



Sacramento City Council Financing Authority Housing Authority DRAFT Minutes

Tuesday, February 7, 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

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

CHARTER OFFICERS

Eileen Teichert, City Attorney
Shirley Concolino, City Clerk
John F. Shirey, City Manager
Russ Fehr, City Treasurer

NOTICE TO THE PUBLIC

On January 31, 2012 the City Council passed Resolution No. 2012-018 electing to serve as Successor Agency to its Redevelopment Agency.

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)

Live videostreams and indexed archives of meetings are available via the internet. Visit the City's official website at http://sacramento.granicus.com/ViewPublisher.php?view_id=21.

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, February 7, 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 6:00 p.m. Tuesday, February 7, 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 Jay Schenirer and Mayor Kevin Johnson

Pledge of Allegiance led by Youth @ City Council Krystel Petite.

Closed Session Report None.

Special Presentations/General Communications

a. **Resolution Recognizing Phoenix Park Children's Choir**

Action: Presented by Member Bonnie Pannell.

Public Comments-Matters Not on the Agenda (2 minutes per speaker) (Actual: 30 minutes)

- | | |
|-----------------------------------|---------------------------|
| 1. Occupy Sacramento/Homelessness | 2. Economic Development |
| a. David Witkin | a. James Battles |
| b. Henry Harry | |
| c. Rhonda Willrich | 3. American River Parkway |
| d. Christina Kay | a. Mary Tappel |
| e. John Krantz | |
| f. Mac Worthy | |
| g. Sean Thompson | |
| h. Conny Anderson | |
| i. Charles Johnson | |

Consent Calendar (Items 1 - 7) **Estimated Time: 5 minutes** (Actual: 7 minutes)

Action: **Moved/Seconded:** Member Sandy Sheedy/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.

A Motion No. **passed** to adopt the Consent Calendar in one Motion No. except as indicated at each item.

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

Report # 2012-00100

Location: District 2

Action: Passed **Motion No. 2012-033** confirming board/commission appointment(s): 1) Parks & Recreation Commission – Jonathan Rewers (Category A-2).

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

2. **California Cancer Research Act**

Report # 2012-00126

Location: Citywide

Action: **Moved/Seconded:** Member Angelique Ashby/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.

Public comment heard from Joe Debbs and passed **Resolution No. 2012-021** supporting the California Cancer Research Act.

Contact: Michelle Heppner, Special Projects Manager, City Manager's Office, (916) 808-1226, Office of the City Manager

3. **Supplemental Agreement: 2004 Master Lease/Purchase Agreement [To Be Delivered]**

Report # 2012-00181

Location: Citywide

Action: Passed a **Motion No. 2012-034** authorizing the City Treasurer or his designee to sign, on the City's behalf, Amendment No. 2 to the 2004 Master Lease / Purchase Agreement between the City of Sacramento and Bank of America N.A., thereby adding Banc of America Public Capital Corp as a Lessor.

Contact: Brian Wong, Senior Debt Analyst, (916) 808-5811; Janelle Gray, Debt Manager, (916) 808-8296, Office of the City Treasurer

4. **Citation and Arrest Authority to Certain Community Development Department Employees**

Report # 2011-00998

Location: Citywide

Action: **Moved/Seconded:** Member Sandy Sheedy/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.

Public comment heard from Mac Worthy and Christina Kay; and passed **Resolution No. 2012-022** granting citation and arrest authority to the designated staff of the Community Development Department.

Contact: Tina Lee -Vogt, Program Manager, (916) 808-5114, Community Development Department

5. **Contracts: Cold Water Meters**

Report # 2012-00079

Location: Citywide

Action: **Moved/Seconded:** Member Steve Cohn/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 Ron Yokley and passed a **Motion No. 2012-035:** 1) awarding one-year contracts, each with four one-year renewal options, for the purchase of cold water meters and accessories, to (a) Sensus USA, Inc., in an amount not-to-exceed \$2,277,363 for the maximum five year term, (b) Elster/AMCO Water, Inc., in an amount not-to-exceed \$254,024 for the maximum five year term, (c) Badger Meter, in an amount not-to-exceed \$957,459 for the maximum five year term, and (d) Mueller Systems, in an amount not-to-exceed \$282,445 for the maximum five year term; and 2) authorizing the City Manager or the City Manager's designee to approve the one year renewals provided that funding for the renewals is available in the budget adopted for the applicable budget year(s).

