REPORT TO COUNCIL
City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org

CONSENT
October 2, 2008

Honorable Mayor and Members of the City Council, Financing Authority
Housing Authority, and Redevelopment Agency

Title: Approval of Council Minutes

Location/Council District: (Citywide)

Recommendation:

Approve the afternoon and evening City Council, Redevelopment Agency, Housing Authority and Financing Authority for September 9, 2008.

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

Presenters: None

Department: City Clerk

Division: None

Organization No: 0700

Financial Considerations: None.

Environmental Considerations: None.

Policy Considerations: None.

ESBD Considerations: Not Applicable.

Respectfully Submitted by: Dawn Bullmenkel
for Shirley Concolino, City Clerk

Table of Contents:

Minutes for September 9, 2008

MINUTES

Tuesday, September 9, 2008

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 - 2:00 p.m.

Roll Call - A regular meeting of the Sacramento City Council was called to order by Mayor Fargo at 2:10 p.m. Tuesday, September 9, 2008 at the Sacramento City Hall Council Chamber. Councilmember Cohn arrived at 2:17 p.m. All members present.

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

Consent Calendar (Items 1 - 9)

All items listed under the Consent Calendar are considered and acted upon by one motion. Anyone may request an item be removed for separate consideration.

Action: Moved, seconded, carried (Waters/Hammond; Absent - Cohn) to adopt the Consent Calendar in one motion except as indicated.

1. **(City Council/Financing Authority/Housing Authority/Redevelopment Agency) Approval of Minutes for August 19, 2008**
   Location: (Citywide)

   Recommendation: Approve the afternoon and evening City Council, Financing Authority, Housing Authority, and Redevelopment Agency Minutes for August 19, 2008.

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

   Action: Approved recommendation.

2. **Open an Application Period for Various Boards and Commissions**
   Location: (District 2)

   Recommendation: Open an application period for the North Sacramento Redevelopment Advisory Committee to open 09/10/08 with applications due 09/26/08.

   Contact: Stephanie Mizuno, Assistant City Clerk, (916) 808-8093; Katia Ligaiviu, Deputy City Clerk, (916) 808-7200, Office of the City Clerk.

   Action: Approved recommendation.

3. **(Pass for Publication) Point West Plaza (P05-027)**
Location: Southwest corner of Del Paso Road and El Centro Road (District 1)

Recommendation: 1) Review a) a Resolution adopting the Environmental Impact Report and Mitigation Monitoring Plan; b) a Resolution adopting the General Plan Land Use Map amendment; c) a Resolution adopting the North Natomas Community Plan Land Use Map amendment; d) a Resolution establishing the Point West Plaza Planned Unit Development and approving the PUD Schematic Plan and Guidelines; e) a Resolution approving the project with a Tentative Map, Special Permit and Plan Review; f) an Ordinance adopting the Development Agreement; g) an Ordinance amending the Comprehensive Zoning Code (Title 17 of the Sacramento City Code) to rezone approximately 45.1 acres of land from Shopping Center (SC) zone, Agriculture-open Space (A-OS) zone and Major/Secondary Roadways to Shopping Center (SC) zone and Major/Secondary Roadways; and 2) pass for publication the Ordinance title as required by Sacramento City Charter 32c to be adopted on September 16, 2008.

Contact: Jamie Cutlip, Assistant Planner, (916) 808-8684, Lindsey Alagozian, Senior Planner, (916) 808-2659, Development Services Department.

Action: Approved recommendation.

4. **Change Orders: Hazardous Materials Services Contracts**
Location: (Citywide)

Recommendation: Adopt a **Resolution** 1) authorizing the City Manager or the City Manager's designee to execute Change Order No. 4 to Contract No. 2006-057 with Parc Specialty Contractors in an amount not to exceed $95,000 bringing the total contract amount to $190,000; 2) authorizing the City Manager or the City Manager's designee to execute Change Order No. 4 to Contract No. 2006-058 with Allied Environmental, Inc. in an amount not to exceed $95,000 bringing the total contract amount to $190,000; and 3) resetting the City Manager's signature authority.

Contact: Tony Alexander, General Supervisor, (916) 808-6360; Cynthia Kranc, Facilities Manager, (916) 808-2258, General Services Department.

Action: Adopted Resolution No. 2008-614

5. **Oak Park Community Center - Phase II Project (L13000100)**
Location: 3429 Martin Luther King, Jr. Boulevard (District 5)

Recommendation: Adopt a **Resolution** approving revisions to the scope of work allowing the project to be delivered as originally intended.

