REPORT TO COUNCIL
City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org

CONSENT
September 9, 2008

Honorable Mayor and Members of the City Council, Financing Authority
Housing Authority, and Redevelopment Agency

Title: Approval of Council Minutes

Location/Council District: (Citywide)

Recommendation:

Approve the afternoon and evening City Council, Redevelopment Agency, Housing Authority and Financing Authority for August 19, 2008.

Contact: Shirley Concolino, City Clerk, (916) 808-7200

Presenters: None

Department: City Clerk

Division: None

Organization No: 0700

Financial Considerations: None.

Environmental Considerations: None.

Policy Considerations: None.

ESBD Considerations: Not Applicable.

Respectfully Submitted by: Shirley Concolino
Shirley Concolino, City Clerk

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Minutes for August 19, 2008

MINUTES

Tuesday, August 19, 2008

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 - A regular meeting of the Sacramento City Council was called to order by Mayor Fargo at 2:10 p.m. Tuesday, August 19, 2008 at the Sacramento City Hall Council Chamber. All members present.

Consent Calendar (Items 1 - 13)

All items listed under the Consent Calendar are considered and acted upon by one motion. Anyone may request an item be removed for separate consideration.

Action: Moved, seconded, carried (Fargo/Fong) to adopt the Consent Calendar in one motion except as indicated.

1. **(City Council/Financing Authority/Housing Authority/Redevelopment Agency) Approval of Minutes for July 29, 2008**
   Location: (Citywide)

   Recommendation: Approve the afternoon and evening City Council, Financing Authority, Housing Authority, and Redevelopment Agency Minutes for July 29, 2008.

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

   Action: Approved recommendation.

2. **Confirmation of Board and Commission Appointments**
   Location: (Citywide)

   Recommendation: Confirmation of board/commission appointments: 1) Sacramento Youth Commission – James Johnson (Category A-2); 2) North Sacramento Redevelopment Advisory Committee – Tom Armstrong (Category A); 3) 65th Street Redevelopment Advisory Committee – Ruth E. McElhinney (Category A-2) and 4) Ethel MacLeod Hart Advisory Committee – Eva M. Williams (Category A)

   Contact: Stephanie Mizuno, Assistant City Clerk, (916) 808-8093; Katia Ligaiviu, Deputy City Clerk, (916) 808-7200, Office of the City Clerk.

   Action: Approved recommendation.

3. **Review and Approval of the Municipal Legislation Log**
Location: (Citywide)

Recommendation: Receive and file.

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

Action: Received and filed.

4. **Amicus Curiae Participation in Support of State of California in State of California v. U.S. Environmental Protection Agency**
Location: (Citywide)

Recommendation: Adopt a **Resolution** authorizing the City Attorney to pursue amicus curiae participation in support of State of California's Petition for Review in State of California et al. v. U.S. Environmental Protection Agency (United States Court of Appeals for the District of Columbia Circuit, Case No. 08-1178) regarding denial of California's request for a waiver of federal preemption for California's regulations to control greenhouse gas emissions from new motor vehicles.

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

Action: Adopted Resolution No. 2008-571.

5. **Agreement: Jibboom Street Powerhouse Station Site**
Location: River District (District 1)

Recommendation: Adopt a **Resolution** authorizing the City Manager to approve and execute an agreement with the Sacramento Museum of History, Science and Technology for the Exclusive Right to Negotiate ("ERN") for the redevelopment and reuse of the Jibboom Street Power Station Site.

Contact: Jennifer Witz, Junior Analyst, (916) 808-2796; Rachel Hazlewood, Senior Project Manager, (916) 808-8645, Economic Development Department.

Action: Adopted Resolution No. 2008-572

6. **Taxi Rate Adjustment**
Location: (Citywide)

Recommendation: Adopt a **Resolution** repealing Resolution No. 2008-504 and approving an adjustment to the maximum rates, fares and charges for taxicabs and taxicab service.

Contact: Dafna Gauthier, Business Permit Manager, (916) 808-7800, Finance Department.

Action: Adopted Resolution No. 2008-573.

7. **Takeover Agreement: North Laguna Bike Trail Rehabilitation (K19005100)**
Location: Between Franklin Boulevard and Jacinto Avenue (District 8)

Recommendation: Adopt a **Resolution** 1) approving the Takeover Agreement in the amount of $263,772 to Indemnity Company of California in reference to terminated City Contract No. 2007-252; and 2) authorizing the City Manager to execute the Takeover Agreement for the project.

