

MINUTES

OF THE

SACRAMENTO CITY COUNCIL
REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO
HOUSING AUTHORITY OF THE CITY OF SACRAMENTO
ECONOMIC DEVELOPMENT COMMISSION
PARKING AUTHORITY OF THE CITY OF SACRAMENTO
SACRAMENTO CITY FINANCING AUTHORITY

REGULAR MEETING

APRIL 10, 1997

CALL TO ORDER

The Regular Meeting of the Sacramento City Council was called to order by Mayor Serna at 7:05 p.m. on the above date in the City Council Chamber located at 915 I Street.

ROLL CALL

Present: Council members Fargo, Hammond, Kerth, Pannell, Steinberg, Waters, Yee and Mayor Serna

Absent: Councilman Cohn

PLEDGE OF ALLEGIANCE was led by Mayor Serna

9.0 SPECIAL PRESENTATIONS/GENERAL COMMUNICATIONS

None

10.0 PUBLIC HEARINGS

- 10.1 Ordinance amending Title 28 [Permits] of the Sacramento City Code, relating to the relocation of pallet resellers: (continued from 3/18/97, item 10.3) (D-All)
- A. Renumber Chapter 28.04 to Chapter 28.06, amend Sections 28.01.001 and 28.01.002, and adding Chapter 28.04
 - B. Amend the City of Sacramento Fee and Charge Report related to fees for Police Department actions
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This item was withdrawn by staff.

- 10.2 Willowcreek II Assessment District #96-01 (Hearing #1). (D-1)
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A motion was made by Councilwoman Fargo, seconded by Councilman Pannell to continue this item to April 15, 1997. The motion carried with a 8-0 vote, with Councilman Cohn being absent.

- 10.3 Approval of process for negotiating with selected proposers for solid waste transfer and disposal services and suspending competitive bidding. (requires two-thirds vote) (continued from March 25, 1997, item 4.6) (D-All)
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Mayor Serna asked the City Attorney if it were legal to negotiate with the top three vendors.

Sam Jackson, City Attorney, replied that it was appropriate, as this was covered in the RFP.

Reina Schwartz, Solid Waste Manager, stated that in August, 1996, the City issued a Council-approved request for proposal (RFP) for solid waste processing, hauling and disposal. Based on the process outlined in the RFP, a selection committee ranked the proposals received. City staff then made a recommendation to Council to move forward with the top-ranked firm, BLT Enterprises.

At the Council meeting on March 25, 1997, the Council asked staff to report back on a process for negotiating with the three top-ranked transfer providers in order to reach a final project recommendation. Specifically, this request included asking the City Attorney's office to identify whether, under the terms of the RFP, the City could work with the top three proposers, and whether any of the proposers could make changes to their proposals during this final phase.

Ms. Schwartz said the City Attorney responded directly to those questions under a separate memorandum to the Council and indicated that the City could indeed move forward to work with the three top-ranked proposers. Based on that advice, staff was recommending a process for completing the selection of a provider for solid waste transfer, processing, hauling and disposal.

Ms. Schwartz directed Council to page 3 of the staff report which outlined all the tasks involved and the estimated time frame. She said in the final analysis, cost would be a major factor, but not the only factor. Therefore, it would be in the best interests of the City to suspend competitive bidding. In this way, the project could move forward; the City would get the best value; it was consistent with the RFP; and it allowed time for community outreach.

Councilman Steinberg said it was very important to him to have extensive community outreach; so, built into the proposed time line, there needed to be community review of any site. In addition, he requested that any company chosen be required to work on traffic mitigation.

Mr. Steinberg asked who would be on the panel reviewing the proposals and suggested using a member of the community. He said given the enormity of the decision, the City should go slowly and make a good choice.

Councilman Waters stated that he had been on the selection committee. He recommended separating the transfer station component from the hauling and disposal components, as he felt the split would allow more competitive bidding and eventually save the citizens of Sacramento money. He concluded by agreeing that the Ramona site was certainly not the best site.

A motion was made by Councilman Waters, seconded by Councilman Pannell to segregate the components of the RFP and to negotiate with the top 3 haulers for 4 disposal sites.

Mayor Serna asked what kind of time line would be needed.

Ms. Schwartz replied that would be based on rebidding the landfills.

Bill Edgar, City Manager, stated that it was important not to force a relationship between a hauler and a disposal site. He said the best process would be to bid with the top three haulers and then negotiate about the sites.

Councilman Kerth asked why staff shouldn't have the vendors submit proposals like they did before, per site.

Mr. Edgar recommended selecting the hauler first, and then as a second phase, negotiating for the disposal site, versus staff's option of evaluating the hauler and the site together.

Mr. Kerth stated that he would hate to separate the hauler from the site, and would prefer to see them in competition.

Mr. Edgar stated that staff could live with either recommendation:

Mr. Kerth said the sites should be pre-approved.

Ms. Schwartz replied that's what staff basically did with the "short list" developed by the committee.

Mayor Serna stated that his concern was with the liability of the landfill.

