

Meeting Date: 9/17/2013

Report Type: Consent

Report ID: 2013-00694

Title: Approval of City Council Meeting Minutes

Location: Citywide

Issue: The City Clerk delivers the minutes to the legislative body before certifying them for the official record.

Recommendation: Pass a Motion approving the City Council Meeting Minutes dated August 20, 2013.

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

Presenter: None

Department: City Clerk

Division: City Clerk

Dept ID: 04001011

Attachments:

1-Description/Analysis

2-August 20, 2013 DRAFT Minutes

City Attorney Review

Approved as to Form

Matthew Ruyak

8/28/2013 12:12:28 PM

Approvals/Acknowledgements

Department Director or Designee: Shirley Concolino - 8/27/2013 3:29:37 PM

Description/Analysis

Issue Detail: It is best practice for the legislative body to approve the minutes for each meeting.

Policy Considerations: Per the City Charter, the City Council shall require the City Clerk to keep a permanent public record of its proceedings showing all action considered and taken, motions and records, the text of ordinances and resolutions introduced or adopted and all amendments thereto proposed or adopted, and the vote of each councilmember regarding any matter before the Council or any committee thereof.

Economic Impacts: None

Environmental Considerations: None

Sustainability: None

Commission/Committee Action: None

Rationale for Recommendation: After each Council meeting, the City Clerk composes the DRAFT minutes noting the action taken by the legislative body. Those DRAFT minutes are presented to the Council for its approval as a permanent record of the meeting actions.

Financial Considerations: None

Emerging Small Business Development (ESBD): None



CITY COUNCIL

Kevin Johnson, Mayor
Angelique Ashby, Vice Mayor, District 1
Allen Warren, District 2
Steve Cohn, District 3
Steve Hansen, District 4
Jay Schenirer, District 5
Kevin McCarty, District 6
Darrell Fong, District 7
Bonnie Pannell, District 8

CHARTER OFFICERS

James Sanchez, City Attorney
Shirley Concolino, City Clerk
John F. Shirey, City Manager
Russ Fehr, City Treasurer

DRAFT Minutes
City Council
Financing Authority
Housing Authority

City Hall-Council Chamber
915 I Street, 1st Floor

Published by the
Office of the City Clerk
(916) 808-5163

Tuesday, August 20, 2013
6:00 p.m.

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 Recommendation; 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.

General Conduct for the Public Attending Council Meetings

- Members of the public attending City Council meetings shall observe the same rules and decorum applicable to the Members and staff as noted in Chapters 3 and 4 of Council Rules of Procedure.
- Stamping of feet, whistles, yells or shouting, physically threatening conduct, and/or similar demonstrations are unacceptable public behavior and will be prohibited by the Sergeant-at-Arms.
- Lobbyists must identify themselves and the client(s), business or organization they represent before speaking to the Council.
- Members of the public wishing to provide documents to the Council shall comply with Rule 7 D of the Council Rules of Procedure.

Members of the Public Addressing the City Council

- **Purpose of Public Comment.** The City provides opportunities for the public to address the Council as a whole in order to listen to the public's opinions regarding non-agendized matters within the subject matter jurisdiction of the City during Regular meetings and regarding items on the Agenda at all other meetings.
 - Public comments should not be addressed to individual Members nor to City officials, but rather to the City Council as a whole regarding City business.
 - While the public may speak their opinions on City business, personal attacks on Members and City officials, use of swear words, and signs or displays of disrespect for individuals are discouraged as they impede good communication with the Council.
 - Consistent with the Brown Act, the public comment periods on the Agenda are not intended to be "Question and Answer" periods or conversations with the Council and City officials. The limited circumstances under which Members may respond to public comments are set out in Rule 8 D 2 of the Council Rules of Procedure.
 - Members of the public with questions concerning Consent Calendar items may contact the staff person or the Council Member whose district is identified on the report prior to the meeting to reduce the need for discussion of Consent Calendar items and to better respond to the public's questions.
- **Speaker Time Limits.** In the interest of facilitating the Council's conduct of the business of the City, the following time limits apply to members of the public (speakers) who wish to address the Council during the meeting.
 - **Matters not on the Agenda.** Two (2) minutes per speaker.
 - **Consent Calendar Items.** The Consent Calendar is considered a single item, and speakers are therefore subject to the two (2) minute time limit for the entire Consent Calendar. Consent Calendar items can be pulled at a Council member's request. Such pulled Consent Calendar items will be considered individually and up to two (2) minutes of public comment per speaker on those items will be permitted.
 - **Discussion Calendar Items.** Two (2) minutes per speaker.

