



**Meetings of Sacramento
City Council
Redevelopment Agency
Housing Authority
Financing Authority**

DRAFT Minutes

Tuesday, September 7, 2010

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
Raymond L. Tretheway III, District 1
Sandy Sheedy, District 2
Steve Cohn, District 3
Robert King Fong, District 4
Lauren Hammond, District 5
Kevin McCarty, District 6
Robbie Waters, Vice Mayor, District 7
Bonnie Pannell, District 8

CHARTER OFFICERS

Eileen Teichert, City Attorney
Shirley Concolino, City Clerk
Gus Vina, Interim 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)

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, September 7, 2010

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 6:05 p.m. Tuesday, September 7, 2010 at the Sacramento City Hall Council Chamber.

Members Present: Members Steve Cohn, Lauren Hammond, Kevin McCarty, Bonnie Pannell, Ray Tretheway and Mayor Kevin Johnson.

Members Absent: Members Robert King Fong, Sandy Sheedy and Robbie Waters.

Pledge of Allegiance—led by Kristen Wong, student participant in Youth @ City Council Program.

Closed Session Report – None.

Special Presentations/General Communications

a. Resolution Recognizing “September 2010” as Prostate Cancer Awareness Month

Action: Resolution presented to Bill Doss, of the California Prostate Cancer Coalition.

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

Consent Calendar (Items 1- 18) Estimated Time: 5 minutes (Actual Time: 7 minutes)

Action: Moved/Seconded: Member Bonnie Pannell/Member Lauren Hammond

Yes: Members Steve Cohn, Lauren Hammond, Bonnie Pannell, Kevin McCarty, Ray Tretheway and Mayor Kevin Johnson.

Absent: Members Robert King Fong, Sandy Sheedy and Robbie Waters.

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

1. **(City Council/Financing Authority/Housing Authority/Redevelopment Agency) Approval of Minutes for August 24, 2010.**

Location: (Citywide)

Action: Approved the City Council, Financing Authority, Housing Authority, and Redevelopment Agency Minutes for August 24, 2010.

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

2. **Supplemental Agreement: Sacramento Municipal Utility District (SMUD) System Enhancement Program Priority List; North 7th Street Utility Underground Project**

Location: (District 1)

Action: Adopted **Resolution No. 2010-532** 1) establishing the project; 2) approving the amendment to the ranked System Enhancement Program project list to add the project; 3) directing staff to submit an application to SMUD under the System Enhancement Program for the project for an allocation of SD-14 funds in an amount not to exceed \$750,000; 4) authorizing the City Manager or his designee to execute an agreement with SMUD to accept the SD-14 funds and to grant to SMUD easements for their utility boxes on the City's incinerator property; 5) authorizing the City Manager or his designee to execute an agreement with AT&T for reimbursement of the cost to underground its facilities in an amount not to exceed \$160,000; 6) authorizing the City Manager or his designee to execute an amendment to the DNA Line Project Agreement with the Sacramento Regional Transit District (RT) to allocate the SD-14 and AT&T funds to RT to construct the project; 6) authorizing the City Manager or his designee to direct AT&T to relocate its overhead facilities on North 7th Street to the new underground utility facility; and 7) directing staff to work with the affected property owners to secure approvals for SMUD facilities and connections to the new underground facility.

Contact: Diana Sasser, Project Manager, (916) 808-5519, Jim Rinehart, Economic Development Director, (916) 808-5054, Economic Development Department.

3. **Supplemental Agreement: City's Ground Lease**

Location: Business 80 at Fulton Avenue (District 2)

Action: Adopted **Resolution No. 2010-533** superseding Resolution No. 2010-351 and authorizing the City Manager or his designee to negotiate and sign a Supplemental No. 3 to City Agreement No. 2007-0555 to the City's ground lease with Rapton Investment Group LLC ("Rapton"). The third amendment 1) removes from the lease a 0.14-acre site, on which Clear Channel Outdoor Inc. will install a digital billboard; and 2) decreases Rapton's rent by \$450.

