



Meetings of Sacramento City Council Financing Authority Housing Authority

CITY COUNCIL

Kevin Johnson, Mayor
Angelique Ashby, Vice-Mayor, 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, District 8

DRAFT Minutes

Tuesday, July 31, 2012

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

Sandra Talbott, Interim 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 Action; 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, July 31, 2012

6:00 p.m.

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 6:03 p.m., Tuesday, July 31, 2012 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 Mayor Kevin Johnson.

Absent: Member Jay Schenirer

Pledge of Allegiance—led by Member Angelique Ashby.

Closed Session Report – None.

Public Comments-Matters Not on the Agenda (2 minutes per speaker) (Actual Time: 24 minutes)

- | | |
|--------------------------|----------------------|
| 1. Fluoridation | 5. General Community |
| a. Kim Glazzard | a. Mac Worthy |
| b. Tin Lieu | b. Ron Emslie |
| 2. Second Saturday Hours | c. Robert Lynn |
| a. Sandy Feder | d. Tim Boyd |
| 3. McKenly Park Fire | e. Willie Mincoy |
| a. Eva Nunez | |
| 4. Police | |
| a. Liberty J | |

Consent Calendar (Items 1 - 19) **Estimated Time: 5 minutes** (Actual Time: 3 minutes)

Action: Moved/Seconded: Member Robert King Fong /Member Darrell Fong

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

Absent: Member Jay Schenirer

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

- 1. Summary Vacation of Excess Right-of-Way at 3947 Rio Linda Boulevard**
Report # 2012-00092
Location: 3947 Rio Linda Boulevard, District 2
Action: Passed **Resolution No. 2012-272** vacating a portion of the public right-of-ways located along 3947 Rio Linda Boulevard and North Avenue reserving to the City a public service easement.

Contact: Thomas Adams, Engineering Technician II, (916) 808-7929; Nicholas Theocharides, Engineering Services Manager, (916) 808-5065, Department of Public Works

2. **City Attorney's Impartial Analysis for the November 6, 2012 General Municipal Election – Various Measures**
Report # 2012-00674
Location: Citywide
Action: Passed **Resolution No. 2012-273** directing the preparation of an impartial analysis for various measures for inclusion in the November 6, 2012, General Municipal Election official sample ballot.
Contact: Stephanie Mizuno, Assistant City Clerk, 808-8093; Shirley Concolino, City Clerk, (916) 808-5442, City Clerk's Office
3. **November 6, 2012 General Municipal Election - Ballot Measures**
Report # 2012-00649
Location: Citywide
Action: Passed **Resolution No. 2012-274** calling and giving notice of the placement of various measures on the November 6, 2012 consolidated general municipal election ballot.
Contact: Stephanie Mizuno, Assistant City Clerk, (916) 808-8093; Shirley Concolino, City Clerk, (916) 808-5442, Office of the City Clerk
4. **June 2012 Monthly Investment Transactions Report**
Report # 2012-00612
Location: Citywide
Action: Received and filed.
Contact: John Colville, Chief Investment Officer, (916) 808-8297, Office of the City Treasurer
5. **Agreement: Lower American River Salmonid Spawning Gravel Augmentation Project**
Report # 2012-00659
Location: Citywide
Action: Passed 1) **Motion No. 2012-177** authorizing the City Manager or his designee to execute Modification No. 3 in the amount of \$255,660.38, and Modification No. 4 in the amount of \$395,283.01, to Cooperative Agreement No. F10AC00846 (formerly #81332AJ004) with the U.S. Department of the Interior Fish and Wildlife Service to accept additional funding for the Project, that is being administered by the City-County Office of Metropolitan Water Planning, and 2) **Resolution No. 2012-275** increasing Fund 7104 revenue and expense budgets for G14000200 by \$650,944 to reflect the additional reimbursements from the U.S. Fish and Wildlife Service.
Contact: Tom Gohring, Executive Director, (916) 808-1998, Community Support Department
6. **Vacation of a Portion of Bannon and 5th Streets and the Street Acceptance of an Additional Portion of Bannon Street**
Report # 2012-00521
Location: District 3
Action: Passed 1) **Resolution No. 2012-276** vacating the areas of Bannon and 5th Street specified in Exhibits A and B to the proposed resolution; and 2) **Resolution No. 2012-277** accepting a portion of Bannon Street into the City's street system as streets for roadway and pedestrian.