Contact: Michael Malone, Field Services Manager, (916) 808-6226; Ken Swartz, Stores Administrator, (916) 808-6276 - Department of Utilities

6. **Agreement: Unionhouse Creek Flood Control Project**

Report # 2012-00086

Location: Districts 7, 8

Action: Passed a **Motion No. 2012-036** authorizing the City Manager to execute an agreement with the Sacramento Area Flood Control Agency (SAFCA) outlining the roles and responsibilities of the City and SAFCA for the design and construction of the Unionhouse Creek Flood Control Project.

Contact: Bill Busath, Interim Engineering Services Manager, (916) 808-1434, Department of Utilities

7. **Contract: Mack Road Median Fence Project East of Center Parkway (T15116700)**

Report # 2012-00075

Location: Mack Road center median east of Center Parkway, District 8

Action: Passed a **Motion No. 2012-037** 1) approving plans and specifications for the Mack Road Median Fence Project East of Center Parkway; and 2) authorizing the City Manager to award a construction contract to Golden Bay Fence Plus Iron Works, Inc. for an amount not to exceed \$35,674.

Contact: Matthew Johns, Assistant Engineer, (916) 808-5760; Nicholas Theocharides, Engineering Services Manager, (916) 808-5065, Department of Transportation

Public Hearings (Items 8 - 9)

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

8. **Housing Case Fees and Penalties – Findings of Fact for Special Assessment Liens (Noticed on 1-17-12)**

Report # 2012-00095 (Actual: 2 minutes)

Location: Citywide

Action: **Moved/Seconded:** Member Sandy Sheedy/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.

Conduct a public hearing with public comment heard from Victor Reyes; and upon conclusion passed **Resolution No. 2012-023 as amended** placing liens on the properties for the amount listed on Exhibit A for unpaid fees and penalties and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the properties.

Contact: Ron O'Connor, Operations Manager, (916) 808-8183, Community Development Department

9. **Neighborhood Code Compliance Case Fees and Penalties – Findings of Fact for Special Assessment Liens (Noticed on 1-17-12)**

Report # 2012-00112 (Actual: 3 minutes)

Location: Citywide

Action: **Moved/Seconded:** Member Sandy Sheedy/Darrell Fong

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

Conduct a public hearing with public comment heard from Arun Mohindra and Rajiner Sharma; and upon conclusion passed **Resolution No. 2012-024 as amended** placing liens on the properties for the amount listed on Exhibit A for unpaid fees and penalties and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the properties

Contact: Ron O'Connor, Operations Manager (916) 808-8183, Community Development Department

Discussion Calendar (Items 10 - 14)

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

10. Implementation of Temporary Cash Flow Transfers Between Various Unrestricted City Funds and Use of Tax Revenue Anticipation Notes for FY 2013

Report # 2012-00089 Estimated Time: 5 Minutes (Actual: 10 minutes)

Location: Citywide

Action: Moved/Seconded: Member Jay Schenirer/Darrell Fong

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

Passed **Resolution No. 2012-025** authorizing the City Treasurer and the Finance Director (or other City Manager Designee) to make temporary cash transfers between unrestricted City funds during Fiscal Year 2013 and 2) receive and file a report on the use of Tax Revenue Anticipation Notes for Fiscal Year 2013.

Contact: Russell Fehr, City Treasurer, (916) 808-5832, Office of the City Treasurer, John F. Shirey, City Manager, Office of the City Manager

Estimated Time for Item 11 and 12: 45 Minutes (Actual: 67 minutes)

11. Update on Amended Checks and Balances Act of 2012 [Oral Report]

Report # 2012-00189 Estimated Time: 15 Minutes

Location: Citywide

Contact: Kunal Merchant, Chief of Staff, (916) 808-5377, Office of the Mayor
Public Comment heard from Sean O'Brien, Enoch Woodhouse, Tom Greene, Mike Barnbaum, Davied DeLuz, Cecily Hastings, Melinda Guzman, Terre Johnson, Pastor Darrell Heath, Stan Van Vleck, Mark Tyndale, Chris Andrew, Ryan Henry, Roger Niello, Kim Sloan, Kay Knepprath, and Conny Anderson. **(See below for motion and vote)**

