



**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, November 29, 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.

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, November 29, 2011

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 6:00 p.m. Tuesday, November 29, 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 Kristin Wong, student participant in Youth @ City Council Program.

Closed Session Report – None.

Public Comments-Matters Not on the Agenda (2 minutes per speaker) (Actual Time: 40 minutes)

1. Occupy Sacramento
 - a. Christina Kay
 - b. Sean Thompson
 - c. Michelle Parker
 - d. Mac Worthy
 - e. Tracie Rice Bailey
 - f. Charles Johnson
 - g. David Witkin
 - h. James Donaldson
 - i. Kimberley Doss
 - j. Ray Keener
 - k. April Junio
 - l. Joseph Hayes
 - m. Carol York
 - n. Leo
2. Levee Issues
 - a. Christopher MacDonald
3. Brown Act Obligation
 - a. David Jenest
 - b. Sean Thompson
4. School Closure Impact
 - a. Christa Hunter
 - b. Sean Thompson

Consent Calendar (Items 1 - 10) **Estimated Time: 5 minutes** (Actual Time: 35 minutes)

Action: **Moved/Seconded:** Member Jay Schenirer/Bonnie Pannell

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

1. **Confirmation of Board/Commission Appointments**

Report # 2011-00996

Location: Citywide

Action: Confirmed board/commission appointment(s): 1) Animal Care Services Citizens Advisory Committee – Jennifer Pokorny and Moira Monahan (Category C).

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

2. **Removal of a Member from the Mechanical & Plumbing Code Advisory and Appeals Board**
Report # 2011-00976
Location: Citywide
Action: Moved/Seconded: Member Bonnie Pannell/Angelique Ashby
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 Mac Worthy and a motion **passed** approving the removal of Daniel Yoshpe from the Mechanical & Plumbing Code Adv and Appeals Board for non-filing of a Statement of Economic Interests form.
Contact: Stephanie Mizuno, Assistant City Clerk, (916) 808-8093, Office of the City Clerk
3. **(Pass for Publication) Ordinance Relating to Utility Service Billing and Utility Service Rates, Fees and Charges**
Report # 2011-00978
Location: Citywide
Action: Moved/Seconded: Member Steve Cohn/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 Mac Worthy and reviewed an Ordinance 1) repealing and reenacting Chapter 13.12; amending Sections 13.04.030, 13.04.220, 13.04.720, 13.04.730, 13.08.020, 13.08.400, 13.08.410, 13.08.470, 13.10.130, 13.10.440, 13.10.450, 13.10.460, 13.10.475 and 13.10.700; and Repealing Section 13.04.740, of the Sacramento City Code, Relating to Utility Service Billing and Utility Service Rates, Fees, and Charges; and 2) passed for publication the Ordinance title as required by Sacramento City Charter § 32(c), to be forwarded to the City Council for adoption on December 6, 2011.
Contact: Shellette Smallwood, Program Specialist, (916) 808-4928, Department of Utilities
4. **Subpoena to T-Mobile USA for Business Records**
Report # 2011-00975
Location: Citywide
Action: Moved/Seconded: Member Angelique Ashby/Sandy Sheedy
Yes: Members Angelique Ashby, Steve Cohn, Darrell Fong, Robert King Fong, Bonnie Pannell, Jay Schenirer, Sandy Sheedy, and Mayor Kevin Johnson
Absent: Member Kevin McCarty
Public comment heard from Mac Worthy and Christopher MacDonald; and a motion **passed** adopting **Resolution No. 2011-635** authorizing the City Attorney to issue a subpoena to T-Mobile USA, Inc. requiring the production of records or witnesses necessary for a City communications user tax compliance audit.
Contact: Brad Wasson, Revenue Manager, (916) 808-5844, Leyne Milstein, Finance Director, (916)808-8491, Finance Department