Contact: Diana Sasser, Project Manager, (916) 808-5519, Economic Development Department.

4. **Agreement: Purchase of 5.119 acres of City-Owned Land**
Location: Business 80 at Fulton Avenue (District 2)
Action: Adopted **Resolution No. 2010-534 as amended** authorizing the City Manager to execute the Exclusive Right to Negotiate (“ERN”) with Chrysler Group Realty Company LLC (“Chrysler”) for Chrysler’s purchase of approximately 5.119± acres of City-owned property located at 3701 Fulton Avenue.
Contact: Diana Sasser, Project Manager, (916) 808-5519, Economic Development Department.
5. **Grant: Public Safety Interoperable Communications**
Location: (Citywide)
Action: Adopted **Resolution No. 2010-535** authorizing the City Manager, or the Chief of Police as his designee, to 1) accept up to \$120,147 in grant funding from the State of California Emergency Management Agency to manage the Public Safety Interoperable Communications Grant; 2) establish a project for the Supplemental Public Safety Interoperable Communications Grant (G11007600); and 3) adjust the necessary Police Department grant expense and revenue budgets to implement the Supplemental Public Safety Interoperable Communications Grant.
Contact: Steve Quinn, Police Lieutenant, (916) 874-2172, Police Department.
6. **Grant/Agreement: FY09 Interoperable Emergency Communications Grant Program**
Location: (Citywide)
Action: Adopted **Resolution No. 2010-536** 1) authorizing the City Manager, or the Chief of Police as his designee, to accept on behalf of the City of Sacramento up to \$210,000 in grant funding for the Fiscal Year 2009 (FY09) Interoperable Emergency Communications Grant Program (IECGP) from the State of California, Emergency Management Agency (CalEMA), sub-granted through the City and County of San Francisco; 2) authorizing the City Manager, or the Chief of Police as his designee, to execute on behalf of the City of Sacramento an Agreement with the City and County of San Francisco for purposes of implementing FY09 IECGP projects; 3) authorizing the City Manager, or the Chief of Police as his designee, to establish a project for the Interoperable Emergency Communications Grant Program (G11007700) and 4) authorizing the City Manager, or the Chief of Police as his designee, to adjust the necessary Police Department grant expense and revenue budgets to implement the Interoperable Emergency Communications Grant Program.
Contact: Steve Quinn, Lieutenant, Homeland Security, (916) 874-2172, Police Department.

7. Supplemental Grant: Public Safety Interoperable Communications (Part II)

Location: (Citywide)

Action: Adopted **Resolution No. 2010-537** 1) authorizing the City Manager, or the Chief of Police as a designated representative, to accept up to \$250,000 in additional grant funding, including any extensions or amendments thereof, from the State of California, Emergency Management Agency for the Public Safety Interoperable Communications Grant; 2) authorizing the City Manager, or the Chief of Police as a designated representative, to adjust the necessary Police Department grant expense and revenue budgets to augment the Public Safety Interoperable Communications Grant (G11006100); 3) authorizing the City Manager, or the Chief of Police as a designated representative, to act as the primary fiscal agent for the distribution of funds received from this grant and the related matching funds; and 4) authorizing the City Manager, or the Chief of Police as a designated representative, to enter into agreements or memoranda of understanding, as necessary and subject to approval as to form by the City Attorney, to accept and distribute the funds received from this grant and the related matching funds.

Contact: Steve Quinn, Lieutenant, Homeland Security, (916) 874-2172, Police Department.

8. Supplemental Agreement: School Resource Officer

Location: (Citywide)

Action: Withdrawn by staff to adopt a Resolution 1) authorizing the City Manager or designee to execute Supplemental No. 1 to City Agreement 2009-090 between the Sacramento Police Department (SPD) and SCUSD to increase the agreement not-to-exceed amount by \$454,437, for a total agreement not to exceed amount of \$7,360,593, and amend the scope of services to include the addition of one Full Time Equivalent (FTE) Police Officer position and one additional vehicle, 2) authorizing the City Manager or designee to increase SPD staffing by one (1.00) Police Officer FTE position and; 3) authorizing the City Manager or designee to increase the appropriate grant revenue and expense budget adjustments by \$454,437.