Contact: Suzy Vose, Construction Manager, (916) 808-5640; Yadi Kavakebi, Facilities Superintendent, (916) 808-8432, General Services Department; Dave Mitchell, Recreation Manager, (916) 808-6076, and Parks & Recreation Department.

Action: Adopted Resolution No. 2008-615

6. **Supplemental Agreements: OPUS Fields at the Natomas Baseball Complex Project (L19180000)**
Location: 3501 Fong Ranch Road (District 1)

Recommendation: Adopt a **Resolution** 1) authorizing the City Manager to execute Supplemental No. 1 to City Agreement No. 2007-0320 with Natomas Youth Baseball ("NYB") for the construction, maintenance, and operation of the project; and 2) authorizing the City Manager to execute Supplemental No. 2 to City Agreement No. 2007-0321 for the lease agreement with Natomas Youth Baseball for the project.

Contact: J.P. Tindell, Park Planning & Development Manager, (916) 808-1955, Parks and Recreation Department.

Action: Adopted Resolution No. 2008-616

7. **Environmental Review of the U.S. Department of Housing and Urban Development (HUD) Grants**
Location: (Citywide)

Recommendation: Adopt a **Resolution** 1) authorizing the Sacramento Housing and Redevelopment Agency (SHRA) to act as general unit of government for environmental review of HUD grants; 2) authorizing the SHRA Interim Executive Director or designee to execute agreements with appropriate entities to carryout the environmental review for HUD grants; 3) authorizing SHRA to charge and receive fees for environmental services provided to non-profit entities.

Contact: Gregory H. Wessel, Assistant Director, Housing & Community Development, (916) 440-1346, Geoffrey M. Ross, Program Manager, Housing & Community Development, (916) 440-1357, Sacramento Housing and Redevelopment Agency.

Action: Adopted Resolution No. 2008-617

8. **Contract: Pocket Canal Channel Lining - Phase 2 (W14003600)**
Location: Pocket Canal from Portuguese Park to the Flowerwood Way Bridge (District 7)

Recommendation: Adopt a **Resolution** 1) approving the contract plans and specifications; and 2) awarding the contract to Solo Landscaping to raise the height of the concrete lining to eliminate future erosion and also add additional landscaping to enhance the aesthetics of the canal for an amount not to exceed $111,125.

Contact: David L. Brent, Engineering Manager, (916) 808-1420; Rick Batha, Supervising Engineer, (916) 808-1448, Utilities Department.

Action: Adopted Resolution No. 2008-618

9. **(Pass for Publication) Natomas Landing (P99-091) [To Be Delivered]**
Location: (District 1)

Recommendation: 1) For the July 2007 Alternative: Review a Resolution denying the Natomas Landing project; 2) For the July 2008 Revision: review a) a Resolution adopting the Environmental Impact Report and Mitigation Monitoring Plan; b) a Resolution adopting the General Plan Land Use Map amendment; c) a Resolution

adopting the North Natomas Community Plan Land Use Map amendment; d) a Resolution approving the Planned Unit Development Establishment for the Natomas Landing Planned Unit Development; e) a Resolution approving the project with a Tentative Map and Plan Review; f) an Ordinance adopting the Development Agreement; g) an Ordinance amending the Comprehensive Zoning Code (Title 17 of the Sacramento City Code) to rezone a 69.5 acres property; and 3) pass for publication the Ordinance titles as required by Sacramento City Charter 32c and continue to September 16, 2008 for adoption.

Contact: David Hung, Associate Planner, (916) 808-5530; Gregory Bitter, Principal Planner, (916) 808-7816, Development Services Department.

Action: Withdrawn.

Public Hearings (Item 10)

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

10. **Vacation: Portion of the Public Right of Way at 30th and Q Streets**
Location: East Side of 30th Street between Q Street and the R Street Alleyway (Noticed on 8-27-08 and 9-3-08) (District 3)

Recommendation: Conduct a public hearing and upon conclusion, adopt a **Resolution** vacating 28 inches of the public right-of-way on the east side of 30th Street between Q Street and the Q Street/R Street Alley.

Contact: Jerry Lovato, Senior Engineering Technician, (916) 808-7918; Thomas Adams, Engineering Technician, (916) 808-7929, Transportation Department.

Action: No public comment. Moved, seconded, carried (Cohn/Hammond) to continue to September 16, 2008.

Staff Reports (Items 11 - 15)

Staff reports include an oral presentation including those recommending receive and file.

11. **Additional Full Time Employees (FTE): Staff Internal Auditor**
Location: (Citywide)

Recommendation: Adopt a **Resolution** authorizing the addition of 2.00 Staff Internal Auditor FTEs to the City Manager's office to be funded through reimbursements to the City Manager's Office from the existing budget of the departments being audited to begin at Midyear 2008/2009.