Time Limits per Meeting In addition to the above time limits per item, the total amount of time any one individual may address the Council at any meeting is eight (8) minutes.

- Each speaker shall limit his/her remarks to the specified time allotment.
- The Presiding Officer shall consistently utilize the timing system which provides speakers with notice of their remaining time to complete their comments. A countdown display of the allotted time will appear and will flash red at the end of the allotted time.
- In the further interest of time, speakers may be asked to limit their comments to new materials and not repeat what a prior speaker said. Organized groups may choose a single spokesperson who may speak for the group but with no increase in time.
- Speakers shall not concede any part of their allotted time to another speaker.

The Presiding Officer may further limit the time allotted for public comments per speaker or in total for the orderly conduct of the meeting and such limits shall be fairly applied

DRAFT MINUTES

Tuesday, August 20, 2013

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, August 20, 2013 at the Sacramento City Hall Council Chamber.

Members Present: Members Angelique Ashby, Steve Cohn, Darrell Fong, Steve Hansen, Kevin McCarty, Bonnie Pannell, Jay Schenirer, Allen Warren and Mayor Kevin Johnson

Pledge of Allegiance – led by Member Allen Warren

Closed Session Report – None.

Special Presentations/General Communications

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

a. Recognizing the 50th Annual Greek Festival

Action: Resolution presented by Member Jay Schenirer

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

- | | |
|----------------------|--------------------------|
| 1. Police Profiling | 4. Non-profit businesses |
| a. Robert Lee Jones | a. Mac Worthy |
| 2. Oak Park Concerns | 5. Immigration Concerns |
| a. Tim Boyd | a. Efren Guttierres |
| b. Ron Emslie | 6. Miscellaneous |
| 3. Eminent Domain | a. Lorraine Brown |
| a. Pieter Singh | |
| b. Michael Pickens | |
| c. Jada Bernard | |

Consent Calendar **Estimated Time: 5 minutes** (Actual Time: 25 minutes)

Action: Moved/Seconded: Member Jay Schenirer /Member Steve Cohn

Yes: Members Angelique Ashby, Steve Cohn, Darrell Fong, Steve Hansen, Kevin McCarty, Bonnie Pannell, Jay Schenirer, Allen Warren and Mayor Kevin Johnson.

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

1. Confirmation of Board/Commission Appointments

Report # 2013-00665

Location: Citywide

Issue: The Mayor's appointments to boards and commissions require Council confirmation.

Action: Passed **Motion No. 2013-0216** confirming board/commission appointment(s): Planning and Design Commission – Phyllis Ann Newton (Category B).

Contact: Wendy Klock-Johnson, Assistant City Clerk, (916) 808-7200, Office of the City Clerk

2. Approval of City Council Meeting Minutes

Report # 2013-00622

Location: Citywide

Issue: The City Clerk delivers the minutes to the legislative body before certifying them for the official record.

Action: Passed **Motion No. 2013-0217** approving the City Council Meeting Minutes dated April 23, 2013, April 30, 2013, May 7, 2013, May 14, 2013, May 21, 2013, and May 28, 2013.

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

3. (Pass for Publication) City Code Amendments Related to Firearm Sales (M13-010)

Report # 2013-00615

Location: Citywide

Issue: In the last decade, our nation has seen an increase in gun violence including incidents at schools and other places of public gathering not seen in previous decades. In response, the Law and Legislation Committee directed staff to look into options and prepare any appropriate ordinances that would further regulate the availability of weapons and ammunition within the City.

Action: 1) Reviewed an Ordinance amending various sections of Chapter 5.64 of the Sacramento City Code relating to firearm and ammunition sales and various sections of Title 17 of the Sacramento City Code relating to firearms businesses; and 2) Passed for Publication the Ordinance title as required by Sacramento City Charter Section 32(c) to be adopted on August 27, 2013.