Contact: Dan Schiele, Captain, (916) 808-6150, Police Department.

9. Agreement: Workers' Compensation Claims Software On-line Program [2/3 Votes Required]

Location: (Citywide)

Action: Adopted **Resolution No. 2010-539** 1) suspending competitive bidding; and 2) authorizing the City Manager to execute an agreement with P&C Claims, Inc. for a workers' compensation software on-line program and maintenance for a term of thirty six (36) months with the City's option to renew two (2) twelve (12) month periods at a cost not to exceed \$669,446.

Contact: Patrick Flaherty, (916) 808-8587, Human Resources Department.

10. **(Housing Resolution) Riverview Plaza Commercial Property Lease For Property Located At 600 I Street, Suite 110**
Location: 600 I Street (District 1)
Action: Adopted **Housing Authority Resolution No. 007** authorizing the Executive Director or her designee to execute a six-year lease with Valerie M. Wilson dba Downtown Hair Design for the 600 I Street Riverview Plaza commercial property (Suite 110).
Contact: Nick Chhotu, Assistant Director of Public Housing, (916) 440-1334, Mike Wonderly, Program Manager, (916) 449-6289, Sacramento Housing and Redevelopment Agency.
11. **District 5 Accessibility and Pedestrian Improvement Project (T15095400)**
Location: Carleton Tract Neighborhood and Colonial Heights Neighborhood (District 5)
Action: Adopted **Resolution No. 2010-540** approving plans and specifications for the improvements that includes construction of alleys and residential driveways, infill sidewalks, and curb ramps for the project.
Contact: Matthew Johns, Assistant Civil Engineer, (916) 808-5760, Ricky Chuck, Senior Civil Engineer, (916) 808-5050, Transportation Department.
12. **(Pass for Publication) Ordinance Amendment: Sacramento City Code Concerning Temporary Street Closures**
Location: (Citywide)
Action: 1) Reviewed an Ordinance amending section 12.16 of the Sacramento City Code; and 2) passed for publication the ordinance title as required by the Sacramento City Charter Section 32(c) to be adopted on September 14, 2010.
Contact: Thomas Adams, Engineering Technician II, (916) 808-7929, Transportation Department.
13. **Summary Vacation of a Portion of the Alley Bounded Between 12th, 13th, D and E Streets**
Location: Alley adjacent to 1209 E Street (District 3)
Action: Adopted **Resolution No. 2010-541** vacating a portion of the public right-of-way between 12th, 13th, D and E Streets subject to the conditions in the resolution.
Contact: Jerry Lovato, Senior Engineering Technician, (916) 808-7918, Thomas Adams, Engineering Technician, (916) 808-7929, Transportation Department.
14. **Arbitrage Rebate Liability – 1995 Gas Tax Revenue Bonds**
Location: (Citywide)
Action: Adopted **Resolution No. 2010-542** approving appropriation of funds in the amount of \$679,305 to pay arbitrage rebate liability to the Internal Revenue Service (IRS) for the 1995 Gas Tax Revenue Bonds
Contact: Russell T. Fehr, City Treasurer, (916) 808-5832, Office of the City Treasurer.