Contact: Jerry Lovato, Senior Engineering Technician, (916) 808-7918; Thomas Adams, Engineering Technician, (916) 808-7929; Nicholas Theocharides, Engineering Services Manager, (916) 808-5065, Department of Transportation

7. **Water Treatment Plants Rehabilitation Project [2/3 Vote Required]** (Continued from 7-24-12)
Report # 2012-00584
Location: District 1 and 6
Action: Passed **Resolution No. 2012-278** suspending competitive bidding, in the best interests of the City, for the Water Treatment Plants Rehabilitation Project, so that City staff can utilize a prequalification process to selected pre-qualified contractors eligible to bid on the project.
Contact: Bill Busath, Interim Division Manager, (916) 808-1434; Dan Sherry, Supervising Engineer, (916) 808-1419, Department of Utilities
8. **Agreement: Stormwater through National Pollutant Discharge Elimination System (NPDES) Permit Cost Sharing Memorandum of Understanding**
Report # 2012-00592
Location: Citywide
Action: Passed **Motion No. 2012-178** authorizing the City Manager or the City Manager's designee to sign the Stormwater NPDES Permit Cost Sharing Memorandum of Understanding (MOU) with the County of Sacramento and the Cities of Citrus Heights, Elk Grove, Folsom, Galt, and Rancho Cordova.
Contact: Bill Busath, Interim Engineering Manager, (916) 808-1434; Sherill Huun, Supervising Engineer, (916) 808-1455, Department of Utilities
9. **Supplemental Agreement: Larry Walker Associates for FY 2012/2013 Stormwater Monitoring Services (I14010200)**
Report # 2012-00593
Location: Citywide
Action: Passed 1) **Motion No. 2012-179** authorizing the City Manager or City Manager's designee to execute Supplemental Agreement No. 1 to City Agreement No. 2011-1218 with Larry Walker Associates, Inc., to provide Stormwater Monitoring Services for FY2012/2013, for an amount not to exceed \$858,159, and 2) **Resolution No. 2012-279** authorizing amendments to the FY10-FY14 NPDES Program (I14010200) Revenue and Expenditure Budgets (Fund 6211), for the reimbursement from the County of Sacramento and the Cities of Citrus Heights, Elk Grove, Folsom, Galt, and Rancho Cordova for their share of the FY 2012/2013 Stormwater Monitoring Program costs in the total amount of \$523,902.
Contact: Bill Busath, Interim Engineering Manager, 808-1434; Sherill Huun, Supervising Engineer, 808-1455 - Department of Utilities
10. **Appointments: Sacramento Groundwater Authority (SGA)**
Report # 2012-00597
Location: Citywide
Action: Passed **Resolution No. 2012-280** appointing the following representatives to the Sacramento Groundwater Authority Board of Directors: Andrew Soule and Grady Stevens (California American Water), Richard Allen and Ryan Saunders (Del Paso Manor Water District), Paul Schubert and Travis Anderson (Golden State Water Company), Matt Lauppe and Brett Gray (Natomas Central Mutual Water Company), Kevin Thomas and Todd Robinson (Sacramento Suburban Water District), and Rink Sanford (Self Supplied Industry).

Contact: Dave Brent, Interim Director, (916) 808-1420; Jim Peifer, Supervising Engineer, (916) 808-1416 - Department of Utilities