Contact: Martin Kolkin, City Auditor, (916) 808-5704, Office of the City Manager.

Action: No public comment. Moved, seconded, carried (Hammond/Waters; Absent - Cohn) to adopt Resolution No. 2008-620.

12. **Agreement/Contract: School of Engineering and Sciences and Pocket-Greenhaven Library and Sojourner Truth Park Joint-Use Projects(B13000500) [2/3 Vote Required] [To Be Delivered]**
Location: 7335/7345 Gloria Drive (District 7)

Recommendation: Adopt: 1) a **Resolution** considering the Environmental Impact Report and adopting the Mitigation Monitoring Program for the School of Engineering and Sciences and Pocket-Greenhaven Library and Sojourner Truth Park Joint-Use Project; and 2) a **Resolution** a) authorizing the City Manager or the City Manager's designee to execute a ground lease for real property owned by the Sacramento Unified School District ("District") upon which to construct the Pocket-Greenhaven Library; b) suspending competitive bidding in the best interests of the City; c) and, authorizing the City Manager or the City Manager's designee to execute a construction contract with Regent Development, Inc. in an amount not to exceed $9,850,354 for construction of the Pocket-Greenhaven Library and related improvements contingent upon the City and District executing the ground lease for the Pocket-Greenhaven Library.

Contact: Cynthia Kranc, Facilities Manager, (916) 808-2258, General Services Department, Alan Boyd, Superintendent, (916) 808-6077; Parks and Recreation Department, Jennifer Hageman, Senior Planner (916) 808-5538, Development Services Department.

Action: No public comment. Moved, seconded, carried (Waters/Pannell) to continue the item to the 6PM meeting.

Moved, seconded, carried (Waters/Hammond) an intent motion approving staff's recommendation with direction to place this item on the September 16, 2008 agenda for final approval.

13. **Contract: Sutter's Landing Regional Park Interim Improvements Project (L19167100) [2/3 Vote Required]**
Location: 20 28th Street (District 3)

Recommendation: Adopt a **Resolution** 1) approving the Mitigated Negative Declaration and adopt the Mitigation Monitoring Plan; 2) suspending competitive bidding in the best interest of the City; 3) awarding a contract to Hemington Landscape Services, Inc., for the guaranteed maximum price of $1,192,933; and
4) authorizing the City Manager or the City Manager's designee to execute the design assist construction contract for the project.

Contact: J.P. Tindell, Park and Planning and Development Manager, (916) 808-1955, Parks and Recreation Department.

Action: No public comment. Moved, seconded, carried (Cohn/Sheedy) to adopt Resolution No. 2008-622.

14. **(Redevelopment Agency) Casa de Angelo Apartments Project**
Location: 3151 Notre Dame Drive (District 6)

Recommendation: Adopt a **Redevelopment Agency Resolution** a) amending the Agency budget approving an increase in funding of $395,000 from Low/Moderate Tax Increment (TI) funds for the project; and b) authorizing the Interim Executive Director, or her designee, to execute loan documents with the Developer.

Contact: Lisa Bates, Deputy Executive Director, (916) 440-1330; Christine Weichert, Assistant Director, Housing and Community Development, (916) 440-1353, Sacramento Housing and Redevelopment Agency.

Action: No public comment. Moved, seconded, carried (McCarty/Hammond) to adopt Redevelopment Agency Resolution No. 2008-067.

15. **(City Council/Housing Authority/Redevelopment Agency) Broadway Senior Center Apartments Project**
Location: 5200 Broadway (District 5)

Recommendation: Adopt 1) a **Housing Authority Resolution** a) approving an authorization of up to $6,569,500 in tax-exempt bonds to finance the acquisition and rehabilitation of the 120-units of the project, and b) authorizing the Interim Executive Director, or her designee, to execute all documents necessary to issue the bonds; 2) a **City Resolution** a) authorizing the Sacramento Housing and Redevelopment Agency (Agency) to transfer City Home Investment Partnership Program (HOME) funds for an Agency loan of up to $1,100,000 for the project, and b) authorizing the Interim Executive Director, or her designee, to execute loan documents with DHI Broadway; and 3) a **Redevelopment Agency Resolution** a) approving funding from Low/Moderate Tax Increment (TI) funds for an Agency loan of up to $1,660,000 for the Project, b) authorizing the Agency to transfer TI funds for an Agency loan of up to $1,660,000 for the Project, and c) authorizing the Interim Executive Director, or her designee, to execute an Owner Participation Agreement (OPA) and loan documents with the Developer.

