



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

DRAFT Minutes

Tuesday, January 6, 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. Tretheway III, District 1
Sandy Sheedy, District 2
Steve Cohn, Vice-Mayor, District 3
Robert King Fong, District 4
Lauren Hammond, 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 (3 minutes maximum) on items listed on the agenda when they are called. Public Comment on items not listed on the agenda will be heard at the end of the meeting 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 located in racks inside the chamber and should be completed and submitted to the 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 of 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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DRAFT Minutes

Tuesday, January 6, 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 - 2:00 p.m.

Roll Call- Regular session called to order by Mayor Johnson at 2:03 p.m. Tuesday, January 6, 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, and Mayor Kevin Johnson.

Absent: Member Robbie Waters.

Special Presentations/General Communications

a. Martin Luther King 365 Celebration

Action: Presented by AlleyAnn Murphy Hassan.

b. Resolutions for Participation in the 2008 Beijing Paralympics

Action: Presented to Annie Desalernos, Alejandro Albor and Steve Hornsey.

Consent Calendar (Items 1- 20)

Action: Moved/Seconded: Member Steve Cohn /Member Sandy Sheedy.

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

Absent: Member Robbie Waters.

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 November 25, December 2 and December 9, 2008.

Location: (Citywide)

Action: Approved the afternoon and evening City Council, Financing Authority, Housing Authority, and Redevelopment Agency Minutes for November 25, December 2, and December 9, 2008.

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: 1) Preservation Commission to open 01/07/09 with applications due 01/30/09; 2) Civil Service Board to open 01/07/09 with

applications due 01/23/09 and 3) Community Racial Profiling Commission to open 01/07/09 with applications due 02/06/09.

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

3. November 2008 Monthly Investment Transactions Report

Location: (Citywide)

Action: Received and filed.

Contact: Lydia Abreu, Investment and Operations Manager, (916) 808-7746, Shirley Tupaz, Investment Operations Analyst, (916) 808-8295, Office of the City Treasurer.

4. Administrative Matter: Ratify Amended Resolution for The Creamary (P07-123)

Location: 1013 D Street APN North Block: 002-0076-006, 002-0076-007, 0020076-014, 002-0076-016, 002-0076-118, 002,0076-119, 002-0076-120, 002-0076-121, South Block: 002-0113-003, 002-0076-011, 002-0113-012, 002-0113-013, 002-0113-014, 002-0113-019, 002-0113-020, 002-0113-022, 002-0113-023

Action: Adopted **Resolution No. 2009-001** amending the previously adopted Resolution 2008-707 to include conditions that were amended at the Council meeting but not included in the adopted Resolution.

Contact: Evan Compton, Associate Planner, (916) 808-5260; Gregory Bitter, Principal Planner, (916) 808-7816, Development Services Department.

5. (Pass for Publication): Delta Shores (P06-197)

Location: East and west side of Interstate 5 at southwestern limits of the City boundaries: APNs: 119-0010-001 through -015, 026, 034,053, and 060; 119-0190-024, 025, 026, 028, and 030; 119-0090-005, 011, and 013; 053-0010-051, 059, 060, and 061(District 6 and 7)

Action: 1) Reviewed: a) a Resolution adopting the Environmental Impact Report; b) an Ordinance approving the Delta Shores Development Agreement; c) a Resolution adopting the Delta Shores Inclusionary Housing Plan; d) a Resolution amending the existing General Plan Designations from Industrial-Employee Intensive, Community/Neighborhood Commercial, and Offices, Regional Commercial and Offices, Low Density Residential, Medium Density Residential, and Parks-Recreation-Open Space to Regional Commercial and Offices, Community/Neighborhood Commercial and Offices, Residential Mixed Use, Low Density Residential, Medium Density Residential and Parks-Recreation-Open Space; e) A Resolution amending the existing Airport/Meadowview Community Plan designations from High Tech Industrial, Commercial, Office, Residential 4-8 du/na, Residential 7-15 du/na, Residential 11-19, Public/Quasi-Public, and Agriculture/Open Space to Commercial, Residential 4-8 du/na, Residential 7-15 du/na, Residential16-29 du/na, Public Quasi-Public, and Parks; f) a Resolution amending the Delta Shores Planned Unit Development including adopting new Development Guidelines and Schematic Plan; g) a Resolution amending the City of Sacramento Bikeway Master Plan; h) a Resolution approving the Delta Shores Project entitlements involving a master and two tentative subdivision