15. **July 2010 Monthly Investment Transactions Report**
Location: (Citywide)
Action: Received and filed.
Contact: Lydia Abreu, Investment and Operations Manager, (916) 808-7746, Shirley Tupaz, Investment Operations Analyst, (916) 808-8295, Office of the City Treasurer.
16. **Agreement: Combined Sewer System Improvement Plan Update – Phase 2 (X14010065)**
Location: (Districts 1,3,4,5, and 6)
Action: Adopted **Resolution No. 2010-543** 1) establishing the project for the CSS Improvement Plan Update Phase 2 Project; 2) transferring Sewer funds (Fund 6006) in the amount of \$125,000 from the Base CIP Reserve-Sewer Project (X14000500) to the project; 3) transferring Sewer funds in the amount of \$275,000 from the CSS Improvement Plan Update Project (X14010022) to the project; and 4) awarding a professional services agreement for the Combined Sewer System Improvement Plan Update to AECOM Technical Services, Inc., for an amount not to exceed \$284,000
Contact: David L. Brent, Utilities Department, Engineering Services Manager, (916) 808-1420, Rick Batha Supervising Engineer, (916) 808-1448, Utilities Department.
17. **Administrative Matter: Ratification of Resolution for Agreements with Stationary Engineers, Local 39 Bargaining Units** (Continued from 8-31-10) **[To Be Delivered]**
Location: (Citywide)
Action: Adopted **Resolution No. 2010-544** 1) approving the collective bargaining agreements covering employees in the: General Supervisory; Miscellaneous (Operations and Maintenance; Office and Technical and Professional units); and Plant Operator units represented by the International Union of Operating Engineers, Stationary Engineers Local 39, AFL-CIO including the salary schedules for FY2010/11 and FY2011/12; and 2) authorizing the transfer of \$1.2 million in unrestricted resources in the Parking Fund (Fund 6004) from the sale of the Sheraton Hotel, to the General Fund (1001).
Contact: Geri Hamby, Director of Human Resources, (916) 808-7173, Mark Gregersen, (916) 808-5080, Human Resources Department.
18. **Contract/Purchase: Crystalline Sodium Fluoride (Bid # B093246034)**
Location: (Citywide)
Action: Moved/Seconded: Member Steve Cohn/Member Lauren Hammond
Yes: Members Steve Cohn, Lauren Hammond, Bonnie Pannell, Kevin McCarty, Ray Tretheway and Mayor Kevin Johnson.
Absent: Members Robert King Fong, Sandy Sheedy and Robbie Waters.

Withdrawn from Consent Calendar for public comment heard from Dr. John Orsi, Kim Glazzard, and Dr Glayol Sahba; and a motion **passed** adopting **Resolution No. 2010-545** 1) awarding a contract for the purchase of Crystalline Sodium Fluoride to Brenntag Pacific, Inc., in an amount not to exceed \$300,000 over a maximum potential term extending through June 30, 2013, which includes prior expenditures of \$95,000 that were previously authorized by Purchase Order #s 6695 and 11237, and 2) authorizing the City Manager or the City Manager's designee to approve up to two one-year extensions of the initial contract term, provided that sufficient funds are available in the budget adopted for the applicable fiscal year(s).

Contact: Dave Phillips, Water & Wastewater Superintendent, (916) 808-5652, Michele Chapman, Support Services Manager, (916) 808-5553, Utilities Department.

Public Hearings (Items 19 and 20)

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

19. **Estimated Time: 10 minutes** (Actual Time: 3 minutes)
Annual Report to the Sacramento City Council on Access to Clean Syringes Programs (Noticed on 8-26-10)
Location: (Citywide)

Action: Received and filed.

Contact: Glennah Trochet M.D. Sacramento County Public Health Officer, (916) 85-5881, Office of the City Manager.

20. **Estimated Time: 10 minutes** (Actual Time: 3 minutes)
Issuance by California Statewide Communities Development Authority of Recovery Zone Facility Bonds for SunEdison (Kohl's) (Noticed on 8-24-10)
Location: 4700 Natomas Boulevard (District 1)

Action: Conducted a public hearing and upon conclusion a motion passed adopting **Resolution No. 2010-546** regarding the issuance of revenue bonds by the California Statewide Communities Development Authority (CSCDA) to benefit SunEdison.

Contact: Kimberlie Gladden, Senior Debt Analyst, (916) 808-2675, Janelle Gray, Debt Manager, (916) 808-8296, Office of the City Treasurer.