Contact: Joy Patterson, Principal Planner, (916) 808-5607, Community Development Department; Brad Wasson, Revenue Manager, (916) 808-5844, Department of Finance

4. Resolution of Intention to Establish Northwest Land Park Community Facilities District No. 2013-02

Report # 2013-00597

Location: District 4

Issue: As a condition of development, the developer of the Northwest Land Park project has filed a petition requesting that the City Council establish the Northwest Land Park Community Facilities District No. 2013-02 pursuant to Mello-Roos Communities Facilities Law of 1982.

Action: Passed **Resolution of Intention No. 2013-0276** 1) establishing the Northwest Land Park Community Facilities District No. 2013-02; and 2) setting a time and place for a public hearing on September 24, 2013.

Contact: Sheri Smith, Program Specialist, (916) 808-7204; Mark Griffin, Program Manager, (916) 808-8788, Department of Finance

5. Grant Agreement: Sacramento Emergency Clean Air and Transportation (SECAT) Program and Sacramento Metropolitan Air Quality Management District (SMAQMD) Program

Report # 2013-00573

Location: Citywide

Issue: Accepting and executing the recommended grant will provide funding to reimburse the City for a portion of the cost of replacing existing diesel vehicles with alternative fuel vehicles to lower vehicle emissions.

Action: Public comment heard from Lorraine Brown; passed **Resolution No. 2013-0277** 1) authorizing the acceptance and execution of Sacramento Emergency Clean Air and Transportation (SECAT) Program grant No. VET-13-0143 administered by the Sacramento Metropolitan Air Quality Management District (SMAQMD) and the Sacramento Area Council of Governments (SACOG) in the amount of \$281,888 to provide funding for 20 alternative fuel vehicles; 2) establishing a grant project for the SECAT VET-13-0143 grant (G13004210); 3) establishing revenue and expenditure budgets in the amount of \$212,950 in the Operating Grants Fund (Fund 2702) in G13004210; and 4) transferring \$68,938 from available fund balance in the Solid Waste Fund (Fund 6007) and establishing an expenditure budget in G13004210.

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

6. Donation: Emergency Response Surplus Vehicles

Report # 2013-00513

Location: Citywide

Issue: The Department of General Services, Fleet Management Division, has received a request from the Sacramento County Sheriff's Department, Search and Rescue Unit, to donate two vehicles that are surplus to the City's needs.

Action: Passed **Resolution No. 2013-0278** 1) authorizing the donation of a surplus 2004 GMC Yukon (Equipment Number 10752), and a surplus 2003 Ford Excursion (Equipment Number 9864) to the Sacramento County Sheriff's Search and Rescue non-profit organization (Tax ID# 20-2272367); 2) authorizing the City Manager, or the City Manager's designee, to execute an agreement to transfer the vehicles identified above to the Sacramento County Sheriff's Search and Rescue; and 3) authorizing the City Manager, or the City Manager's designee, to execute such additional documents and to take additional actions necessary to complete the transfer.

Contact: Keith Leech, Fleet Manager, (916) 808-5869; Craig Lymus, Procurement Services Manager, (916) 808-5524, Department of General Services

**7. Licensing Agreement for CNG Fueling at Regional Transit (RT) Facilities
(Two-Thirds Vote Required)**

Report # 2013-00577

Location: Citywide

Issue: The Department of General Services (DGS), Fleet Management Division, has a customer requirement to provide compressed natural gas (CNG) fuel for City vehicles. The recommended agreement will allow the City to use the Sacramento Regional Transit District (RT) fuel site to purchase CNG.

Action: Passed **Resolution No. 2013-0279** 1) suspending competitive bidding in the best interests of the City; and 2) authorizing the City Manager or the City Manager's designee to execute a three-year license agreement between the City and Regional Transit (RT) allowing the City to use RT's fuel site to purchase compressed natural gas (CNG) in an amount not to exceed \$900,000 for the three-year period provided that sufficient funds are available in the budget adopted for the applicable fiscal year.

