

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

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) 808-7267

Tuesday, April 9, 2013

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

MINUTES

Tuesday, April 9, 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 6:04 p.m. Tuesday, April 9, 2013 at the Sacramento City Hall Council Chamber.

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

Members Absent: Member Bonnie Pannell

Pledge of Allegiance– led by Youth at City Council representative Brea Kemp.

Special Presentations/General Communications

a. Recognizing National Dispatchers Week

Action: Presented by Member Fong

b. Presentation to Gregory Kondos

Action: Presented by Member Schenirer

c. Reclamation District 1000

Action: Presented by Member Ashby

d. NorCal Aids Cycle

Action: Presented by Member Schenirer

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

- | | |
|-------------------------------|--------------------------------------|
| 1. Homeless/Housing | 4. Sac Valley Phase II Federal Grant |
| a. Leon Henderson | a. Mac Worthy |
| b. Sandra Strong | |
| c. Phi Omega Phi Sigma | 5. Oak Park Street Fair |
| 2. Police Harassment | a. Terrence Johnson |
| a. Robert Lee | 6. Handicap Parking at the Crocker |
| 3. Old Sac Preservation Bldg. | a. Moni Van Camp Kondos |
| a. Anton Douglas | |

Consent Calendar Estimated Time: 5 minutes (Actual Time: 2 minutes)

Action: Moved/Seconded: Member Jay Schenirer /Member Bonnie Pannell

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

Absent: Member Bonnie Pannell

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

1. Minutes Approval

Report # 2013-00227

Location: Citywide

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

Action: Passed **Motion No. 2013-0086** to approve the Draft Minutes for January 22, January 29, February 5, February 12, February 19, February 26 and March 5, 2013.

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

2. Confirmation of Board/Commission Appointments

Report # 2013-00322

Location: Citywide

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

Action: Passed **Motion No. 2013-0087** confirming board/commission appointment(s): 1) Community Racial Profiling Commission – Amina Merritt (Category D); 2) Parks & Recreation Commission – Dave O'Toole (Category C) and David Heitstuman (Category C); 3) Sacramento Environmental Commission – Anthony DeRiggi (Category A) and 4) Board of Plumbing Examiners – Robert Taylor (Category B) and Nicolas Johnson (Category C).

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

3. Adjustment of 2010 Census Urban Boundary for Transportation Purposes

Report # 2013-00300

Location: District 1

Issue: Following the decennial census, Federal transportation legislation allows responsible state and local officials to adjust the Census urban boundaries. Expansion of the urban boundaries expands the road network eligible for federal transportation funding.

Action: Passed: 1) **Resolution No. 2013-0105** approving the adjusted urban area boundary for transportation purposes and authorize submittal the California Department of Transportation.

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

4. Supplemental Agreement: Lower American River (LAR) Flow Management Standard (FMS) Environmental Impact Report (EIR) Report # 2013-00271

Location: Citywide

Issue: The LAR FMS update project is an essential element of the Water Forum Agreement (WFA) and additional professional and technical services are necessary to develop the Environmental Impact Report for the WFSE's proposal to update the lower American River FMS.

Action: Passed **Motion No. 2013-0088** authorizing the City Manager, or his designee, to execute a supplemental agreement to Agreement No. 2012-0124 with cbec, Inc., to continue with the development of the Environmental Impact Report for the update of the lower American River Flow Management Standard, for the amount of \$152,800, increasing the agreement not-to-exceed amount to \$562,800.

Contact: Tom Gohring, CCOMWP Executive Director, (916) 808-1998, Department of Utilities

5. Contract: Parking Enforcement Vehicles Report # 2013-00225

Location: Citywide

Issue: The purchase of replacement vehicles for the Department of Public Works, Parking Division for ongoing operations is required.

Action: Passed **Motion No. 2013-0089:** 1) awarding a three-year contract to Downtown Ford for the purchase of replacement Ford vehicles in an amount not to exceed \$678,524 for the three-year period; 2) awarding a three-year contract to Hansel Toyota for the purchase of replacement Toyota vehicles in an amount not to exceed \$438,219 for the three-year period; and 3) authorizing the City Manager or the City Manager's designee to execute the contracts specified above provided that sufficient funds are available in the budget adopted for the applicable fiscal year.

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

6. Risk Management 2012 Annual Report Report # 2013-00292

Location: Citywide

Issue: The City's annual Risk Management report provides performance data on the City's loss prevention activities.