Contact: J.P. Tindell, Park Planning & Development Manager, (916) 808-1955, Parks and Recreation Department.

Action: Adopted Resolution No. 2008-574.

8. **Grant: Driving Under the Influence (DUI) Enforcement and Traffic Safety Program**
Location: (Citywide)

Recommendation: Adopt a **Resolution** 1) authorizing the City Manager, or his designated representative, to accept on behalf of the City $171,000 in grant funding from the California Office of Traffic Safety (OTS) for the program; 2) increasing the Police Department's Grant Operating and Grant Revenue budgets in the amount of $171,000; and 3) setting the program's expiration date for September 30, 2009, unless extended or augmented by the California OTS.

Contact: Eric Poerio, Lieutenant, (916) 808-0868, Police Department.

Action: Adopted Resolution No. 2008-575.

9. **Contract: National Electrical Manufacturers Associations Traffic Signal Controller Cabinets, Type R (Bid B081181064)**
Location: (Citywide)

Recommendation: Adopt a **Resolution** awarding a contract to BRG Supply, LLC, for the purchase of NEMA Traffic Signal Controller Cabinets, Type "R," to replace damaged or end of life units for a not-to-exceed amount of $343,000.

Contact: Juan Montanez, Street Services Manager, (916) 808-2254, Transportation Department.

Action: Adopted Resolution No. 2008-576.

10. **Change Order: Stockton Boulevard and Dias Avenue Traffic Signal Project**
Location: Stockton Boulevard and Dias Avenue Intersection (Districts 6)

Recommendation: Adopt a **Resolution** authorizing the City Manager to execute Change Order No. 1 to Contract No. 2008-545 in the amount of $1,602 with Pacific Excavation to compensate the contractor for additional work required to complete the project.

Contact: Ofelia Avalos, Assistant Civil Engineer, (916) 808-5515; Jon Blank, Supervising Engineer, (916) 808-7914, Transportation Department.

Action: Adopted Resolution No. 2008-577.

11. **Agreement: Sacramento Transportation Authority (STA)**
Location: (Citywide)

Recommendation: Adopt a **Resolution** 1) approving the FY2008/09 Entity Allocation and Expenditure Agreement with the Sacramento Transportation Authority (STA) to provide for the allocation and expenditure of Measure A (Transportation Sales Tax) revenues between July 1, 2008 and June 30, 2009; and 2) authorizing the City Manager to execute the FY2008/09 Entity Allocation and Expenditure Agreement with STA.

Contact: Nicole Henderson, Administrative Analyst, (916) 808-8242; Dean Fujimoto, Supervising Financial Analyst, (916) 808-5579, Transportation Department.

Action: Adopted Resolution No. 2008-578.

12. **Cooperative Agreement: Kroy Pathway Improvement Project (T15095700)**
Location: Pedestrian/bikeway pathway between Kroy Way and 65th Street, immediately south of the eastbound US 50 off ramp to 65th Street (District 6)

Recommendation: Adopt a **Resolution** 1) authorizing the City Manager to execute a Cooperative Agreement and future amendments with Caltrans to relinquish the Kroy Pathway right-of-way to the City, 2) appropriating $40,000 in funds from Caltrans to be allocated to the project upon approval of the Cooperative Agreement and receipt of funds by City, 3) establishing a Capital Improvement Project (CIP); and 4) amending the FY2008/09 CIP by transferring $80,000 from the Sidewalk Gap Closure Project (T15075300) to the project.

Contact: Mehrdad Nazeri, Associate Civil Engineer, (916) 808-7460; Ryan Moore, Supervising Engineer, (916) 808-8279, Transportation Department.

Action: Adopted Resolution No. 2008-579.

13. **Purchase/Cooperative Agreements (WA00020935 and WA00020932): Aggregate and Asphalt Materials**
Location: (Citywide)

Recommendation: Adopt a **Resolution** 1) approving the use of Cooperative Purchasing Agreement between the County of Sacramento and Teichert Aggregates for the purchase of asphalt and aggregate materials for a not-to-exceed amount of $2.0 million, and 2) approving the use of a Cooperative Purchasing Agreement between the County of Sacramento and Granite Construction Company for the use of asphalt and aggregate materials for a not-to-exceed amount of $1.5 million.

Contact: Juan Montanez, Street Services Manager, (916) 808-2254, Transportation Department.

Action: Adopted Resolution No. 2008-580.

