



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, September 24, 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, September 24, 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 6:02 p.m. Tuesday, September 24, 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 Youth at City Council representative Timothy Wong.

Closed Session Report – None.

Special Presentations/General Communications

a. Recognizing Bethlehem’s Diyar Dance Theatre and Bright Star of Bethlehem (Sister City)

Action: Resolution presented by Member Jay Schenirer

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

1. Government employees
 - a. Lorraine Brown
2. Homelessness/Camping
 - a. Charlotte Delgado
 - b. Jenn Rogar
 - c. Paula Lomazzi
 - d. Sandra Strong
3. Here We Ride
 - a. Mike Barnbaum
4. Sports Complex and Workforce
 - a. Dennis Canevari
 - b. Eric Gonzales
 - c. James Battles
5. Apprentice program/jobs
 - a. Mac Worthy

Consent Calendar **Estimated Time: 5 minutes** (Actual Time: 3 minutes)

Action: Moved/Seconded: Member Allen Warren/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. Labor Agreement: Sacramento Police Officers Association Health Plan Rates Letter of Understanding (Reviewed 09/17/2013)

Report # 2013-00741

Location: Citywide

Issue: The City seeks to amend its labor agreement with the Sacramento Police Officers Association.

Action: Passed **Resolution No. 2013-0315** approving the Letter of Understanding between the Sacramento Police Officers Association (SPOA) and the City of Sacramento.

Contact: Geri Hamby, Director, (916) 808-7173; Shelley Banks-Robinson, Human Resources Manager, (916) 808-5541, Department of Human Resources

2. Confirmation of Board/Commission Appointments

Report # 2013-00743

Location: Citywide

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

Action: Passed **Motion No. 2013-0242** confirming the re-appointment of Laura 'Sid' Garcia-Heberger (Category A) to the Sacramento Metropolitan Arts Commission.

Contact: Wendy Klock-Johnson, Assistant City Clerk, (916) 808-7509, Office of the City Clerk

3. Approval of City Council Meeting Minutes

Report # 2013-00725

Location: Citywide

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

Action: Passed **Motion No. 2013-0243** approving the City Council Meeting Minutes dated August 27, 2013.

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

4. Responses to the Findings and Recommendations of the Sacramento Grand Jury Report - Ballot Arguments - November 2012 Elections

Report # 2013-00692

Location: Citywide

Issue: The California Penal Code section 933.05 requires the Mayor and City Council to respond to Grand Jury findings and recommendations and those responses must be submitted to the Presiding Judge of the Sacramento Superior Court by September 28, 2013.

Action: Passed **Motion No. 2013-0244** 1) approving proposed responses to the findings and recommendations contained in the 2012-13 Sacramento County Grand Jury Report regarding the Ballot Arguments-November 2012 Elections; and 2) directing the City Clerk to submit the responses as required on behalf of the Mayor and City Council.

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

5. Event Fee Agreement for Sleep Train Arena Events

Report # 2013-00689

Location: Sleep Train Arena/1 Sports Parkway, District 1

Issue: On March 26, 2013, City Council approved a preliminary term sheet for development of the Entertainment and Sports Center (ESC) project. In the term sheet, the Sacramento Kings owners agreed to levy a five percent fee on tickets for all events at Sleep Train Arena after June 1, 2013. The proceeds from this fee are to be provided to the City to be used to retire a portion of the 1997 lease revenue bonds that are secured by the land and improvements at Sleep Train Arena.

Action: Moved/Seconded: Member Angelique Ashby/Member Steve Hansen

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

Action: Removed from Consent Calendar by Member Hansen; public comment heard from Mike Barnbaum; passed **Motion No. 2013-0245** authorizing the City Manager or his designee to execute the Sleep Train Arena Event Fee Agreement with Sacramento Basketball Holdings, LLC.

Contact: Desmond Parrington, ESC Project Manager, (916) 808-5704; John Dangberg, Assistant City Manager, (916) 808-5704, Office of the City Manager

6. Establishing a Sister City relationship with Mexicali

Report # 2013-00730

Location: Citywide

Issue: In recognition of the existing bonds between Sacramento and the Mexicali Valley, on May 7, 2013, the Sacramento City Council adopted Resolution 2013-137 stating its intent to establish a sister city relationship with Mexicali, the capital city of Baja California, based in part on the cultural exchanges that have been occurring between the two cities for the past 15 years. Adoption of a Resolution will formally establish a sister city relationship with Mexicali.