maps; i) Review an Ordinance rezoning the existing site from Manufacturing, Research, and Development PUD (MRD-PUD), Shopping Center PUD (SC-PUD) and Single Family Alternative PUD to General Commercial PUD (C-2-PUD), Residential Mixed Use PUD (RMX-PUD), Standard Single Family PUD (R-1-PUD), Single Family Alternative PUD (R-1A-PUD)m Multi-Family PUD (R-3-PUD), and Agriculture-Open Space-PUD (A-OS- PUD); j) a Resolution adopting the Delta Shores Financing Plan; and 2) passed for publication the Ordinance titles as required by Sacramento City Charter 32c to be adopted January 13, 2009.

Contact: Antonio Ablog, Associate Planner, (916) 808-7702; Gregory Bitter, Principal Planner, (916) 808-7816, Development Services Department.

6. Brownfield Revolving Loan Fund (BRLF) Grant Program

Location: (Citywide)

Action: Adopted **Resolution No. 2009-002** 1) approving an Implementation Plan Loan Policies and Procedures Manual for the grant funding from the U.S. Environmental Protection Agency (EPA) for the program, and 2) authorizing staff to make BRLF loans up to \$500,000 each.

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

7. Purchase/Cooperative Agreement: Industrial Supplies

Location: (Citywide)

Action: Adopted **Resolution No. 2009-003:** 1) increasing the spending authority and approving the use of Western States Contracting Alliance (WSCA) cooperative Contract No. 7066 for the purchase of industrial supplies from Grainger Industrial Supply by \$1,500,000 in a total contract amount not to exceed \$2,700,000 through November 30, 2010, or until the contract is no longer available for use; and 2) authorizing the City Manager or the City Manager's designee to execute purchases in the amount specified above provided that sufficient funds are available in the budgets adopted for the applicable fiscal years.

Contact: Craig Lymus, Interim Procurement Services Manager, (916) 808-5524, General Services Department.

8. Contract: Stationary Emergency Generator Repair, Maintenance, and Testing Services

Location: (Citywide)

Action: Adopted **Resolution No. 2009-004:** 1) awarding Cummins West, Inc., the lowest responsive and responsible bidder, a one-year contract with three one-year renewal options for repair, maintenance, and testing services for the City's stationary emergency generators in an amount not to exceed \$857,478 for the four year period; and 2) authorizing the City Manager or the City Manager's designee to execute the contract specified above provided that sufficient funds are available in the budget adopted for the applicable fiscal year(s).

CO 2009-0004

Contact: Keith Leech, Fleet Manager, (916) 808-5869, General Services Department.

9. FY2008-2009 Ethel MacLeod Hart Fund Project

Location: (Citywide)

Action: Adopted **Resolution No. 2009-005** approving New FY 2008/09 Ethel MacLeod Hart Trust Fund Projects for: 1) Triple-R Sliding Scale Fee Subsidy in the amount of \$72,000, and 2) Citywide Senior Information and Assistance Project in the amount of \$33,932.

Contact: Sylvia Fort, Division Manager, (916) 808-8381; Rosanne Bernardy, Superintendent, (916) 808-1590, Parks and Recreation Department.

10. Settlement Authority Increase in Workers' Compensation and Tort Cases

Location: (Citywide)

Action: Continued to January 20, 2009 to adopt a Resolution: 1) repealing Resolution 2005-729 in its entirety; 2) providing settlement authority to the City Manager and Designated City staff for both workers' compensation and tort claims; 3) creating the Workers' Compensation Claims Committee with settlement Authority up to \$100,000; and 4) creating the Tort Claims Committee with settlement authority up to \$100,000.

Contact: Patrick Flaherty, Risk Manager, (916) 808-8587, Human Resources Department.

11. Agreement: Boys & Girls Club for Outdoor Play and Gathering Area Construction Project

Location: Southwest Corner of 12th and F Streets (District 1)

Action: Adopted **Resolution No. 2009-007** 1) authorizing the City Manager or his designee to execute a Memorandum of Understanding (MOU) between the City of Sacramento and the Boys & Girls Clubs of Greater Sacramento regarding an outdoor play and gathering area construction project funded through the Community Reinvestment Capital Improvement Program (CRCIP) and 2) waiving, for the purposes of this project only, the policy directive that CRCIP bond funds will not be advanced until such time that fifty percent (50%) of the needed external funding is achieved.