Staff Reports (Items 14 - 19)

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

14. Update on the State Budget and Use of Local Government Revenues Balancing the State Budget [To Be Delivered]
Location: (Citywide)

Recommendation: Adopt **Resolution** opposing use of local government revenues to balance the State budget.

Contact: David Jones, Emanuels Jones and Associates, Patti Bisharat, Director of Governmental Affairs, (916) 808-8197, Office of the City Manager.

Action: Moved, seconded, carried (Hammond/Pannell) to adopt Resolution No. 2008-581.

15. Facilities Programming Guide Project (FPG)
Location: (Citywide)

Recommendation: Adopt a **Resolution** approving the development of a FPG Project for planning and prioritizing Capital Improvement Projects (CIP); and 2) directing staff to return to City Council for a follow-up discussion and approval of project scoring criteria and the ranking of projects.

Contact: Gary Szydelko, Supervising Architect, (916) 808-8335; Cynthia Kranc, Facilities Manager, (916) 808-2258, General Services Department.

Action: Moved, seconded, carried (Hammond/Tretheway) to adopt Resolution No. 2008-582.

16. Purchase/Cooperative Agreements (WA00023576 and WA00023537): Fuel for Fleet Equipment
Location: (Citywide)

Recommendation: Adopt a **Resolution** 1) approving the use of the County of Sacramento contract to purchase diesel fuel and gasoline from Hunt & Sons in an amount not to exceed $30 million through August 31, 2011 or until the contract is no longer available; 2) approving the use of the County of Sacramento contract to purchase liquefied natural gas (LNG) fuel from Clean Energy in an amount not to exceed $2.5 million through August 31, 2011 or until the contract is no longer available; and 3) authorizing the City Manager or the City Manager's designee to execute purchases in the amounts specified above provided that sufficient funds are available in the budget adopted for the applicable fiscal years.

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

Action: Moved, seconded, carried (Hammond/McCarty) to adopt Resolution No. 2008-583.

17. **Purchase: Housing Units for the Animal Shelter Cattery Building Project (C13000701) [2/3 Vote Required]**
Location: 2127 Front Street (District 4)

Recommendation: Adopt a **Resolution** 1) suspending competitive bidding; 2) awarding Counter-Tec a contract for the purchase of 31 cattery housing units in an amount not to exceed $293,852; and 3) authorizing the City Manager or the City Manager's designee to execute the contract.

Contact: Hector Cazares, Animal Care Services Manager, (916) 808-7433; Donna Wicky, Administrative Officer, (916) 808-6719, General Services Department.

Action: Public comment by Patricia Wilcox, Melinie Diluck, Mary Bruck, James Knapp. Moved, seconded, carried (Sheedy/McCarty; Noes-Cohn, Waters) to adopt Resolution No. 2008-584.

18. **Termination Agreement: Citywide Wireless Broadband Network [To Be Delivered]**
Location: (Citywide)

Recommendation: Adopt a **Resolution** authorizing the City Manager to issue a notice of default to Sacramento Metro Connect, LLC terminating Agreement Nos. 2007-0630, 2007-0631, 2007-1125, and 2007-1126 between the City and Sacramento Metro Connect, LLC for the design, deployment and operation of a citywide wireless broadband network.

Contact: Dean Peckham, Economic Development Senior Project Manager, (916) 808-7063, Economic Development Department, Steve Ferguson, Chief Information Officer, (916) 808-8600, Thanh Vo, Information Technology Project Manager, (916) 808-7988, Information Technology Department.

Action: Moved, seconded, carried (Fong/McCarty) to adopt Resolution No. 2008-585.

19. **Agreements: Basin 31 Detention Basin Project (W14000900)**
(Continued from 8-12-08)
Location: Near the intersection of 65th Street and Broadway, adjacent to Redding Avenue (District 6)

Recommendation: Adopt a **Resolution** authorizing the City Manager to sign an agreement with Conservation Resources LLC, in a total amount of $202,500 to purchase vernal pool mitigation creation units for this project.

Contact: Marty Hanneman, Acting Director of Utilities (916) 808-1433; David L. Brent, Engineering Manager (916) 808-1420; Rick Batha, Supervising Engineer (916) 808-1448, Utilities Department.

Action: Continued to August 26, 2008 on Consent Calendar.

Public Comments-Matters Not on the Agenda

a. None.

Council Comments-Ideas, Questions and Meeting/Conference Reports

a. Board/Commission Appointments – None.
b. Reports Back – None.
c. Meeting/Conference Reports – None.