Mr. Pannell stated that the intent was to select the hauler, and the hauler would then select the site.

Ms. Schwartz said that two of the landfill sites were removed from the list due to problems.

Mr. Steinberg recommended working with the top three proposers who would then meet with the committee to have any questions answered.

Councilman Yee suggested that anyone who had questions contact staff who already knew the answers. He added that he felt the hauler and site should be bid together.

Councilwoman Hammond said she was not in favor of giving money to another state for garbage disposal. She felt a logical decision could be made based on staff's recommendation.

Mr. Steinberg asked if he could make a friendly amendment to the motion that the Ramona and Brighton sites would not be considered for a transfer station. He added that he had great difficulty evaluating the companies, as opinions were very subjective. Therefore, he felt the decision should be based on cost.

Councilman Waters withdrew his original motion and made a motion that staff report back to Council on all acceptable disposal sites within a month, with Ramona not being considered, and that the Council suspend competitive bidding. This motion was seconded by Councilman Pannell.

Mr. Steinberg stated that since all the proposed sites were in his district, he wanted to sit on the panel.

Mr. Waters replied that he would yield his seat to Mr. Steinberg.

Ms. Schwartz said that staff needed a new committee with perhaps 3 or 4 members, one of whom could be a Council member.

Public Testimony:

Annette Deglow, representing the College Glen Neighborhood Association, thanked Councilman Steinberg for his work on this issue. She said she supported the motion and asked that her association be notified of any meetings.

Robert Morales and David Andrews, representing the Pyramid Lake Indian Tribe, said they was opposed to the Lockwood site because of its close proximity to Pyramid lake. Their concern was possible runoff from the site into the lake.

Mayor Serna said if the tribe had taken a position on this issue, the

Council would like to be informed. Mr. Andrews replied that they had just heard of the proposal.

George McGrath, who stated he was not one of the top three vendors, requested Council to revisit all of the proposals.

Jack Diepenbrock, representing BLT Enterprises, clarified the motion and then stated that he was disappointed with the rejection of the Ramona site. He said he supported the process, but reserved the right to challenge Cal Waste Reduction System's proposal because of their non-disclosure.

Josh Pane, representing Cal Waste Reduction System, said he looked forward to competing with the other vendors, as his company was local, had the least expensive option and the best site proposal.

Mayor Serna said that Mr. Diepenbrock had leveled serious charges against Cal Waste.

Mr. Pane replied that he would be happy to respond to staff but not to Mr. Diepenbrock.

Sam Jackson, City Attorney, requested that Cal Waste submit their responses to the City Attorney's office.

George Hanible requested that staff advise the participants if the minority and women business requirements would still be in effect.

Pat Muns thanked the Council and staff and said he supported the motion.

Michael Palaca spoke in support of the motion.

Debbie Williams also spoke in support of the motion and requested that the M/WBE requirements remain.

Mike Brown said the vendors needed guidance from staff on how to proceed.

Jerry Mayberry, representing BFI, spoke in support of the motion and said they needed clear direction from staff.

Tom Schenck, representing Allied Waste, spoke in support of the motion.

Dan Rosenthal, from BLT, said he was in favor of the motion but had a concern with the site selection. He said there needed to be a neutral forum with the community.

Councilman Steinberg admitted that the public meetings were adversarial, but he added that everyone had been permitted to speak.

Duane Wood, representing USA Waste, said they supported the motion.

Marcus LaDuca said his company supported the motion and asked if they could review their submittals for possible errors.

Ms. Schwartz replied absolutely.

Mr. LaDuca asked if there would be an expert on landfill design on the committee. Ms. Schwartz replied she would attempt to provide that.

Mr. Waters stated that was a good request as an unbiased expert was needed. He asked when staff would be returning to Council.

Ms. Schwartz replied in probably one month.

Peter Mesard, representing Lockwood Landfill, spoke in support of the motion. He informed Council that their landfill was 25 miles from the Indian reservation at Pyramid Lake. He said during this past year, with the great volume of rain, not one drop of run-off left the landfill due to its retention basin. He summarized by saying that the Pyramid Lake Indian tribe was currently sending its waste to his landfill.

Ms. Schwartz thanked the Council for their support on this issue.

Mr. Steinberg requested that staff give the Council enough time to evaluate their recommendations with the community before having to vote, and to review their criteria for Council's benefit. In addition, he said he wanted to see transportation mitigation addressed if the site chosen were in the City limits.

A roll call vote was taken on the motion. The motion passed with a 7-1 vote, with Councilwoman Hammond voting no, and Councilman Cohn being absent.

11.0 STAFF REPORTS

11.1 CADA (Capitol Area Development Authority) Mid-Year Report. (D-All)

Ron Alvarado, Executive Director of CADA, said it had been an active six-month period for CADA. He said they had commenced construction of a 44 unit apartment building at 14th and P Streets with completion expected in July, 1997. CADA had also completed final construction plans for private rehabilitation of the Capitol Vue Motel at 1530 N Street into a 28 room Heritage Suites Inn.