Contact: J.P. Tindell, Park Planning & Development Manager, (916) 808-1955, C. Gary Hyden, Supervising Landscape Architect, (916) 808-1949, Parks and Recreation Department. **CO 2009-0005**

12. Assignment of Helicopter Maintenance Contract

Location: (Citywide)

Action: Adopted **Resolution No. 2009-008** authorizing the City Manager to execute a consent to the assignment of City Contract No. 2007-286 from San Joaquin Helicopters, Inc. (Assignor) to Mather Aviation, LLC (Assignee).

CO 2009-0006

Contact: Gina Haynes, Lieutenant, (916) 808-0868, Police Department.

13. Agreements: Access Improvements from the 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: Adopted **Resolution No. 2009-009** 1) authorizing the City Manager to execute Supplemental Agreement No. 1 to City Agreement 2008-0307 with David Evans and Associates, Inc., for an amount not to exceed \$114,501; 2) transferring \$136,239 (Fund 2001) from the State and Federal Grant Match Program (T15007200) to the project; 3) authorizing City Manager to direct staff to submit the fiscal year reallocation request to the Sacramento Transportation Authority (STA) in the amount of \$136,239; 4) authorizing the City Manager to execute Program Supplements for the project when received by staff; 5) authorizing City Manager to direct staff to amend the FY08/09 Capital Improvement Program revenue and expenditure budgets by appropriating \$900,000 (Fund 3703) to the project; and 6) resetting the City Manager's authority.

Contact: Nader Kamal, Special Projects Engineer, (916) 808-7035; Tim Mar, Supervising Engineer, (916) 808-7531, Transportation Department. **CO 2009-0007**

14. Agreements: I-5/Cosumnes River Boulevard Extension and Interchange Project (T15018000)

Location: Along Interstate 5, one mile south of Pocket Road/Meadowview Road in the Pocket and Airport Meadowview Planning Areas (District 7 and 8).

Action: Adopted **Resolution No. 2009-010** 1) authorizing the City Manager to execute an agreement with the United States Fish and Wildlife Service and the Center for Natural Land Management to mitigate for impacts on the giant garter snake in the amount of \$195,807; 2) authorizing the City Manager to execute an agreement with Wetland Resources LLC to buy credits for Swainson's Hawk habitat in its Elsie Gridley Mitigation Bank in the amount of \$104,000; 3) authorizing the City Manager to execute an agreement with Wildlands, Inc. to buy credit for vernal pool preservation in its Laguna Terrace East Conservation Bank in the amount of \$175,000; 4) authorizing the City Manager to execute an agreement with Wildlands, Inc. to transplant elderberry shrubs in its River Ranch VELB Conservation Bank in the amount of \$16,390; 5) authorizing the City Manager to execute an agreement with Sacramento River Ranch, LLC to buy valley elderberry longhorn beetle credits in its River Ranch VELB Conservation Bank in the amount of \$35,000; 6) authorizing the City Manager to execute Utility Agreement with SMUD to relocate a 20 inch gas pipeline in the amount of \$3,663,450; 7) authorizing the City Manager to execute Supplemental Agreement No. 2 to City Agreement No. 2007-0406 with Mark Thomas and Company, Inc. in the amount of \$486,582; and 8) resetting the City Manager's authority for the design agreement.

CO 2009-0008 thru 0013

Contact: Tim Mar, Supervising Engineer (916) 808-753, Transportation Department.

15. (Pass For Publication) Ordinance: Construction Demolition

Location: (Citywide)

Action: 1) **Reviewed** an Ordinance adding Chapter 8.124 to Title 8 of the Sacramento City Code relating to Construction and Demolition Debris Recycling; 2) passed for publication the Ordinance title as required by the Sacramento City Charter 32c to be adopted on January 13, 2009; and 3) reviewed a Resolution approving the threshold, fees and penalties related to the construction and demolition debris recycling ordinance **to be adopted on January 13, 2009.**

Contact: Chris Thoma, Program Analyst, (916) 808-4833; Edison Hicks, Integrated Waste General Manager (916) 808-4949; Marty Strauss, Integrated Waste Planning Superintendent, (916) 808-4934, Utilities Department.