Closed Session

City Council

a) **Pursuant to Government Code section 54956.9 (a), for a matter pertaining to pending litigation. Moreno v. City of Sacramento; United States Court for the Eastern District of California Case No. CIV S-01-725 DFL DAD; United States Ninth Circuit Court of Appeals Case No. 02-16889.**

b) **Pursuant to Government Code section 54956.9(b), pertaining to threatened litigation. One potential case.**
Action: Withdrawn

c) **Pursuant to Government Code section 54957 for an item pertaining to personnel matters. Performance appraisal of the City Manager.**
Action: Withdrawn

Recess to Closed Session- 3:40 p.m.

Reconvene – 6:00 p.m.

Roll Call - A regular meeting of the Sacramento City Council was called to order by Mayor Fargo at 6:08 p.m. Tuesday, August 19, 2008 at the Sacramento City Hall Council Chamber. All members present.

Pledge of Allegiance – led by Council Member Tretheway

Closed Session Report – None.

Staff Reports (Item 20)

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

20. **Contracts and Establishment of Capital Improvement Projects (CIP): Fort Natomas at South Natomas Community Park (L19156200) and Jefferson Park Master Plan and Improvements (L19125100) [2/3 Vote Required]**
Location: Jefferson Park - 1900 Roma Court, Council District 1; South Natomas Community Park - 2921 Truxel Road (District 1)

Recommendation: Adopt a **Resolution** 1) approving an amendment to the South Natomas Community Park Master Plan; 2) approving the Notice of Exemption for Fort Natomas at South Natomas Community Park; 3) establishing a Capital Improvement Project (CIP) for the development of Fort Natomas at South Natomas Community Park (L19156200); 4) establishing a CIP for the Jefferson Park Master Plan Update and related improvements; 5) appropriating $1,027,000 in South Natomas Community Improvement Funds (Fund 2020) to the Fort Natomas at South Natomas Community Park Project (L19125100); 6) approving a loan of $425,000 from the Risk Management Fund (Fund 6520) to Park Development Impact Fee Fund (Fund 3204); 7) appropriating $425,000 in Park Development Impact Fees (Fund 3204) to the Jefferson Park Master Plan and Improvement Project; 8) suspending competitive bidding in the best interests of the City for all contracts and agreements related to the design and construction of the Fort Natomas at South Natomas Community Park Project; 9) authorizing the City Manager to execute construction contracts for the Fort Natomas at South Natomas Community Park Project in amounts not to exceed $750,000 per single contract; and 10) directing staff to report back within 30 days with construction contract quotes and name of awarded contractor.

Contact: Jonathan Rewers, Parks and Recreation Analyst, (916) 808-7590, Parks and Recreation Department.

Action: Public comment by Heinz Ludke, Jennifer Dollar, Trina Drotar, Alice Mercer, Vicki DeKay, Chris McSwain, Marcus Fuhrman, Adam Harper, Sheila DeBlonk, Kyle Corbet, Elizabeth Keene, Katia Rozental, Wendy Day, Makenzy DaGraw, and Terry Preston.

Moved, seconded, carried (Tretheway/Cohn) to adopt Resolution No. 2008-586.

Public Comments-Matters Not on the Agenda

a. Eva Nunez – volunteer opportunities.

Council Comments-Ideas, Questions and Meeting/Conference Reports

a. Board/Commission Appointments
   1. Oak Park Redevelopment Advisory Committee
      a. Dirulislam Abdullah (Residential Tenant)
   2. City Planning Commission
      a. Panama Bartholomy (At-Large)
      b. Michael A. Mendez (At-Large)
      c. Barry Wasserman (At-Large)

3. Ethel MacLeod Hart Advisory Committee
   a. Diane Balter (At-Large)
   b. Ronald Byrd (At-Large)
   c. Gloria Harmon (At-Large)
   d. Bill Swayne (At-Large)

4. Sacramento Disabilities Advisory Committee
   a. Robert Benson (Disability Group)
   b. Dawn Correia (Disability Group)
   c. Jessica Springer (Disability Group)

5. Sacramento Metropolitan Arts Commission
   a. Heather Lee Hutcheson (Practicing Artist)
   b. Carlin Jean Naify (Arts Administrator)

b. Reports Back – None.
c. Meeting/Conference Reports – None.

Adjourned 7:38 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the August 19, 2008 meeting as approved by the Sacramento City Council.

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Shirley Concolino, City Clerk