Discussion Calendar/Staff Reports (Items 21 - 23)

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

21. **Estimated Time: 15 minutes** (Actual Time: 16 minutes)
Council Rules of Procedure (CRP)
Location: (Citywide)

Action: Moved/Seconded: Member Bonnie Pannell/Member Lauren Hammond

Yes: Members Steve Cohn, Lauren Hammond, Bonnie Pannell, Kevin McCarty, Ray Tretheway and Mayor Kevin Johnson.

Absent: Members Robert King Fong, Sandy Sheedy and Robbie Waters.

Public comment heard from Joan Burke, Jim Updegraff, Tracie Rice-Bailey, Paula Lomazzi, and Frank Topping; and a motion **passed** adopting **Resolution No. 2010-547 as amended** approving the updated Council Rules of Procedure to include: 1) a 2:00 pm meeting at least once a month; 2) addition to the agenda a section reflecting the City Attorney and City Treasurer review of staff reports, as appropriate; and 3) public comment on “matters not on the agenda” remaining at the beginning of the meeting for 30 minutes or less with any additional comments heard at the end of the meeting.

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

22. Estimated Time: 10 minutes (Actual Time: 0 minutes)

Resolution Designating Argument Authors for 2010 Ballot Measures

Location: (Citywide)

Action: **Continued to 09-14-2010** for Information and direction to staff.

Contact: Patti Bisharat, Assistant City Manager, (916) 808-8197, Office of the City Manager, Stephanie Mizuno, Assistant City Clerk, (916) 808-8093, Office of the City Clerk, Matt Ruyak, Supervising Deputy Attorney, (916) 808-5346, Office of the City Attorney.

23. Estimated Time: 30 minutes (Actual Time: 25 minutes)

Ratify Amendments to Agreements that Relate to 1997 Lease Revenue Bonds (Arco Arena Acquisition)

Location: (Citywide)

Action: **Moved/Seconded: Member Ray Tretheway/Member Steve Cohn**

Yes: Members Steve Cohn, Lauren Hammond, Bonnie Pannell, Ray Tretheway and Mayor Kevin Johnson.

No: Member Kevin McCarty.

Absent: Members Robert King Fong, Sandy Sheedy and Robbie Waters.

A motion **passed** adopting **Resolution No. 2010-548** ratifying (1) the 2003 Subordination Agreement between the Sacramento City Financing Authority and U.S. Bank National Association and (2) the 2003 Letter Agreement between the National Basketball Association, the City, Sacramento City Financing Authority, U.S. Bank National Association, and the Sacramento Kings Limited Partnership.

Contact: Russell T. Fehr, City Treasurer, (916) 808-5168, Office of the City Treasurer.

Public Comments-Matters Not on the Agenda (2 minutes per speaker) (Actual Time: 11 minutes)

1. Lower American River Parkway
a. Mary Tappell

2. Safe Ground
a. Shane Eck
b. Frank Topping
c. Anthony Gallardo

Council Comments-Ideas, Questions and Meeting/Conference Reports

1. Report Back

- a. Member Bonnie Pannell
 - 1. Book sorters for Valley Hi/North Laguna and Pocket Green Haven libraries
 - 2. CRCIP update
- b. Member Steve Cohn
 - 1. City Treasurer and City Attorney review of city policies related to delegation of authority (bonds initially and other financial transactions as time permits)
- c. Mayor Kevin Johnson
 - 1. Survey of other charter cities total compensation and practices to establish best practices for transparency in posting salaries
- d. Member Kevin McCarty
 - 1. Law and Legislative Committee consider a resolution supporting restrictions for self check-out machines as it relates to youth and alcohol

2. Board/Commission Appointments

- a. Racial Profiling Commission
 - 1. Catherine Lopez (D4)
- b. Youth Commission
 - 1. Justine Giovanni (D7)

Adjourned – 7:25 p.m. in memory of Emily Fong (Councilmember Fong's mother)