- 11. Greater Broadway Property and Business Improvement District (PBID) No. 2012-01- Ballots Results**
Report # 2012-00145
Location: District 4, 5
Action: 1) Received a report on the tabulation of assessment ballots submitted and not withdrawn before the public hearing closed on July 19, 2012; and 2) based on the results of the tabulation, passed a) **Resolution No. 2012-281** declaring the results of the majority protest proceedings and renewing the Greater Broadway PBID No. 2012-01; b) **Resolution No. 2012-282** approving the annual Greater Broadway PBID No. 2012-01 budget and levying assessment; and c) **Resolution No. 2012-283** amending the FY2012/13 City budget for the Greater Broadway PBID No. 2012-01.
Contact: Jodie Vong, Administrative Analyst, (916) 808-8243; Mark Griffin, Program Manager, (916) 808-8788; Finance Department
- 12. Midtown Sacramento Property and Business Improvement District#2012-02-Ballot Results**
Report # 2012-00177
Location: District 4
Action: 1) Received report on the tabulation of assessment ballots submitted and not withdrawn before the public hearing closed on July 19, 2012; and 2) based on the results of the tabulation: a) passed **Resolution No. 2012-284** declaring the results of the majority protest proceedings and renewing the Midtown Sacramento PBID No. 2012-02; b) pass **Resolution No. 2012-285** approving the annual Midtown Sacramento PBID No. 2012-02 budget and levying assessment; and c) pass **Resolution No. 2012-286** amending the FY2012/13 adopted City Budget for the Midtown Sacramento PBID No. 2012-02.
Contact: Sini Makasini, Administrative Analyst, (916) 808-7967; Mark Griffin, Program Manager, (916) 808-8788, Finance Department
- 13. North Franklin Property and Business Improvement District No. 2012-03 - Ballot Results**
Report # 2012-00180
Location: District 5
Action: 1) Received report on the tabulation of assessment ballots submitted and not withdrawn before the public hearing closed on July 24, 2012; and 2) based on the results of the tabulation: passed a) **Resolution No. 2012-287** declaring the results of the majority-protest proceedings and renewing the North Franklin PBID No. 2012-03; b) **Resolution No. 2012-288** approving the annual North Franklin PBID No. 2012-03 budget and levying assessment; and c) **Resolution No. 2012-289** amending the adopted FY2012/13 City Budget for the North Franklin PBID No. 2012-03.
Contact: Sini Makasini, Administrative Analyst, (916) 808-7967; Mark Griffin, Program Manager, (916) 808-8788, Finance Department

14. **(Pass For Publication) Ordinance Adding Chapter 18.38 to the City Code, Establishing the Delta Shores Planning Area Regional Infrastructure Fee**
Report # 2012-00611
Location: District 7, 8
Action: 1) Reviewed an) Ordinance adding Chapter 18.38 to the City Code, establishing the Delta Shores Planning Area Regional Infrastructure Fee; and 2) passed for publication the ordinance title as required by Sacramento City Charter Section 32(c), with the ordinance to be adopted on August 9, 2012.
Contact: Mark Griffin, Program Manager, (916) 808-8788, Finance Department
15. **Contract: Solid Waste and Recyclables Collection and Processing Services for City Facilities**
Report # 2012-00441
Location: Citywide
Action: Passed **Motion No. 2012-180:** 1) awarding a five-year contract to USA Waste of California, Inc. for the collection of solid waste and recyclables at City owned and leased facilities in an amount not to exceed \$5,181,956 for the five-year term; and 2) authorizing the City Manager or the City Manager's designee to execute the contract specified above.
Contact: Marc Robles, Program Analyst, (916) 808-6343; Steve Harriman, Integrated Waste General Manager, (916) 808-4949, General Services Department
16. **Agreements: Executive Recruitment Services**
Report # 2012-00673
Location: Citywide
Action: Moved/Seconded: Member Steve Cohn/Member Robert King Fong
Yes: Members Steve Cohn, Robert King, Fong, Darrell Fong, Kevin McCarty, Bonnie Pannell, Sandy Sheedy, and Mayor Kevin Johnson
No: Member Angelique Ashby
Absent: Member Jay Schenirer
Public comment heard from Mac Worthy and passed **Resolution No. 2012-290:** 1) approving the supplemental agreement for CPS HR Consulting in the amount of \$82,950 which will increase the NTE for CPS HR Consulting to \$165,900 and extend the termination date until July 31, 2014; and 2) approving the supplemental agreement for Wilcox Miller Nelson in the amount of \$106,200 which will increase the NTE for Wilcox Miller Nelson to \$169,750 and extend the termination date until July 31, 2014.
Contact: Geri Hamby, Director of Human Resources, (916) 808-7173; Denise Deprato, Support Services Manager, (916) 808-8249, Human Resources Department
17. **Memorandum of Understanding: Comprehensive Alcohol Treatment Center**
Report # 2012-00617
Location: Citywide
Action: Passed **Motion No. 2012-181** authorizing the City Manager to execute a memorandum of understanding with Sacramento County to fund operations at the Comprehensive Alcohol Treatment Center for Fiscal Year 2012/13.
Contact: Derrick Lim, Area Manager, (916) 808-2260, Department of Parks and Recreation

