (Citywide)

Action: Approved the City Council, Financing Authority, Housing Authority, and Redevelopment Agency Minutes for August 5, 2010.

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

2. **Comprehensive Zoning Code Update: Request for Council Authorization to Apply for Federal and State Grants**

Location: (Citywide)

Action: Adopted 1) **Resolution No. 2010-483** authorizing the City Manager to submit an application for grant funding under the Federal Community Challenge Planning Grant Program in the amount of \$3,000,000; and 2) **Resolution No. 2010-484** authorizing the City Manager to submit an application for grant funding under the State Sustainable Communities Planning Grant Program to secure funding in the amount of \$1,000,000 for a comprehensive update to the City's Zoning Code.

Contact: Greg Sandlund, Associate Planner, (916) 808-8931, Thomas S. Pace, Principal Planner, (916) 808-6848, Community Development Department.

3. **Agreement: Downtown Infrastructure Study**

Location: I to N Streets, 3rd to 15th Streets (District 1)

Action: Adopted **Resolution No. 2010-485** authorizing the City Manager to execute a professional services agreement with Nolte Associates, Inc. in an amount not to exceed \$150,000 to prepare an infrastructure study for downtown.

Contact: Sheri Smith, Senior Project Manager, (916) 808-7204, Leslie Fritzsche, Downtown Development Manager, (916) 808-5450, Economic Development Department.

4. **(City Resolution/Redevelopment Agency) Construction and Funding for the Greyhound Terminal Project (B18420000)**

Location: 420 Richards Boulevard, River District (District 1)

Action: Adopted 1) **City Resolution No. 2010-486** a) authorizing the City Manager to enter into an Individual Project Agreement (IPA) with the Redevelopment Agency for the construction of the Greyhound Terminal Project with \$4 million in Sheraton Hotel Sale Proceeds and \$500,000 in River District Redevelopment Taxable Bond Proceeds; b) amending the FY2010/11 Capital Improvement Program (CIP) budget by transferring \$900,000 in Richards Boulevard Development Impact Fee Contingency Funds (Fund 3202); and c) increasing the revenue and expenditure budget by \$5,400,000 (Fund 3701 and Fund 3202) for these funding sources for the project; 2) **City Resolution 2010-487 as amended** a) authorizing the City Manager or the City Manager's designee to execute Supplemental Agreement No. 5 with Mogavero Notestine and Associates for a not to exceed amount of \$28,000; b) establishing and authorizing the guaranteed maximum price (GMP) for the project in an amount not to exceed \$5,409,489; c) and awarding the design-assist construction contract for that amount; and d) restoring the City Manager's signature authority; 3) **Redevelopment Agency Resolution No. 2010-032** a) authorizing the Executive Director or her designee to enter into an Individual Project Agreement with the City for

the Greyhound Terminal Project with \$4 million in Sheraton Hotel Sale Proceeds and up to \$500,000 in River District Redevelopment Taxable Bond Proceeds; and b) making related findings.

Contact: Rachel Hazlewood, Senior Project Manager, Economic Development Department, (916) 808-8645, Economic Development Department, Kirk Thompson, Associate Architect, (916) 808-8431, General Services Department.

5. Grant: 2009 State Homeland Security Grant Program (SHSGP) Funding, Fire Department

Location: (Citywide)

Action: Adopted **Resolution No. 2010-488** authorizing the City Manager or his designees, Fire Chief and Deputy Fire Chief to 1) accepting \$492,414 in grant funding from the 2009 State Homeland Security Grant Program (SHSGP); 2) establishing operating grants for the 2009 SHSGP grant; 3) establishing and adjusting the necessary grant revenue and expenditure budgets to implement the \$492,414 in grant funds; and 4) approving all other paperwork to implement the 2009 SHSGP grant and to assure adherence to all grant regulations.

Contact: Lloyd Ogan, Deputy Fire Chief, (916) 808-1603, Fire Department.