16. Change Order: Basin 31 Detention Basin, Project W14000900

Location: 3004 Redding Avenue (District 6)

Action: Adopted **Resolution No. 2009-011** approving Change Order No. 2 to Contract No. 2008-226 with Florez Paving to dispose the remaining excavated dirt, since this material is no longer being purchased by the levee projects, and to expedite removal of exposed rubble and garbage at the Sutter Landing Dog Park project in the amount of \$170,055.98.

Contact: David L. Brent, Engineering Services Manager (916) 808-1420, Brett C. Grant, Supervising Engineer (916) 808-1413, Utilities Department.

17. Sump 85 Pump Station Variable Frequency Drives (VFD) Replacement Project (PN: X14004000)

Location: 2237 Edgewater Rd. between Bay Dr. & Santiago Avenue (District 2)

Action: Adopted **Resolution No. 2009-012** 1) approving the contract plans and specifications for the project; and 2) awarding the contract to Studebaker Brown Electric, to replace four failed and outdated variable frequency drives (VFD) to improve the operation of the facility, for an amount not to exceed \$125,194.

Contact: David L. Brent, Engineering Services Manager, (916) 808-1420, Dave Hansen, Supervising Engineer, (916) 808-1421, Utilities Department. **CO 2009-0014**

18. Change Order: 11th Street Sewer Replacement Project, O/P Alley to R Street (X14010027)

Location: 11th Street from the O/P Alley to R Street (District 4)

Action: Adopted **Resolution No. 2009-013** approving Change Order No. 2 to Contract No. 2008-111 with Navajo Pipelines, Inc., to install a four (4) larger-than-designed manholes made necessary due to unforeseen field conditions of the project for the amount of \$6,000.

Contact: David L. Brent, Engineering Services Manager (916) 808-1420, Brett C. Grant, Supervising Engineer (916) 808-1413, Utilities Department.

19. Agreement: Drinking Water Quality Contract Laboratory Services (Z14001500/14001171)

Location:

Action: Adopted **Resolution No. 2009-014** authorizing the City Manager to approve a professional services agreement with TestAmerica Laboratory Services, Inc. (TestAmerica), to provide drinking water quality contract laboratory services for the City's municipal water supply in an amount not to exceed \$102,173 for the three year period.

CO 2009-0015

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

20. Contract: Cold Water Meters

Location: (Citywide)

Action: Adopted **Resolution No. 2009-015:** 1) awarding a one year contract (initial term starts on Council's approval date) with two one-year renewal options for the purchase of cold water meters and accessories to Johnson Enterprises in a total amount not to exceed \$3,403,635 for the potential three year term; and 2) authorizing the City Manager or the City Manager's designee to execute the renewals provided that sufficient funds are available in the budget adopted for the applicable fiscal year.

CO 2009-0016

Contact: Michael Malone, Field Services Manager, 808-6226; Chris Slay, Procurement Specialist, (916) 808-6344; Thanh Vo, CIS System Support Manager, (916) 808-7988, Utilities Department.

Staff Reports (Item 21 – 23)

Staff reports include an oral presentation including those recommending receive and file.

21. Vice-Mayor Selection for Calendar Year 2009

Location: (Citywide)

Action: Moved/Seconded: Mayor Kevin Johnson/Member Steve Cohn.

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

Motion **Passed** to select **Member Lauren Hammond** as Vice-Mayor for the year 2009 who will assume his/her duties with the first meeting in January.

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

22. Workshop: Sign Workshop No. 5 (City Code 15.148)

Location: (Citywide)

Action: Public comment by Mark Lucas, John Dilury, Jeff Aran, Robert Harbain, Jerry Wachtel, Jim Lyons as Council provided comments and direction to staff regarding signage in the City for billboards, digital displays, and other new technologies.

Contact: Sandra Yope, Senior Planner, (916) 808-7158; Joy Patterson, Principal Planner, (916) 808-5607, Development Services Department.

23. Luther Burbank High School Joint Use Sports Complex

Location: 3500 Florin Road (District 8)

Action: Moved/Seconded: Member Bonnie Pannell/Member Lauren Hammond

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

Absent: Member Robbie Waters.