18. Supplemental Agreement: Training for Regional First Responders

Report # 2012-00656

Location: Citywide

Action: Passed **Motion No. 2012-182** authorizing the City Manager, or the City Manager's designee to execute a supplemental agreement with Aardvark Tactical Foundation in the amount of \$37,760, for a total not to exceed amount of \$113,280 to provide terrorism training to regional first responders.

Contact: James Hendrickson, Lieutenant, Homeland Security, (916) 874-2172, Police Department.

Public Hearings (Item 19 - 22)

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

19. E Street Mixed-Use Building (P12-010) (Passed for Publication 7-24-12, Published 7-27-12)
(Noticed on 7-19-12)

Report # 2012-00591 **Estimated Time: 10 Minutes** (Actual Time: 3 minutes)

Location: 1401/1403 E Street, District 4

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

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

Absent: Member Jay Schenirer

Conducted a public hearing and upon conclusion, passed 1) **Ordinance No. 2012-027** rezoning 0.06 acres from Multi-Family (R-3A) zone To Multi-Family (R-4A) zone, 2)

Resolution No. 2012-291 determining Project is Exempt from review under the California Environmental Quality Act, and 3) **Resolution No. 2012-292** approving ground floor commercial space in the Multi-Family (R-4A) zone.

Contact: David Hung, Associate Planner, (916) 808-5530; Stacia Cosgrove, Senior Planner, (916) 808-7110, Community Development Department

20. Three Amendments to City Agreement No. 162, a North Natomas Development Agreement (P12-006) (Passed for Publication 7-24-12, Published 7-27-12)

(Noticed on 7-19-12)

Report # 2012-00575 **Estimated Time: 10 Minutes** (Actual Time: 6 minutes)

Location: Area northeast of Del Paso Road and Interstate 5, District 1

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

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

Absent: Member Jay Schenirer

Action: Conducted a public hearing with comment heard from Mac Worthy; and upon conclusion 1) passed **Resolution No. 2012-293** determining that the project is exempt from review under the California Environmental Quality Act; 2) passed an **Ordinance No. 2012-028** approving a First Amendment to City Agreement No. 99-162 between the City and Natomas Creek LLC; 3) passed **Ordinance No. 2012-029** approving a Second Amendment to City Agreement No. 99-162 between the City and Commerce Station LLC; and 4) passed **Ordinance No. 2012-030** approving a Third Amendment to City Agreement No. 99-162 between the City and Natomas Towne Center LLC.

Contact: David Hung, Associate Planner, (916) 808-5530; Gregory Bitter, Principal Planner, (916) 808-7816, Community Development Department

21. Development Agreement for Gateway West Planned Unit Development (P12-020)
(Passed for Publication 7-24-12, Published 7-27-12) (Noticed on 7-19-12)

Report # 2012-00610 **Estimated Time: 5 Minutes** (Actual Time: 2 minutes)

Location: District 1

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

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

Absent: Member Jay Schenirer

Conducted a public hearing and upon conclusion, passed 1) **Resolution No. 2012-294** determining the project exempt per the California Environmental Quality Act; 2) **Ordinance no. 2012-031** approving a Development Agreement Amendment to extend the term of an approved Development Agreement.