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

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

Action: Public comment heard from Raquel Simental and Lorraine Brown; passed **Resolution No. 2013-0316** establishing a Sister City relationship with Mexicali, Baja California, Mexico.

Contact: Mark Prestwich, Special Projects Manager, (916) 808-5380, Office of the City Manager

7. (Pass for Publication) Culver House/Alpha Kappa Alpha Sorority House, Eta Gamma Omega Chapter Landmark Nomination

Report # 2013-00613

Location: 3500 2nd Avenue, Sacramento: District 5

Issue: Owner of property at 3500 2nd Avenue requests listing of the property as a Landmark in the Sacramento Register of Historic & Cultural Resources. Listing requires City Council passage of an ordinance identifying the property's significant features and characteristics and directing the Preservation Director to add the property to the Sacramento Register.

Action: Reviewed an Ordinance adding 3500 2nd Avenue to the Sacramento Register of Historic & Cultural Resources as a Landmark; and passed for publication the ordinance title as required by Sacramento City Charter section 32(c) to be adopted on October 1, 2013.

Contact: Roberta Deering, Preservation Director, (916) 808-8259, Community Development Department

8. Contract: 28th Street Tree Removal Mitigation Project

Report # 2013-00687

Location: 28th Street, District 3

Issue: On November 8, 2011, the City Council approved resolution 2011-609, which established a citizen committee to develop a plan to mitigate the impacts of cottonwood tree removal within the retention basin at the 28th Street Landfill. On March 13, 2012, the City Council approved the recommendations of the committee (R2012-061) and approved a determination of exemption under the California Environmental Quality Act. The purpose of this report is to approve a construction contract in order to implement the recommendations of the 28th Street Tree Removal Mitigation Committee as required by Resolution 2012-061.

Action: Passed **Motion No. 2013-0246** 1) approving the construction plans and specifications, and awarding a construction contract to River Partners, Inc., the lowest responsive and responsible bidder, in an amount not to exceed \$130,134 for the 28th Street Tree Mitigation project (I14120700); and 2) authorizing the City Manager or the City Manager's designee to execute the contract specified above.

Contact: Kirk Thompson, Associate Architect, (916) 808-8431; Gary Szydelko, Supervising Architect, (916) 808-8335, Department of General Services

9. Agreement: Workers' Compensation Investigative Services

Report # 2013-00728

Location: Citywide

Issue: The City has a continuing need for workers' compensation investigative services to assist in reducing the City's workers' compensation expenses.

Action: Passed **Motion No. 2013-0247** authorizing the City Manager to execute an agreement with each of these three companies for workers' compensation investigative services for a term of five years for an amount not to exceed \$700,000.

Contact: Geri Hamby, Director, (916) 808-7173; Patrick Flaherty, Risk Manager, (916) 808-8587, Department of Human Resources

10. Fiscal Year (FY) 14 Frontline Intervention Police Department Grant

Report # 2013-00726

Location: Citywide

Issue: The City has been awarded \$670,109 in State Frontline Intervention grant funding to identify, monitor and supervise individuals released as a result of Assembly Bill 109 who have a high probability of recidivism. Council approval is required to accept grant funding, establish a project, appropriate funding, and adjust staffing levels.

Action: Passed **Resolution No. 2013-0317** 1) authorizing the City Manager, or the City Manager's designee, to accept \$670,109 in grant funding from the State of California through the City of Citrus Heights; 2) authorizing the City Manager, or the City Manager's designee, to establish a Frontline Intervention Police Department Grant project (G11012000); 3) authorizing the City Manager, or the City Manager's designee, to adjust the necessary revenue and expenditure budgets by \$670,109 to implement the Frontline Intervention Police Department Grant project; 4) authorizing the City Manager, or the City Manager's designee, to maintain authority for three full-time equivalent (FTE) Police Officer positions and one FTE Police Sergeant position; and 5) authorizing the City Manager, or the City Manager's designee, to increase the Police Department's authorized staffing by one FTE Police Officer position.