CADA also approved the Capitol Park Neighborhood Design Plan which is intended to guide future residential and neighborhood commercial development in a manner that captures the neighborhood, creates principal streets and establishes the Capitol Area as a desirable place in which to live. They issued a RFP for 100 to 120 units of multiple family housing on two development sites at 12th, 14th, P and Q Streets and 16th, O and P Streets, and participated with the State Department of General Services in a joint planning effort to prepare an update of the Capitol Area Plan and related environmental impact report.

Mayor Serna thanked Mr. Alvarado for attending the downtown summit and commended CADA for working so well with the City and with SHRA.

Councilwoman Fargo thanked Mr. Alvarado and his staff for providing downtown housing and said the timing was right to do more projects in the Central City.

The report was received and filed.

11.2 Status report on the City-Wide Drive-Thru Policy (M96-063). (D-All)

Barbara Wendt, Senior Planner, informed the Council that staff from the Neighborhood Services, Planning and Development and Public Works departments conducted two community meetings on December 18, 1996 and February 10, 1997, to obtain input on the general policy approach and to receive comments from interested persons. Representatives from several neighborhood associations and the quick service restaurant industry participated in the meetings.

Ms. Wendt summarized the main issues raised in the meetings as: (1) it was difficult to develop a policy that worked for all sites and circumstances; it was preferable to analyze projects on a case-by-case basis through the special permit process; (2) there was no community

support for allowing drive-thru facilities by right in any zone; (3) the City should spend time developing minimum design/development standards that would apply to all commercial developments, not just businesses with drive-thru facilities; and (4) if a City-wide drive-thru policy were pursued, more time and community meetings were necessary in order to work through the issues of where drive-thru facilities were appropriate and what type of development standards should be adopted.

Ms. Wendt said Planning staff presented the proposed approach for a City-wide drive-thru policy to the City Planning Commission. The Commission restated their belief that the existing regulations were appropriate and a City-wide policy was not needed.

Councilman Pannell said the Council had expected staff to come back with a policy.

Ms. Wendt replied that staff had come up with a policy, but that the neighborhood associations objected to it.

Mr. Pannell said he had a concern with that because the neighborhood associations did not run the City. He asked if the County had a drive-thru policy.

Ms. Wendt replied yes, they did.

Mayor Serna questioned whether the Council was still interested in developing a policy. Mr. Pannell replied he wanted to see a policy drafted.

Councilwoman Fargo said she didn't think staff could afford the time to spend on this issue.

Councilman Yee asked what occurred now, if someone wanted to have a drive-thru.

Ms. Wendt replied they would have to request a special permit from the Planning Commission.

Mr. Yee asked if there were any other requirements, i.e. traffic studies, etc.

Mr. Wendt replied yes there were.

Councilman Kerth stated that he would welcome a drive-thru restaurant in his district.

Mr. Pannell said that the City needed a universal policy.

Councilman Steinberg stated that there were so many variables with each application that a universal policy would be difficult to establish. He argued that Council had not spent a great deal of time on these appeals.

Mayor Serna stated that the appeal was the issue. He recommended that the Planning Commission be the final authority or that the appeals be handled by a hearing officer. He felt the appeals used up too much of Council's time.

Councilman Waters argued that he had only heard two appeals on this issue in two years. One of the hearings had taken 2 or 3 hours, and the other took 4-5 hours. He said he did not like the Planning Commission having the final authority and wanted appeals to come before the Council.

Randall Schaber, representing McDonalds, thanked the staff for the

time they spent on this issue. He said his company would have liked a City-wide policy as it was too difficult to go through the appeal process.

Mr. Pannell stated that the City was losing potential businesses because of its lack of vision. He felt staff should be able to come up with a policy.

A motion was made by Councilwoman Fargo, seconded by Councilman Waters to direct staff to discontinue working on a City-wide policy on drive-thru facilities, and to continue to require a special permit approval. The motion carried with a 7-1 roll call vote, with Councilman Pannell voting no, and Councilman Cohn being absent.

12.0 SHRA

None

13.0 CITIZENS ADDRESSING COUNCIL AGENCY OR AUTHORITIES BY PERSONAL APPEARANCE OR TELEPHONICALLY ON MATTERS NOT ON THE AGENDA

14.0 COUNCIL IDEAS AND QUESTIONS

14.1 Councilman Kerth extended an invitation to the art gallery openings along Del Paso Boulevard on Saturday from 8:00 p.m. to midnight.

14.2 Mayor Serna and Councilman Kerth spoke of the City receiving \$10.5 million in Federal funding for housing projects in West Del Paso Heights.

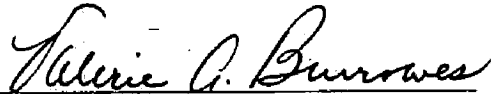
15.0 ANNOUNCEMENTS

None

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:30 p.m. in memory of Frank Fat.

Submitted


Valerie A. Burrowes, City Clerk

Approved


Joe Serna, Jr. Mayor