5. **Grant Agreement: Heavy Duty Low-Emission Vehicle Incentive Program**
Report # 2011-00964
Location: Citywide
Action: Moved/Seconded: Member Sandy Sheedy/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
Removed from Consent Calendar by Member Sandy Sheedy and a motion **passed** adopting **Resolution No. 2011-636:** 1) ratifying Grant Agreement No. VET 10-0051 between the City and the Sacramento Metropolitan Air Quality Management District (District) reimbursing the City in the amount of \$277,500 toward the purchase price of seven new replacement refuse trucks; and 2) authorizing the net proceeds from the sale of seven surplus refuse trucks at auction to be donated to the District.
Contact: Keith Leech, Fleet Manager, (916) 808-5869, General Services Department
6. **Contract Supplement: Printing and Mailing Services [Two-Thirds Vote Required]**
Report # 2011-00985
Location: Citywide
Action: Moved/Seconded: Member Bonnie Pannell/Kevin McCarty
Yes: Members Angelique Ashby, Steve Cohn, Darrell Fong, Robert King Fong, Kevin McCarty ,Bonnie Pannell, Jay Schenirer, and Mayor Kevin Johnson
No: Member Sandy Sheedy
Removed from Consent Calendar by Member Sandy Sheedy with public comment heard from Mac Worthy; and a motion **passed** adopting **Resolution No. 2011-637:** 1) suspending competitive bidding in the best interests of the city; 2) authorizing the City Manager or the City Manager's designee to execute Contract Supplement No. 1 to City Contract No. 2006-320 with Mailing Systems, Inc. (MSI) for printing and mailing services increasing the time of performance by two years; and 3) authorizing the City Manager or the City Manager's designee to execute the agreement specified above provided that sufficient funds are available in the budget adopted for the applicable fiscal year(s).
Contact: Marc Robles, Program Analyst, (916) 808-6343; Craig Lymus, Acting Procurement Services Manager, (916) 808-5524, General Services Department
7. **Contract: City Hall Parking Garage Elevator Renewal Project (V15410000)**
Report # 2011-00926
Location: 1000 I Street, District 1
Action: Moved/Seconded: Member Bonnie Pannell/Kevin McCarty
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 Mac Worthy and a motion **passed** adopting **Resolution No. 2011-638:** 1) approving the construction plans and specifications for the City Hall Parking Garage Elevator Renewal Project and awarding the construction contract to ThyssenKrupp Elevator Corp., the lowest responsive and responsible bidder, in an amount not to exceed \$634,680 for the project; and
2) authorizing the City Manager or the City Manager's designee to execute the contract.
Contact: Yadi Kavakebi, Facilities Superintendent, (916) 808-8432, General Services Department

8. **Contracts: California Department of Education for Students Today Achieving Results for Tomorrow (START) Program Report # 2011-00988**

Location: Multiple locations within and outside the City limits

Action: Moved/Seconded: Member Bonnie Pannell/Angelique Ashby

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 Mac Worthy and a motion **passed** adopting **Resolution No. 2011-639** 1) authorizing the City Manager or his designee to execute an agreement with the State of California for the City to accept grant funding for the City's Sacramento START after-school program at eight schools in an amount not to exceed \$1,001,082 during Fiscal Year (FY) 2011/12; 2) authorizing the City Manager or his designee to execute the first amendment of the FY2011/12 agreement with the State of California to reduce grant funding by \$112,500 to a revised grant amount not to exceed \$888,582; 3) authorizing the City Manager or his designee to execute any amendments to the FY2011/12 agreement with the State of California, subject to approval as to form by the City Attorney, that increase the maximum grant amount by up to \$250,000 or that decrease the maximum grant amount by any amount; 4) authorizing the City Manager or his designee to enter into any new grant agreements with the State of California for the START program through June 30, 2015, subject to approval as to form by the City Attorney, if the new agreements contain substantially the same contract terms and conditions as the agreement described in Section 1 and no additional General Fund appropriation is required to perform the services under the new agreements; and 5) authorizing the City Manager or his designee to adjust the necessary operating revenue and expenditure budgets to implement the grants.