Motion **Passed** to adopt **Resolution No. 2009-016** to support the establishment of a Joint Use Partnership between the City of Sacramento Department of Parks and Recreation and Sacramento City Unified School District for the development of a multi-sport complex for school and community use at Luther Burbank High School.

Contact: Alan Tomiyama, Recreation Manager, (916) 808-8958; J. P. Tindell, Park Planning and Development Services Manager, (916) 808-1955.

Information Reports (Item 24- 25)

These items are for information only and are not eligible for action at this time.

24. Community Racial Profiling Commission Quarterly Report (April 2008 - June 2008)

Location: (Citywide)

Action: Received and filed.

Contact: Katherine Lester, Lieutenant, (916) 808-0800, Police Department.

25. Community Racial Profiling Commission Quarterly Report (July 2008- September 2008)

Location: (Citywide)

Action: Received and filed.

Contact: Katherine Lester, Lieutenant, (916) 808-0800, Police Department.

Public Comments-Matters Not on the Agenda

None

Council Comments-Ideas, Questions and Meeting/Conference Reports

- a. Board/Commission Appointments – None.
- b. Reports Back
 - 1. Member Bonnie Pannell-schedule workshops: Charter change
 - 2. Member Robert King Fong-schedule presentation: Conflict of Interest issues
 - 3. Member Sandy Sheedy-schedule Law and Legislation Committee review of Charter change and Budget Analyst issues and then to Council
 - 4. Member Kevin McCarty- schedule workshop (next 30 days): overall Charter reform and city governance structure-City Clerk present a 150 history of the City Charter, legal options, costs and process to revise the Charter. City Attorney to provide a review of the governance structures of the top 10 California Cities and legal options and avenues other cities used to make modifications.

Recessed at 3:55 p.m.

DRAFT

Reconvene – 6:00 p.m.

Roll Call- A regular meeting of the Sacramento City Council was reconvened by Mayor Johnson at 6:01 p.m. Tuesday, January 6, 2009 at the Sacramento City Hall Council Chamber.

Members Present: Members Steve Cohn, Lauren Hammond, Bonnie Pannell, Kevin McCarty, Sandy Sheedy, Ray Tretheway, and Mayor Kevin Johnson.

Absent: Robert King Fong and Robbie Waters.

Pledge of Allegiance –led by Member Lauren Hammond.

In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.

Public Hearings (Item 28)

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

26. **Franklin Point (P05-153)** (Noticed on 11-19-08, Passed for Publication on 11-25-08, Published on 11-28-08) (Continued from 12-2-08)
Location: Southwest corner at the intersection of Franklin Blvd. and Mack Road (District 7)
Action: Moved/Seconded: Member Sandy Sheedy/Member Lauren Hammond
Yes: Members Steve Cohn, Lauren Hammond, Bonnie Pannell, Kevin McCarty, Sandy Sheedy, Ray Tretheway, Robbie Waters and Mayor Kevin Johnson.
Absent: Members Robert King Fong and Robbie Waters.

Motion **Passed** to **withdraw the public hearing** to adopt: 1) Resolution adopting the Mitigated Negative Declaration and approving the Mitigation Monitoring Plan; 2) Resolution approving the PUD Guidelines and Schematic Plan amendments; 3) Resolution approving the Project Tentative Map, Special Permits to operate a convenience market and to allow the sale of beer and wine at the convenience market for off-site consumption, and a Plan Review of a commercial mixed-use project in the Shopping Center Planned Unit Development (SC-PUD); and 4) Ordinance amending Ordinance 93-033 eliminating a condition prohibiting the sale of beer and wine for off-site consumption.

Contact: Kimberly Kaufmann-Brisby, Associate Planner, (916) 808-5590; Nedzlene Ferrario, Senior Planner, (916) 808-7826, Development Services Department.

Public Comments-Matters Not on the Agenda

None

Council Comments-Ideas, Questions and Meeting/Conference Reports

- a. Board/Commission Appointments – None.
- b. Reports Back - None.
- c. Meeting/Conference Reports
 - 1- Member Kevin McCarty-Personal trip to Israel

Adjourned in memory of Renee Francis at 6:05 p.m.

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