Contact: Evan Compton, Associate Planner, (916) 808-5260, Community Development Department; Greg Bitter, Principal Planner, (916) 808-7816, Community Development Department

22. Delinquent Utility Service Charges - Special Assessment (Noticed on 7-19-12 and 7-25-12, Continued from 7-24-12)

Report # 2012-00363 **Estimated Time: 10 Minutes** (Actual Time: 4 minutes)

Location: Citywide

Action: Moved/Seconded: Member Bonnie Pannell/Member Kevin McCarty

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

Absent: Member Jay Schenirer

Conducted a public hearing with comment heard from Ron Emslie and upon conclusion, passed **Resolution No. 2012-295 as amended** placing special assessments on properties for unpaid utility service charges.

Contact: Jamille Moens, Business Services Manager, (916) 808-5988; Shellette Smallwood, Program Specialist, (916) 808-4928 - Department of Utilities

Discussion Calendar (Item 23 - 26)

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

23. **City Auditor's Utility Billing Audit**

Report # 2012-00605 **Estimated Time: 15 Minutes** (Actual Time: 17 minutes)

Location: Citywide

Action: Moved/Seconded: Member Steve Cohn/Member Darrell Fong

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

Absent: Member Jay Schenirer

Public comment heard from Ron Emslie and passed **Motion No. 2012-183** approving the City Auditor's City Of Sacramento Utility Billing Audit.

Contact: Jorge Oseguera, City Auditor, (916) 808-7270, Mayor/Council

24. **City Auditor's Audit of the City's Compliance with AB 1825 Requirements**

Report # 2012-00606 **Estimated Time: 10 Minutes** (Actual Time:13 minutes)

Location: Citywide

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

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

Absent: Member Jay Schenirer

Public comment heard from Robert Lyon and Mac Worthy and passed **Motion No. 2012-184** approving the City Auditor's Audit of the City's Compliance with AB 1825 Requirements.

Contact: Jorge Oseguera, City Auditor, (916) 808-7270, Mayor/Council

25. **Selection of Argument Authors for the November 6, 2012 General Municipal Election – Various Measures**

Report # 2012-00675 **Estimated Time: 5 Minutes** (Actual Time: 5 minutes)

Location: Citywide

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

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

Absent: Member Jay Schenirer

Passed **Resolution No. 2012-296** authorizing members of the City Council to author arguments pertaining to various measures that will be presented to the voters on the November 6, 2012 General Municipal Election ballot; a) Members Kevin McCarty and Steve Cohn to author argument in favor of Measure M (Charter Review Commission), b) Member Angelique Ashby authoring argument in opposition of Measure M (Charter Review Commission, c) Members Steve Cohn, Kevin McCarty and Darrell Fong authoring argument in favor of Measure T (Yard and Garden Refuse), c) Members Steve Cohn, Kevin McCarty and Darrell Fong authoring argument in favor of Measure U (Essential Service Protection), and d) Mayor Kevin Johnson authoring argument in opposition of Measure U (Essential Services Protection).

Contact: Stephanie Mizuno, Assistant City Clerk, 808-8093; Shirley Concolino, City Clerk, 808-5442, City Clerk's Office

26. **Ordinance: Establishing a program and Fines for False Fire Alarms** (Passed for Publication on 7-24-12; published on 7-27-12)

Report # 2012-00550 **Estimated Time: 10 Minutes** (Actual Time: 0 minutes)

Location: Citywide

Continued to August 21, 2012 to pass 1) an Ordinance adding Section 8.38 to the Sacramento City Code relating to fines for false fire alarms; and 2) a Resolution adopting the fine amounts for false fire alarms.

Contact: Michael Bartley, Fire Marshal, (916) 808-1620; Joseph A.D. Jackson, Assistant Chief, (916) 808-1602, Fire Department

Council Comments-Ideas, Questions and Meeting/Conference Reports

1. Information Requests

a. Member Steve Cohn

1. Engage external auditor to audit credit card usage of Mayor and Council offices to include all cardholders and all transactions for the past three years with report to Council no later than September 25, 2012.
2. Agendize 8-9-12 –City Auditor to clarify scope and time line for internal auditor's audit of citywide credit card usage; coordinating scope of internal/external audit to eliminate duplication with final report to Council no later than October 30, 2012
3. Respond to Region's Builders letter requesting improvements in planning and building processes.

2. Board/Commission Appointments

None.

Adjourned – 7:30 p.m.