Action: Received and filed.

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

7. McKinley Park Playground Rebuild Project (L19137400)

Report # 2013-00323

Location: McKinley Community Park, 601 Alhambra Blvd., Council District 3/Community Plan Area 1

Issue: Council approval is needed to allow the sole source purchase of certain materials for the reconstruction effort.

Action: Passed: 1) **Resolution No. 2013-0106 as amended** 1) finding that it is in the best interest of the City to suspend competitive bidding for purchase of the structural plastic materials required for the project; 2) approving the sole source purchase of structural plastic lumber from RENEW Plastics in an amount not to exceed \$147,855; and 3) authorizing the City Manager, or City Manager's designee, to execute the purchase of materials from RENEW Plastics in an amount not to exceed \$147,855.

Contact: Dennis Day, Associate Landscape Architect, (916) 808-7633; J.P. Tindell, Park Planning & Development Manager, (916) 808-1955, Parks and Recreation Department

8. Freeport Shores Bikeway Project (K15000000)

Report # 2013-00278

Location: The project is located approximately ½ mile south of Meadowview Road along Freeport Boulevard., District 7

Issue: Appropriation of authorized federal construction funding and the required local matching funds will allow the project to proceed with construction.

Action: Passed: 1) **Resolution No. 2013-0107** appropriating funding for the project and resetting the administrative project authority.

Contact: Tim Mar, Supervising Engineer, (916) 808-7531; Nicholas Theocharides, Engineering Services Manager, (916) 808-5065, Department of Public Works

**9. State Route 99/Elkhorn Boulevard Improvements Project (T15116400)
– Approval of Baseline and Cooperative Agreements with the State of California**

Report # 2013-00259

Location: State Route 99/Elkhorn Boulevard Interchange, District 1

Issue: The Cooperative Agreement and the Baseline Agreement with Caltrans and CTC sets forth the State's and the City's obligations for construction and maintenance and for funding of the project. The execution of both agreements by the City is necessary for the California Transportation Commission (CTC) to allocate the programmed funds to the project at its May 2013 meeting.

Action: Passed: 1) **Resolution No. 2013-0108:** 1) authorizing the City Manager to execute a Baseline Agreement with the CTC and Caltrans to receive \$1.5 million in State Proposition 1B funds (Fund 3704) for the project; and 2) authorizing the City Manager to execute a Cooperative Agreement with Caltrans for the project.

Contact: Nader Kamal, Special Projects Engineer, (916) 808-7035; 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.

10. Title 17 Planning and Development Code (Zoning Code Update)

(Noticed on 3-18-13, Passed for Publication on 3-26-13, Published on 3-29-13)

Report # 2013-00195 **Estimated Time: 60 minutes** (Actual Time: 55 minutes)

Location: Citywide

Issue: A comprehensive update of the City's zoning code is a priority implementation measure of the 2030 General Plan.

Action: Moved/Seconded: Member Darrell Fong/Member Allen Warren

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

Absent: Member Bonnie Pannell

No: Member Angelique Ashby

Conducted a public hearing with public comment heard from James Battles, Joe Yee, Darryl Chinn, Ron Vrilakas, Philip Harvey, Earl Withycombe, Meera Kang, Elizabeth Studdebaker, Patty Kleinknecht, Kevin Greene, Mike Barnbaum, Brian Holloway, Scott Whyte, Bob Chase, Larry Greene, Laura Podolsky, Joshua Wood, Bruce Monighan, and Teri Duarte, and upon conclusion passed

1) **Resolution No. 2013-0109** approving the environmental review for the planning and development code as a subsequent project under the general plan master environmental impact report; 2) **Ordinance No. 2013-0007** repealing and adding Title 17; repealing Chapters 2.36, 2.112 and 18.12; repealing Sections 5.08.090, 12.72.400, and 16.24.100; and amending Sections 5.08.100, 12.56.120, 12.64.060, and 12.72.390 of the Sacramento City Code; and repealing Ordinance numbers 96-007, 2003-019, 2008-050, and 2009-010 and Resolution numbers 96-403 and 2002-675, relating to planning and zoning; 3) **Ordinance No. 2013-0008** adding Chapter 2.58 to Title 2 of the Sacramento Code relating to the Preservation Commission; 4) **Resolution No. 2013-0110** approving the industrial design guidelines; and 5) **Resolution No. 2013-0111** establishing fees for site plan and design review.