Contact: Dana Matthes, Deputy Chief, Operational Services, (916) 808-0800, Police Department

11. Emergency Operation Center Relocation

Report # 2013-00733

Location: Citywide

Issue: City Council Resolution #2013-0198, Section 10.2(1), requires that City Council approve all adjustments to Capital Improvement Projects (CIPs) in excess of \$100,000. In addition, Resolution #2013-0198, Section 4.1, requires that City Council approve all adjustments to the General Fund operating budget in excess of \$100,000.

Action: Passed **Resolution No. 2013-0318** authorizing the City Manager to transfer \$300,000 from the 2006 Capital Improvement Revenue Bond available fund balance (Fund 3004) to the Emergency Operations Center (EOC) project (F13000101) for necessary upgrades to establish a City EOC at the 911 Communications Center located at 7397 San Joaquin Street, Sacramento, California.

Contact: Dana Matthes, Deputy Chief, Operational Services, (916) 808-0800, Police Department

12. Change Order: Sacramento Valley Depot Structural Retrofit Project

Report # 2013-00683

Location: 401 I Street, District 3

Issue: Construction of the Sacramento Valley Depot Structural Retrofit Project is nearing completion. The contractor has worked with staff and the design team to address unknown and unanticipated field conditions that impact completion of the structural upgrades. Change Orders issued for the work completed are nearing 8% of the construction cost. City Code section 3.60.210(A)4 requires City Council to approve change orders in excess of eight percent of the original agreement price.

Action: Passed **Motion No. 2013-0248** 1) authorizing the City Manager or the City Manager's designee to execute Change Order No.18 to City Agreement No. 2011-1149 with Diede Construction to address unknown and unanticipated field conditions that impact completion of the structural upgrades in an amount not to exceed \$80,359 for a revised total agreement amount not to exceed \$9,604,525; 2) ratifying all previous supplemental agreements issued under City Manager authority; 3) resetting the City Manager's authority to issue change orders for City Agreement No. 2011-1149 with Diede Construction; and 4) resetting the City Manager's authority for the Sacramento Intermodal Transportation Facility (T15029000) Project.

Contact: Hinda Chandler, Senior Architect, (916) 808-8422; Jerry Way, Director, (916) 808-7100, Department of Public Works; David Morgan, Associate Architect, (916) 808-8425, Department of General Services

13. Agreements: SMUD Pole Relocation for Water Treatment Plants Rehabilitation Project

Report # 2013-00686

Location: District 3

Issue: The Sacramento Metropolitan Utility District (SMUD) has to relocate some of their power poles and provide new services in order to accommodate the Water Treatment Plants Rehabilitation Project (Z14006000) construction.

Action: Passed **Motion No. 2013-0249** authorizing the City Manager or the City Manager's designee to sign all necessary agreements with the Sacramento Metropolitan Utility District (SMUD) for the Pole Relocation work in conjunction with the Water Treatment Plants Rehabilitation Project, for an amount not to exceed \$300,000.

Contact: Bill Busath, Engineering Services Manager, (916) 808-1434; Dan Sherry, Supervising Engineer, (916) 808-1416, Department of Utilities

14. Supplemental Agreement: Larry Walker Associates for FY2013/14 Stormwater Monitoring Services (I14010200)

Report # 2013-00690

Location: Citywide

Issue: This supplemental agreement is needed for continued services to maintain compliance with the National Pollutant Discharge Elimination System (NPDES) permit stormwater monitoring requirements.

Action: Passed **Motion No. 2013-0250** authorizing the City Manager or the City Manager's designee to execute Supplemental Agreement No. 2 to City Agreement No. 2011-1218 with Larry Walker Associates, Inc., to provide Stormwater Monitoring Services for FY2013/2014, for an amount not to exceed \$631,956.

Contact: Bill Busath, Engineering Services Manager, (916) 808-1434; Sherill Huun, Supervising Engineer, (916) 808-1455, Department of Utilities

15. (Agreement/Contract for Review and Information) Contract for Park Site FB2 (L19801100) and the Naming of Park Site FB2, Artivio Guerrero Park

Report # 2013-00729

Location: 6000 61st Street, District 6

Issue: It is the City's policy to approve the award of construction contracts over \$100,000 and the park names.