12. Strong Mayor and Other Charter Change Options

Report # 2012-00102 Estimated Time: 30 Minutes

Contact: Matthew Ruyak, Supervising Deputy City Attorney, (916) 808-5346, Office of the City Attorney

Public Comment heard from Scott Whyte, David Witkin, Lynette Hall, Kim mack, Nicole Rowe, Tom Greene, Stuart Eldridge, Henry Harry, Chester Newland, Matt Kelly, Rick Bettis, Tami Dramer, Evan Hawkins, and Mac Worthy. **(See below for motion and vote)**

Item 11 and 12 Motion and Vote

Action: Moved/Seconded: Mayor Kevin Johnson/Member Angelique Ashby

Yes: Members Angelique Ashby, Steve Cohn, Jay Schenirer, and Mayor Kevin Johnson.

No: Members Darrell Fong, Robert King Fong, Kevin McCarty, Bonnie Pannell, and Sandy Sheedy.

A motion failed directing the City Attorney and City Clerk to return on March 6, 2012 with language to place the amended Checks and Balances Act of 2012 on the November 2012 ballot.

13. Elected Charter Commission

Report # 2012-00101 Estimated Time: 30 Minutes (Actual: 82 minutes)

Location: Citywide

Action: Moved/Seconded: Member Kevin McCarty/Steve Cohn

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

No: Member Angelique Ashby and Mayor Kevin Johnson.

Public comment heard from Henry Harry, Alan LoFaso, Jeff Donlevy, James Ingram, Rick Bettis, Mike Barnbaum, Ryan Henry, Mark Tindale, Chris Andrew, Matt Kelly, Richard Falcon, Nicole Rove, and Andrew Rogers; and passed **Motion No. No. 2012-043** to direct the City Attorney and City Clerk to draft a Resolution 1) placing a measure on June 5, 2012 ballot adopting the state government code option for an elected Charter Reform Commission; and 2) consider City Code changes to limit campaign contributions for Charter Reform Commission candidates.

Contact: Matthew Ruyak, Supervising Deputy City Attorney, (916) 808-5346, Office of the City Attorney

14. Proposed June 5, 2012 Advisory Measure on Use of Parking Assets to Fund Entertainment and Sports Complex [No Report]

Report # 2012-00106 Estimated Time: 30 Minutes (Actual: 82 minutes)

Location: Citywide

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

Yes: Members Darrell Fong, Kevin McCarty, Bonnie Pannell, and Sandy Sheedy

No: Members Angelique Ashby, Steve Cohn, Robert King Fong, Jay Schenirer, and Mayor Kevin Johnson

Public comment heard from Henry Harry, J Bolton Phillips, Kyle Saini, Laurie Fineroff, Jeff Kravitz, Jan Rein, Megan Crose, Jean Fleury, Doug Tatara, James Battles, Christina Kay, Jeff Donlevy, David Witkin, Connie Anderson, Autumn T, Marc Brandes, Mike Barnbaum, Mac Worthy, Timothy Henderson, Roger Niello, and Stan Van Vleck; and a motion **failed** directing the City Attorney and City Clerk to draft a Resolution No. placing an advisory measure on the June 5, 2012 ballot asking voters whether or not to approve the transfer of city parking assets to private party(ies) to partially fund an Entertainment and sports complex in Sacramento.

Contact: Sandy Sheedy, Councilmember (916) 808-7002, Office of District 2 Councilmember

Supplemental Consent Item

15. **(Redevelopment Agency Successor Agency) Approval of Use of 1012 K Street** **Report # 2012-00104**

Location: 1012 K Street, District 4

Action: **Moved/Seconded:** Member Sandy Sheedy/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.

Passed **Resolution No. (RASA) 2012- 001** approving the use of the 1012 K Street Project as a destination restaurant, bar, and active entertainment venue as required to release the contractually obligated funds and complete construction.

Contact: Sheri Smith, Senior Project Manager, (916) 808-7204, Economic Development Department

Council Comments-Ideas, Questions and Meeting/Conference Reports

1. Information Requests

None

2. Board/Commission Appointments

None

Adjourned at 10:55 pm in memory of Britton Edward McFetridge and Tom Chinn.