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

9. **Contracts: Sacramento City Unified School District for After-School Programs Report # 2011-00989**

Location: Multiple locations within and outside the City limits

Action: Moved/Seconded: Member Kevin McCarty/Angelique Ashby

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 Mac Worthy and a motion **passed** adopting **Resolution No. 2011-640** 1) authorizing the City Manager or his designee to execute an agreement with the Sacramento City Unified School District (Sacramento City) for the City's Sacramento START (Students Today Achieving Results for Tomorrow) after-school program to operate the program at 15 elementary schools during July 2011 and be reimbursed by Sacramento City up to a total of \$126,998; 2) authorizing the City Manager or his designee to execute an agreement with Sacramento City for the Sacramento START program to operate at 27 elementary schools during the 2011/12 school year and be reimbursed by Sacramento City up to a total of \$3,013,980 in Fiscal Year (FY) 2011/12; 3) authorizing the City Manager or his designee to enter into any amendments or new agreements with Sacramento City for operation of the START program at one or more of the same 15 summer schools or 27 school year schools 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 annual payment to the City by more than \$500,000 above the FY2011/12 amount and the additional services can be provided by the START program and require no additional General Fund support; 4) authorizing the City Manager or his designee to enter into any new agreements with Sacramento City for operation of the START program at other Sacramento City schools through June 30, 2015, subject to approval as to form by the City Attorney, if the new agreements contain substantially the same contract terms and conditions as the agreement described in Section 2 and the services can be provided by the START program and require no additional General Fund support; and 5) authorizing the City Manager or his designee to adjust the operating revenue and expenditure budgets as necessary to implement the agreements with Sacramento City.

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

**10. Termination and Lease Agreement: 1000 I Street
Report # 2011-00923**

Location: 1000 I Street, District 4

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

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

No: Member Sandy Sheedy.

Removed from Consent Calendar by Member Sandy Sheedy with public comment heard from Dee Tollefson and a motion **passed** adopting **Resolution No. 2011-641:** 1) authorizing the City Manager to execute a lease termination agreement with Eats & Sweets, Inc. dba Fog Mountain Café, for retail space located at 1000 I Street; 2) finding that, pursuant to City Code Section 3.68.110, the leasing of 1000 I Street without bidding is in the best interests of the City; and 3) authorizing the City Manager to execute a 5-year lease agreement with one 5-year extended term option, with Big Joe's BBQ, Inc. for retail space located in City Hall Garage.

Contact: Paul Sheridan, Program Analyst, (916) 808-6817, Department of Transportation

Discussion Calendar (Item 11)

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

11. Assignment of Amended Service Agreement for Municipal Solid Waste Transfer, Transport, Disposal, Processing and Recovered Materials Handling and Amended Agreement for Purchase of Recyclables, from BLT Enterprises of Sacramento, LLC to USA Waste of California, Inc.

Report # 2011-01008 **Estimated Time: 30 Minutes** (Actual Time: 47 minutes)

Location: Citywide

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

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

Public comment heard from Mac Worthy, Dave Scutfield, Ed Clark, Greg Hatfield, Rick Stevenson, Gerald Lumley, Erik Smitt, Craig Powell and Don McNerny; and a motion **passed** adopting **Resolution No. 2011-642** authorizing the City Manager or his designee to execute the Assignment and Assumption Agreement between the City, BLT Enterprises of Sacramento, LLC and USA Waste of California, Inc. related to the Amended Service Agreement Between the City of Sacramento and BLT Enterprises of Sacramento, LLC for Municipal Solid Waste Transfer, Transport, Disposal, Processing, and Recovered Materials Diversion, and the Amended Agreement for Purchase of Recyclables Between the City of Sacramento and BLT Enterprises of Sacramento, LLC. **Contact:** Steve Harriman, Integrated Waste General Manager, (916) 808-4949, Department of Utilities

Council Comments-Ideas, Questions and Meeting/Conference Reports

1. Report Back

a. Member Jay Schenirer

1. Evaluate ways to reach out to Sacramento Unified School District regarding school closures and keeping programs intact

b. Members Jay Schenirer, Angelique Ashby, and Robert King Fong

1. City Clerk, City Attorney and City Manager collaborate on ways to regain meeting decorum and composure

2. Board/Commission Appointments

a. Preservation Commission

1. Chad Moffet (Category B)

Adjourned at 8:17 p.m.