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

8. After-School Education and Safety Program for Proposition 49 with Sacramento City Unified School District

Report # 2013-00644

Location: District 4

Issue: City Council approval is required for the City to continue to provide after-school programming for the Sacramento City Unified School District at Sam Brannan Middle School.

Action: Passed **Resolution No. 2013-0280** authorizing the City Manager to enter into an agreement with Sacramento City Unified School District to operate after-school programming at Sam Brannan Middle School.

Contact: Sylvia Fort, Recreation Manager, (916) 808-8381; Elizabeth Anderson, Operations Manager, (916) 808-6076; James L. Combs, Director, (916) 808-8526, Department of Recreation

9. Supplemental Agreement: Enterprise Application Integration

Report # 2013-00626

Location: Citywide

Issue: Pursuant to the Sacramento City Code, City Council approval is required for a supplemental agreement that increases the agreement amount more than \$30,000.

Action: Passed **Resolution No. 2013-0281** authorizing the transfer of funds in the amount of \$135,000 from the Information Technology Program (Z14003600) to the GIS/CMMS Integration Project (W14120100); and 2) pass a Motion authorizing the City Manager or the City Manager's designee to execute Supplemental Agreement No. 1 to City Agreement No. 2011-1513 with Brown and Caldwell, to provide additional services for an amount not-to-exceed \$135,000, bringing the agreement's total not-to-exceed amount to \$435,000.

Contact: Bill Busath, Engineering and Water Resources Manager, (916) 808-1434; Dave Hansen, Supervising Engineering, (916) 808-1421, Department of Utilities

10. Contract Award: Reconstruction of Sumps 80 & 143

Report # 2013-00578

Location: Districts 3 & 7

Issue: Wastewater Sumps 80 & 143, both constructed circa 1980, are due for rehabilitation and modernization. Budgetary augmentations are required to award the publicly advertised and bid contract.

Action: Passed **Resolution No. 2013-0282** a) amending the Department of Utilities capital improvement program to include the Drainage Sump Replacement/Rehab Program (W14130600), b) augmenting the Wastewater Sump Rehab/ Replacement Project (X14130900) budget by \$790,000 transferred from other projects plus a portion of the unused Florin Road Storm and Sanitary Sewer Assessment District funds, and c) transferring the remaining Assessment District Funds to the Drainage Sump Replacement/Rehab Program; and 2) a Motion approving the contract plans for the Reconstruction of Sumps 80 & 143, and awarding the contract to Koch & Koch, Inc., in an amount not-to-exceed \$795,000.

Contact: Bill Busath, Engineering and Water Resources Manager, (916) 808-1434; Brett Grant, Supervising Engineer, (916) 808-1413, Department of Utilities

11. (Agreement/Contract Review and Information) Contract Award: 2013 Street Overlay Project

Report # 2013-00628

Location: Districts 1, 3, 4, 6, and 8

Issue: Resolution No. 2013-0367 (Council Rules of Procedure) requires additional posting time for labor agreements and agreements greater than \$1,000,000. The 2013 Street Overlay Project will apply asphalt concrete overlays and bonded wearing course treatments to extend the useful life of City streets.

Action: Public comment heard from Mac Worthy; reviewed report 1) approving the Plans and Specifications for the 2013 Street Overlay Project; 2) transferring funds in the amount of \$1,498,936; 3) reviewing the construction contract with Martin Brothers Construction for an amount not to exceed \$2,829,933 for the 2013 Street Overlay Project which includes street striping and marking services for the Bikeway Program (K15120000); and 4) continuing to August 27, 2013 for approval.

Contact: Greg Smith, Associate Civil Engineer, (916) 808-8364; Nicholas Theocharides, Engineering Services Manager, (916) 808-5065, Department of Public Works

Public Hearings

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

12. Repeal or Amendment of Superstore Ordinance (Passed for Publication 08/08/2013; Published 08/06/2013)

Report # 2013-00607 **Estimated Time: 60 minutes** (Actual Time: 110 minutes)

Location: Citywide

Issue: The City of Sacramento Community Development Department has initiated a zoning code amendment that would repeal the superstore regulations. The code amendment would not alter the requirement for "big box" stores to obtain a conditional use permit. Two alternative ordinances have been prepared that retain and amend the superstore regulations.