Contact: Lisa Bates, Deputy Executive Director, (916) 440-1330; Christine Weichert, Assistant Director, Housing and Community Development, (916) 440-1353, Sacramento Housing and Redevelopment Agency.

Action: No public comment. Moved, seconded, carried (Hammond/McCarty) to adopt Housing Authority Resolution No. 2008-015, City Resolution No. 2008-623 and Redevelopment Agency Resolution 2008-068.

Information Reports (Item 16)

These items are for information only and are not eligible for action at this time.

16. **Notification of Final Map and Subdivision Improvement Agreement for Natomas Field Phase 3B (P04-236)**
Location: East side Samuelson Way south of Prosper Road (District 1)

Recommendation: Receive and file.

Contact: Jerry Lovato, Senior Engineering Technician, (916) 808-7918, Transportation Department.

Action: Received and filed.

Public Comments-Matters Not on the Agenda – None.

Council Comments-Ideas, Questions and Meeting/Conference Reports

a. Board/Commission Appointments
   1. Youth Commission
      a. Caitlin Crooks (District 4)
      b. Allison Brown (District 6)

b. Reports Back – None.

c. Meeting/Conference Reports – None.

Closed Session

City Council

a) **Pursuant to Government Code section 54956.9 (a), for a matter pertaining to pending litigation. 718 K Street LLC v. City of Sacramento, et al., Sacramento County Superior Court Case No. 34-2008 00000578.**

b) **Pursuant to Government Code section 54956.9 (a), for a matter pertaining to pending litigation. 718 K Street LLC v. City of Sacramento and Redevelopment Agency of the City of Sacramento, Sacramento County Superior Court Case No. 07CS00811.**

c) **Pursuant to Government Code section 54956.9 (a), for a matter pertaining to pending litigation. K Street League, et al. v. City of Sacramento, et al., Sacramento County Superior Court Case No. 34-2008 00000573.**

d) **Pursuant to Government Code section 54956.9 (a), for a matter pertaining to pending litigation. Mohanna v. City of Sacramento, Sacramento County Superior Court Case No. 07CS01436.**

e) **Pursuant to Government Code section 54956.9 (a), for a matter pertaining to pending litigation. Mohanna v. Delta Oilfield Services, Inc., Sacramento County Superior Court Case No. 07AS02655.**

f) **Pursuant to Government Code section 54956.9 (a), for a matter pertaining to pending litigation. Redevelopment Agency of the City of Sacramento v. M.H. Mohanna, et al, Sacramento County Superior Court Case No. 34-2008-00003595.**

g) **Pursuant to Government Code section 54956.9 (a), for a matter pertaining to pending litigation. Redevelopment Agency of the City of Sacramento v. M.H. Mohanna, et al, Sacramento County Superior Court Case No. 34-2008-00003588.**

Redevelopment Agency of the City of Sacramento

h) **Pursuant to Government Code section 54956.9 (a), for a matter pertaining to pending litigation. Redevelopment Agency of City of Sacramento v. Saca Development, LLC, et al., Sacramento County Superior Court Case No. 07AS00636.**

i) **Pursuant to Government Code section 54956.9 (a), for a matter pertaining to pending litigation. M.H. Mohanna v. Overland Pacific & Cutler LLC, et al, as amended to include the Redevelopment Agency of the City of Sacramento, Sacramento County Superior Court Case No. 07AS03616.**

j) **Pursuant to Government Code section 54956.9 (a), for a matter pertaining to pending litigation. 718 K Street LLC v. Overland Pacific & Cutler LLC and the Redevelopment Agency of the City of Sacramento et al., Sacramento County Superior Court Case No. 07AS03618.**

k) **Pursuant to Government Code section 54956.9 (a), for a matter pertaining to pending litigation. 718 K Street LLC v. City of Sacramento, et al., Sacramento County Superior Court Case No. 34-2008 00000578.**

l) **Pursuant to Government Code section 54956.9 (a), for a matter pertaining to pending litigation. K Street League, et al. v. City of Sacramento, et al., Sacramento County Superior Court Case No. 34-2008 00000573.**

m) **Pursuant to Government Code section 54956.9 (a), for a matter pertaining to pending litigation. 718 K Street LLC v. City of Sacramento and Redevelopment Agency of the City of Sacramento, Sacramento County Superior Court Case No. 07CS00811.**

n) **Pursuant to Government Code section 54956.9 (a), for a matter pertaining to pending litigation. Redevelopment Agency of the City of Sacramento v. M.H. Mohanna, et al, Sacramento County Superior Court Case No. 34-2008-00003595.**

o) **Pursuant to Government Code section 54956.9 (a), for a matter pertaining to pending litigation. Redevelopment Agency of the City of Sacramento v. M.H. Mohanna, et al, Sacramento County Superior Court Case No. 34-2008-00003588.**

Recess to Closed Session - 3:15 p.m.