Action: **Continued to October 1, 2013** to review report 1) approving construction plans and specifications for Park Site FB2 (L19801100) project; 2) awarding contract to J.M. Slover Inc. for an amount not to exceed \$2,188,823; 3) authorizing the City Manager or City Manager's designee to execute the contract with J.M. Slover Inc. for an amount not to exceed \$2,188,823; 4) approving the naming of Park Site FB2, Artivio Guerrero Park; and 5) continued to October 15, 2013 for approval.

Contact: C. Gary Hyden, Supervising Landscape Architect, (916) 808-1949; Tin-Wah Wong, Associate Landscape Architect, (916) 808-5540, Parks & Recreation Department.

Public Hearings

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

16. Ordinance Related to Medical Marijuana Dispensaries (M13-009)

[Passed for Publication 09/17/2013; Published on 09/11/2013 & 09/19/2013]

Report # 2013-00625 **Estimated Time: 45 minutes**

Location: Citywide

Issue: Existing medical marijuana dispensaries established prior to October 26, 2010, which have filed a phase one application with the City Revenue Division, are unable to complete the dispensary permit process as they cannot meet all of the sensitive use distance requirements found in the Planning and Development Code. The Law and Legislation Committee of the Sacramento City Council looked at various alternatives to allow dispensaries to apply for a waiver to the distance requirements as part of a conditional use permit request. The committee directed the City Manager to have his staff prepare an ordinance amending various sections of the Sacramento City Code relating to the location of dispensaries and deadlines for processing applications and refer the ordinance to the City Council for consideration.

Action: Moved/Seconded: Member Steve Cohn /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

Action: **Continued to October 1, 2013.**

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

17. Formation of Northwest Land Park Community Facilities District No. 2013-02 (Published 09/13/2013)

Report # 2013-00598 **Estimated Time: 15 minutes** (Actual Time: 20 minutes)

Location: District 4

Issue: Pursuant to Mello-Roos Communities Facilities Law of 1982, a public hearing is a required component of the process for establishing the District.

Action: Moved/Seconded: Member Steve Hansen /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

Action: Conducted a public hearing and upon conclusion 1) passed **Resolution No. 2013-0319** establishing the District, providing for Levy of Special Tax, and calling for a Special Election on October 1, 2013, and 2) passed **Resolution No. 2013-0320** of intention to establish a unanimous approval process for future annexation of territory into the District.

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

Discussion Calendar

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

18. Sacramento Entertainment and Sports Center Predevelopment Expenses Agreement

Report# 2013-00739 **Estimated Time: 15 minutes** (Actual Time: 15 minutes)

Location: Downtown Plaza, District 4

Issue: As set forth in the term sheet approved by Council on March 26, 2013, the Kings ownership group, Sacramento Basketball Holdings LLC, is responsible for predevelopment costs incurred by the City for the Entertainment and Sports Center project. This agreement is necessary to clearly identify which expenses during the predevelopment process are eligible reimbursable costs.

Action: Moved/Seconded: Member Steve Cohn/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

Action: Public comment heard from Johnnise Downs, Bill Camp, Mac Worthy, Josh Wood, Mike Tavaras, Mike Barnbaum, passed **Resolution No. 2013-0321** authorizing the City Manager or his designee to execute the Sacramento Entertainment and Sports Center Predevelopment Expenses Reimbursement Agreement with Sacramento Basketball Holdings LLC.

Contact: Desmond Parrington, ESC Project Manager, (916) 808-5704; John Dangberg, Assistant City Manager, (916) 808-5704, Office of the City Manager

Information

19. Community Racial Profiling Commission - First Quarterly Report 2013

Report # 2013-00727

Location: Citywide

Issue: The Community Racial Profiling Commission, established by City Council in 2004, is tasked with providing quarterly updates to City Council on its activities. This update covers January through March 2013.

Action: Public comment heard from Mac Worthy; received and filed.

Contact: Ken Bernard, Deputy Chief, Field Services, (916) 808-0800, Police Department

Council Comments-Ideas, Questions and Meeting/Conference Reports

1. Information Requests - None

2. Board/Commission Appointments - None

Adjourned – 7:38 p.m. in memory of Eppie Johnson and Josephine Juarez