Action: Moved/Seconded: Member Steve Hansen /Member Allen Warren

Yes: Members Angelique Ashby, Steve Cohn, Steve Hansen, Jay Schenirer, Allen Warren, and Mayor Kevin Johnson

No: Members Kevin McCarty and Darrell Fong

Abstain: Member Bonnie Pannell

Public comment heard from Phyllis Johnson, Julie Murphy, Richard Pan, Carol York, Conny Anderson, Effren Guitierres, George Raya, Michael Murphy, Mario Guerrero, Al Santana, Dan Silva, Brenda Ruiz, Marti Brown, Frank Topping, Richard Wake, Kerri Asbury, Johnnise Downs, James Shelby, Mandy Lee, Cathy Rodriguez, tom Burress, Velma Sykes, Serina Kennedy, Dorothea Williams, Greg Jung, Mike Kimmel, Toby Cummings, Joshua Wood, Daniel Bryant, Greg Thatch, and Richard Markuson; conducted a public hearing and upon conclusion, passed 1) **Resolution No. 2013-0283** approving the environmental review of the superstore ordinance; and 2) **Ordinance No. 2013-0016 as amended** amending Chapters 17.108, 17.216, 17.220, 17.228, and 17.440 of the Sacramento City Code, relating to superstores.

Contact: Scot Mende, Principal Planner, (916) 808-4756, Community Development Department

13. Required Report on City's Water Quality Relative to Public Health Goals

Report # 2013-00228 **Estimated Time: 15 minutes** (Actual Time: 4 minutes)

Location: Citywide

Issue: A public hearing is required every three years for the purpose of accepting and responding to public comment on a report comparing the City's drinking water quality to public health goals.

Action: Moved/Seconded: Member Allen Warren /Member Jay Schenirer

Yes: Members Angelique Ashby, Steve Cohn, Darrell Fong, Steve Hansen, Kevin McCarty, Bonnie Pannell, Jay Schenirer, Allen Warren, and Mayor Kevin Johnson

Public comment heard from Tim Boyd; conducted a public hearing on the 2013 Report on City's Water Quality Relative to Public Health Goals.

Contact: Michael Malone, Operations & Maintenance Manager, (916) 808-6226; Pravani Vandeyar, Water Quality Superintendent, (916) 808-3765, Department of Utilities

14. Update to the Sacramento City Code relating to Parkland Dedication and the Park Development Impact Fee Programs

(Passed for Publication 08/13/2013; Published 08/05/2013 & 08/12/2013)

Report # 2013-00568 **Estimated Time: 5 minutes** (Actual Time: 4 minutes)

Location: Citywide

Issue: A review of City Code pertaining to parkland dedication and development identified a need to revise City Code Chapters 16.64 and 18.44 to provide consistency with Census data, other chapters of the City Code, and to clarify and reflect current policies and practices.

Action: Moved/Seconded: Member Angelique Ashby /Member Allen Warren

Yes: Members Angelique Ashby, Steve Cohn, Darrell Fong, Steve Hansen, Kevin McCarty, Bonnie Pannell, Jay Schenirer, Allen Warren, and Mayor Kevin Johnson

Public comment heard from Brenda Ruiz; conducted a public hearing and upon conclusion 1) passed **Ordinance No. 2013-0017** amending various sections of Chapters 16.64 and 18.44 of the Sacramento City Code relating to park dedication and the park development impact fee programs; and 2) passed **Resolution No. 2013-0284** approving adjustments to Park Development Impact Fees to correct Inflation Adjustment Rounding Errors.

Contact: Mary de Beauvieres, Principal Planner, (916) 808-8722, Department of Parks and Recreation

Council Comments-Ideas, Questions and Meeting/Conference Reports

1. Information Requests - None

2. Board/Commission Appointments

a. Sacramento Youth Commission

1. Shivani Prasad (D6)

2. Oluchi Okwu (D6)

3. Ad Hoc Appointment

a. Grand Jury Response Ad Hoc – Members Darrell Fong, Kevin McCarty, Steve Hansen

Adjourned – 8:50 p.m. in memory of Larry Augusta