Reconvene – 6:00 p.m.

Roll Call - A regular meeting of the Sacramento City Council was called to order by Mayor Fargo at 6:10 p.m. Tuesday, September 9, 2008 at the Sacramento City Hall Council Chamber. All members present.

Pledge of Allegiance – led by Councilmember Hammond.

Closed Session Report – None.

The City Attorney shall determine if any actions taken by the City Council or legislative bodies in Closed Session shall require a reporting on those actions as required by Law (Government Code §54957.1 (a) (3) (B)).

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

Staff Reports (Item 17)

Staff reports include an oral presentation including those recommending receive and file.

17. **(City Council/Redevelopment Agency) Martin Luther King Jr. (MLK) Boulevard Streetscape and Urban Design Master Plan Project**
Location: Oak Park Redevelopment Project Area; Council District 5

Recommendation: Adopt 1) a **City Resolution** a) accepting the project; b) establishing a capital improvement project (CIP) for the MLK Phase I Improvements (T15098500); c) appropriating $5,508,992 to allocate funding for design and construction of MLK Phase I Improvements; d) authorizing the City Manager to execute Individual Project Agreements (IPAs) for MLK Phase I Improvements with the Department of Transportation, Department of Parks and Recreation, and the Sacramento Metropolitan Arts Commission; and e) making related findings;
2) a **Redevelopment Agency Resolution** a) accepting the MLK Master Plan; b) authorizing the purchase of seven parcels located at 3200, 3208, 3216, 3440, 3448 MLK Boulevard and 3301 and 3307 12th Avenue for just compensation, which is Fair Market Value as determined by an independent appraisal; c) authorizing the Interim Executive Director, or her designee, to carry out all actions reasonably necessary to accomplish the purchase of the properties and prepare the site for development; d) amending the 2008 Sacramento Housing and Redevelopment Agency (SHRA) budget by transferring $1,269,479 of Oak Park 2005 Tax Exempt Private Activity and Development Assistance Bond Funds, $3,577,000 of Oak Park 2005 Taxable Development Assistance Bond Funds to the MLK Jr. Blvd. Corridor Improvements, and $1,158,000 of Oak Park 2008 Tax Increment for the acquisition of the seven parcels ; e) authorizing the Interim Executive Director or her designee to execute an Individual Project Agreement (IPA) with the City of Sacramento Department of Transportation in the amount of $5,253,592 for the MLK Phase I Improvements; f) authorizing the Interim Executive Director or her designee to execute an IPA with the City of Sacramento Department of Parks and Recreation in the amount of $150,000 for the construction of a community garden as part of the MLK Phase I Improvements; g) authorizing the Interim Executive Director or her designee to execute an IPA with the Sacramento Metropolitan Arts Commission in the amount of $105,400 for the Arts in

Public Places Program for the MLK Phase I Improvements; and h) making related findings.

Contact: Lisa Bates, Deputy Executive Director, (916) 440-1316; Celia Yniguez, Redevelopment Manager, Housing and Community Development, (916) 440-1399, ext. 1401; Sacramento Housing and Redevelopment Agency, J.P. Tindell, Park Planning and Development Manager, (916) 808-1955; Parks and Recreation Department, Shelly Willis, Art in Public Places Administrator, (916) 566-3971, Convention, Culture and Leisure Department.

Action: Public comment given by Mark Rentz, Lorcan Barnes and Ron Emslie. Moved, seconded, carried (Hammond/Cohn) to adopt City Resolution No. 2008-624 and Redevelopment Agency Resolution No. 2008-069.

Public Comments-Matters Not on the Agenda

a. Larua Whisler – Green Design House
b. Ron Emslie – crime in SRO houses

Council Comments-Ideas, Questions and Meeting/Conference Reports

a. Board/Commission Appointments-None.
b. Reports Back
   1. McCarty – requested that a draft resolution be placed on the September 23, 2008 agenda for council consideration regarding the Stockton and T Streets AT&T store employee staff reduction and layoffs.
   2. Tretheway – Downtown Sacramento theft of precious metals; asking that existing report back on this same issue be expedited.
c. Meeting/Conference Reports – None.

Adjournment - 7:17 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the September 9, 2008 meeting as approved by the Sacramento City Council.

_____
Shirley Concolino, City Clerk