Contact: Teresa Haenggi, Associate Planner, (916) 808-7554, Community Development Department

Discussion Calendar

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

11. Council Rules of Procedure

Report # 2013-00208 **Estimated Time: 30 minutes** (Actual Time: 34 minutes)

Location: Citywide

Issue: The City Council reviews and considers modifications of the Council Rules of Procedure (CRP) annually.

A motion passed to adopt staff recommendations as amended

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

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

Absent: Member Bonnie Pannell

A motion to reconsider passed to allow for member discussion

Action: Moved/Seconded: Member Jay Schenirer/Member Kevin McCarty

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

Absent: Member Bonnie Pannell

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

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

Absent: Member Bonnie Pannell

Passed Motion Document No. 2013-0090 to approve Council Rules of Procedure modifications **as amended** and updates to be adopted on April 23, 2013.

Contact: Shirley Concolino, City Clerk, 916-808-5442, Office of the City Clerk; James Sanchez, City Attorney, (916) 808-5346, Office of the City Attorney; John Shirey, City Manager, (916) 808-7945, Office of the City Manager

12. Contract/Agreements: Water Treatment Plants Rehabilitation Project (Z14006000)

Report # 2013-00196 Estimated Time: 30 minutes (Actual Time: 19 minutes)

Location: District 3

Issue: Some of the treatment plants' structures and equipment have exceeded their useful life and need to be rehabilitated or replaced.

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

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

Absent: Member Bonnie Pannell

Public comment heard from Phi Omega Phi Sigma and Mac Worthy; passed: 1)

Resolution No. 2013-0112 approving a Mitigated Negative Declaration Addendum and Mitigation Reporting Program for modifications to the Water Treatment Plants Rehabilitation Project; 2) **Resolution No. 2013-0113** increasing the City Manager's authority to approve single change orders on the Project from \$100,000 to \$500,000; 3) **Motion No. 2013-0091** approving the contract plans and specifications for the Project; 4) **Motion No. 2013-0092** (a) adopting the findings of fact issued by the Hearing Examiner on the bid protest filed by Balfour Beatty Infrastructure Inc., without hearing evidence from any party, (b) adopting the Hearing Examiner's recommended determination to deny the bid protest and find the low bid submitted by C. Overaa and Company to be responsive, (c) denying the bid protest and waiving as a minor irregularity any deviation in the Bid Form of C. Overaa and Company, and (d) awarding the contract to C. Overaa and Company as the lowest responsive and responsible bidder, for an amount not to exceed \$113,776,000; and 5) **Motion No. 2013-0093** authorizing the City Manager or the City Manager's designee to sign the following agreements: (a) a professional services agreement with Carollo Engineers to provide engineering services during construction, for an amount not-to-exceed \$7,728,644;(b) a professional services agreement with MWH Americas to provide construction management services, for an amount not-to-exceed \$8,259,514; (c) a professional services agreement with JSP to provide PLC and HMI programming services, for an amount not-to-exceed \$889,625; and (d) an Emergency Water Service Agreement with Sacramento Suburban Water District, to provide a backup emergency water supply during Project construction.

Contact: Bill Busath, Engineering Manager, (916) 808-1434; Dan Sherry, Supervising Engineer, (916) 808-1419, Department of Utilities

13. Sacramento Kings Update

Report # 2013-00340 **Estimated Time: 10 minutes** (Actual Time: 12 minutes)

Location: Citywide

Issue: At the request of the City Council, a weekly Sacramento Kings update has been placed on each Council agenda.

Action: Public comment heard from Mike Tavares, Thomas Huddle, Mac Worthy, and Mike Barnbaum; received and filed.

Contact: John Dangberg, Assistant City Manager, (916) 808-5704, Office of the City Manager

Council Comments-Ideas, Questions and Meeting/Conference Reports

1. Information Requests

a. Member Kevin McCarty

1. Law and Legislation support letter for AB232 – provides tax breaks for individuals who donate as part of the gun buy-back program

b. Member Steve Hansen

1. Law and Legislation support letter for AB362 – provides same sex couples reimbursements for federal taxes paid on benefits and a report on what the city is doing re same sex couple employee benefits.

2. Board/Commission Appointments

None.

Adjourned - 8:45 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of April 9, 2013 as approved by the Sacramento City Council.

Shirley Concolino, City Clerk