6. Externally Funded Program: Sacramento Regional Driver Training Facility

Location: (Citywide)

Action: Adopted **Resolution No. 2010-489** authorizing the City Manager, or designee, to: 1) establish an externally funded program (EFP) (E08000100) and establish revenue and expenditure budgets of \$100,000 for operation of the Sacramento Regional Driver Training Facility (SRDTF); and 2) adjust the revenue and expenditure budgets based on actual fees collected from external program participants and reimbursements to the Police and Fire Departments for labor provided by annuitant safety trainers and reserve police officers.

Contact: Barbara Brenner (916) 808-7785, Loss Prevention Manager, Human Resources Department.

7. Agreement: Employee Assistance Program

Location: (Citywide)

Action: Adopted **Resolution No. 2010-490** 1) awarding a two-year contract for Employee Assistance Program Services to promote a well-balanced personal and professional life for City employees including professional aid with educational and consultative assistance concerning financial, legal, childcare, elder care, tax advisory and pre-retirement issues to Managed Health Network (MHN) in a total amount not to exceed \$400,000 for the term of the contract; and 2) authorizing the City Manager or the City Manager's designee to execute the contract.

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

8. **Contract: Niños Parkway – Phase 3 Project (K19007000) [2/3 Vote Required]**
Location: Niños Park Bikeway between San Juan Road and West El Camino Avenue (District 1)
Action: Adopted **Resolution No. 2010-491** 1) approving the contract plans and specifications for the project; 2) rejecting all bids and suspending further competitive bidding as it is in the best interests of the City; 3) appropriating Planning Area 9 Quimby In Lieu Fees (Fund 2508) in the amount of \$20,000 to the project; and 4) directing the City Manager, or City Manager's designee, to negotiate and execute a contract with Hemington Landscape Services Inc. for parkway improvements in an amount not to exceed \$180,000.
Contact: C. Gary Hyden, Supervising Landscape Architect, (916) 808-1949, J.P. Tindell, Park Planning and Development Manager, (916) 808-1955, Parks and Recreation Department.
9. **Contract: Alley Resurfacing from 17th Street to 18th Street between L Street and Capitol Avenue Project (T15105400)**
Location: 17th Street to 18th Street between L Street and Capitol Avenue (District 3)
Action: Adopted **Resolution No. 2010-492** 1) approving plans and specifications for the project; 2) appropriating funds in the amount of \$25,000 (Fund 3702); 3) awarding the contract to Biondi Paving and Engineering for an amount not to exceed \$128,342.
Contact: Ricky Chuck, Senior Engineer, (916) 808-5050, Tim Mar, Supervising Engineer, (916) 808-7914, Transportation Department.
10. **Supplemental Agreement: Railyards to Richards Boulevard and Interstate 5 Project (T15088300)**
Location: Richards Boulevard and Interstate 5, Bercut Drive and Jibboom Street located just north of Downtown. (District 1)
Action: Adopt **Resolution No. 2010-493** 1) authorizing the City Manager to execute Supplemental Agreement No. 4 of City Agreement No. 2008-0307 for an amount not to exceed \$64,834 with David Evans and Associates, Inc.; 2) transferring \$70,000 (Fund 2001) from the Major Street Improvements Project (T15108000) to the project; and 3) resetting the City Manager's agreement authority with David Evans and Associates, Inc.
Contact: Nader Kamal, Special Projects Engineer, (916) 808-7035, Tim Mar, Supervising Engineer, (916) 808-7531, Transportation Department.
11. **City of Sacramento Investment Policy and Delegation of Investment Authority**
Location: (Citywide)
Action: Adopt **Resolution No. 2010-494** 1) approving the Investment Policy governing the investment of City treasury pooled funds; and 2) delegating investment authority to the City Treasurer.
Contact: Russell T. Fehr, City Treasurer, (916) 808-5832, Bob Tokunaga, Senior Investment Officer, (916) 808-5340.

- 12. Delegation of Authority for Matters Relating to the California State Association of Counties Excess Insurance Authority**
Location: (Citywide)
Action: Adopt **Resolution No. 2010-495** approving the City Manager's delegation of authority to the Risk Manager, to act on the City's behalf in matters relating to the City and the California State Association of counties Excess Insurance Authority.
Contact: Patrick Flaherty, (916) 808-8567, Human Resources Department.
- 13. Contract: 35th Avenue DOU (Department of Utilities) Building Solar Project (Z14001900)**
Location: 1395 35th Avenue (District 4)
Action: Adopt **Resolution No. 2010-496** 1) approving the plans and specifications for the project and awarding the contract to Wenham Construction for an amount not to exceed \$493,270, and 2) authorizing the transfers of funds, from: the Base CIP Reserve - Drainage (W14000200) in the amount of \$38,000 (Fund 6011), Base CIP Reserve - Sewer (X14000500) in the amount of \$90,000 (Fund 6006) and the Base CIP Reserve - Water (Z14000700) in the amount of \$5,000 (Fund 6005).
Contact: David L. Brent, Engineering Manager, (916) 808-1420, Dave Hansen, Supervising Engineer, (916) 808-1421, Utilities Department.
- 14. Contract: American Recovery and Reinvestment Act (ARRA) Water Meter Retrofit Project Phase 4 (Z14010022)**
Location: Residential and commercial properties in the City of Sacramento (District 6)
Action: Adopt **Resolution No. 2010-497** awarding the contract to complete the project to Florez Paving for an amount not to exceed \$874,730.
Contact: David L. Brent, Engineering Manager, (916) 808-1420, Dan Sherry, Supervising Engineer, (916) 808-1419, Utilities Department.
- 15. Agreement: Housing & Urban Development (HUD) Sustainable Communities Regional Planning Grant [To Be Delivered]**
Location: (Citywide)
Action: Adopt **Resolution No. 2010-498 as amended** authorizing the City Manager to sign a Memorandum of Understanding (MOU) with Sacramento Area Council of Governments (SACOG) supporting their HUD Regional Planning Grant and for the City to serve on a consortium to review the work product.
Contact: Jim McDonald AICP, Senior Planner, (916) 808-8931, Thomas S. Pace, Principal Planner, (916) 808-6848, Community Service Department.

Public Hearings (Items 16 - 18)

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

16. **Estimated Time: 5 minutes** (Actual Time: 2 minutes)
Housing Case Fees and Penalties – Findings of Fact for Special Assessment Liens
Location: (Citywide)
Action: Moved/Seconded: Member Sandy Sheedy/Member Bonnie Pannell
Yes: Members Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, Robbie Waters and Mayor Kevin Johnson.
Absent: Member Steve Cohn.
Conducted a public hearing with no public comment and upon conclusion a motion **passed** adopting **Resolution No. 2010-499 as amended** placing special assessment liens on the properties in the amount of \$239,727 for unpaid fees and penalties and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the properties.
Contact: Randy Stratton, Code Enforcement Manager, (916) 808-6497, Community Development Department.
17. **Estimated Time: 5 minutes** (Actual Time: 2 minutes)
Neighborhood Code Compliance Case Fees and Penalties – Findings of Fact for Special Assessment Liens
Location: (Citywide)
Action: Moved/Seconded: Member Robbie Waters/Member Bonnie Pannell
Yes: Members Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, Robbie Waters and Mayor Kevin Johnson.
Absent: Member Steve Cohn.
Conducted a public hearing with no public comment and upon conclusion a motion **passed** adopting **Resolution No. 2010-500 as amended** placing liens on the properties in the amount of \$21,629 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, Code Enforcement Manager, (916) 808-8577, Community Development Department.
18. **Estimated Time: 15 minutes** (Actual Time: 2 minutes)
Required Report on City's Water Quality Relative to Public Health Goals
[No Additional Noticing Required]
Location: (Citywide)
Action: Moved/Seconded: Member Bonnie Pannell/Member Ray Tretheway
Yes: Members Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, Robbie Waters and Mayor Kevin Johnson.
Absent: Member Steve Cohn.

Conducted a public hearing with no public comment on the 2010 Report on City's Water Quality Relative to Public Health Goals.

Contact: Mike Yee, Plant Services Division Manager, (916) 808-5670, Roland Pang, Superintendent of Water and Sewer, (916) 808-1309, Utilities Department.

Discussion Calendar/Staff Reports (Items 19 - 22)

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

19. Estimated Time: 5 minutes (Actual Time: 3 minutes)

City of Sacramento State IOU Purchase Program

Location: (Citywide)

Action: Moved/Seconded: Member Lauren Hammond/Member Ray Tretheway

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

Absent: Member Steve Cohn.

A motion **passed** adopting **Resolution No. 2010-501** 1) approving the City Treasurer's purchase of up to \$20 million in State of California registered warrants (commonly referred to as IOUs) from City of Sacramento residents and businesses and non-profits organizations, as well as local businesses that employ city residents; and 2) authorizing an administrative fee of up to \$2.00 per transaction to offset the cost processing the purchase.

Contact: Russell T. Fehr, City Treasurer, (916) 808-5832, John Colville, Chief Investment Officer, (916) 808-8297, Office of the City Treasurer.

20. Estimated Time: 5 minutes (Actual Time: 2 minutes)

Designation of Voting Delegate for League of California Cities 2010 Annual Conference

Location: (Citywide)

Action: Moved/Seconded: Member Bonnie Pannell/Member Sandy Sheedy

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

Absent: Member Steve Cohn.

A motion **passed** appointing Member Kevin McCarty as the voting delegate and Member Robert King Fong as the alternate voting delegate to the 2010 League of California Cities Annual Conference.

Contact: Shirley Concolino, City Clerk, (916) 808-5442, Office of the City Clerk.

21. **Estimated Time: 30 minutes** (Actual Time: 0 minutes)
Ordinance Amendment: Fire Cost Recovery and Adopt Resolution No. 2010- Establishing Fee Schedule for Motor Vehicle Accidents and Vehicle Fires
(Passed for Publication on 8-10-10, Published on 8-13-10)
Location: (Citywide)
Action: Continued to 9-14-2010 to adopt 1) an Ordinance adding City Code Chapter 8.128 Relating to Fire Cost Recovery; and 2) a Resolution establishing fee schedule for Suppression Services for Motor Vehicle Accidents and Vehicle Fires.
Contact: Lloyd Ogan, Operations Deputy Fire Chief, Fire Department, (916) 808-1300, Mark Prestwich, Special Projects Manager, City Manager's Office, (916) 808-5380, Fire Department.

22. **Estimated Time: 10 minutes** (Actual Time: 30 minutes)
Council Rules of Procedure (CRP) Discussion
Location: (Citywide)
Action: Moved/Seconded: Member Robert King Fong/Member Sandy Sheedy
Yes: Members Robert King Fong, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, Ray Tretheway, Robbie Waters and Mayor Kevin Johnson.
Absent: Member Steve Cohn.
A motion **passed** 1) directing staff to modify the CRP to include one 2:00 p.m. meeting per month; 2) affirming the 9:00 p.m. adjournment time meeting start times and other agenda related concerns; and 3) directing the City Attorney and City Treasurer to comment and/or acknowledge review of all Agenda reports.

Action: Moved/Seconded: Member Robert King Fong/Member Sandy Sheedy
Yes: Members Robert King Fong, Lauren Hammond, Bonnie Pannell, Sandy Sheedy, and Robbie Waters.
No: Members Kevin McCarty, Ray Tretheway and Mayor Kevin Johnson.
Absent: Member Steve Cohn.

A motion **passed** 1) directing staff to place public comment at the end of the agenda.
Contact: Patti Bisharat, Interim Assistant Manager, (916) 808-5704, Office of the City Manager, Shirley Concolino, City Clerk, (916) 808-5442, Office of the City Clerk.

Council Comments-Ideas, Questions and Meeting/Conference Reports

1. Report Back

None.

2. Board/Commission Appointments

None.

Adjourned – 7:08 p.m. in Memory of Rev. Tillman Wade Sr.