REPORT TO COUNCIL
City of Sacramento

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

CONSENT
October 28, 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 October 7, 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: Shirley Concolino
Shirley Concolino, City Clerk

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City Council
Redevelopment Agency
Housing Authority
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Minutes

Tuesday, October 7, 2008

City Hall-915 I Street, 1st Floor Council Chamber

Published by the Office of the City Clerk (916) 808-7200

CITY COUNCIL

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

CHARTER OFFICERS

Eileen Teichert, City Attorney
Shirley Concolino, City Clerk
Ray Kerridge, City Manager
Russ Fehr, City Treasurer

NOTICE TO THE PUBLIC

You are welcomed and encouraged to participate in this meeting. Public comment is taken (3 minutes maximum) on items listed on the agenda when they are called. Public Comment on items not listed on the agenda will be heard at the end of the meeting 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 located in racks inside the chamber and should be completed and submitted to the 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 of 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 recommendations; 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 http://www.cityofsacramento.org/clerk/council-agendas/.

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.

MINUTES

Tuesday, October 7, 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, October 7, 2008 at the Sacramento City Hall Council Chamber. All members present.

Special Presentations/General Communications

a. **Recognizing Noisefest-Northern California Experimental Music Festival**

Action: Resolution presented to Bill Burg

b. **Recognizing Customer Service Week-October 6-12, 2008.**

Action: Resolution presented to Mark Prestwich.

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

Consent Calendar (Items 1 - 6)

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/Pannell) to adopt the Consent Calendar in one motion except as indicated.

1. **(City Council/Financing Authority/Housing Authority/Redevelopment Agency) Approval of Minutes for September 16, 2008**
Location: (Citywide)

Recommendation: Approve the afternoon and evening City Council, Financing Authority, Housing Authority, and Redevelopment Agency Minutes for September 16, 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 1) Del Paso Heights Redevelopment Advisory Committee to open 10/08/08 with applications due 10/24/08 and 2) Sacramento Youth Commission to open 10/08/08 with applications due 10/31/08.

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. **Confirmation of Board and Commission Appointments**
Location: (District 2)

Recommendation: Confirmation of board/commission appointment: 1) Sacramento Youth Commission – Gerardo Gonzalez (Category A-2).

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.

4. **(Pass for Publication) Interim Ordinance for Alternative Development Standards (M06-035)**
Location: (Portion of Districts 2, 3 and 8)

Recommendation: 1) Review a) a Resolution approving the Environmental Exemption per the California Environmental Quality Act Section 15301; b) an Ordinance repealing Ordinance No. 2007-014 and establishing interim regulations pertaining to lot coverage, massing and scale in the North Sacramento, South Sacramento and Ben Ali neighborhoods; and 2) pass for publication the Ordinance title as required by the Sacramento City Charter 32c to be adopted October 14, 2008.

Contact: Joy Patterson, Principal Planner, (916) 808-5607; William Crouch, Urban Design Manager, (916) 808-8013; David Kwong, Planning Manager, (916) 808-2691, Development Services Department.

Action: Approved recommendation.

5. **August 2008 Monthly Investment Transactions Report**
Location: (Citywide)

Recommendation: Receive and file.

Contact: Lydia Abreu, Investment and Operations Manager, (916) 808-7746; Shirley Tupaz, Investment Operations Analyst, (916) 808-8295, Office of the City Treasurer.

Action: Received and filed.

6. **North Natomas Public Facility Fee within the North Natomas Financing Plan Area [2/3 Vote Required]**
Location: (District 1)

Recommendation: Adopt an Emergency **Ordinance** extending a "catch up" fee requirement for persons and entities that pay North Natomas Public Facility Fee prior to amendment of that fee by the council. The ordinance will expire in six months unless sooner renewed.

Contact: Mark Griffin, Fiscal Manager, (916) 808-8788; Carol Shearly, Director, (916) 808-5893, Planning Department.

Action: Adopted Emergency Ordinance No. 2008-047.

Public Hearings (Item 7)

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

7. **Emergency Ordinance: Extension of Check Cashing Centers Moratorium (M07-070) [4/5 Vote Required]** (Noticed on 9-25-08)
Location: (Citywide)

Recommendation: Conduct a public hearing and upon conclusion adopt an emergency **Ordinance** extending the moratorium on check cashing centers and facilities in the City of Sacramento for an additional year.

Contact: Jennifer Glen, Assistant Planner, (916) 808-4771; Joy Patterson, Principal Planner, (916) 808-5607, Development Services.

Action: Public comment given by Charles Cole, Richard Lake, Natasha Fooman, Crystal Tajalle, Patti Uplinger, Shamus Roller, Alan Fisher, Brian Augusta and John Cranshaw. Moved, seconded, carried (Sheedy/Pannell) to close the public hearing and adopt Ordinance No. 2008-048.

Staff Reports (Items 8 and 9)

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

8. **2008 State Legislative Update [Oral Report]**
Location: (Citywide)

Recommendation: Receive and file.

Contact: Michelle Heppner, Special Project Manager, (916) 808-1226, Office of the City Manager.

Action: Received and filed.

9. **Workshop: Amendments: City's Sign Code (City Code Chapter 15.148) Relating to Real Estate Signs and Onsite Signs (M07-015)**
Location: (Citywide)

Recommendation: Provide comment and direction on signage in the City of Sacramento for Real Estate Signs (private property and public rights of way) and Onsite Signs (temporary and permanent, including window signs).

Contact: Sandra Yope, Senior Planner, (916) 808-7158; Joy Patterson, Principal Planner, (916) 808-5607, Development Services Department.

Action: Public comment given by Jeff Aran. Received and filed.

Public Comments-Matters Not on the Agenda

a. Don Souza – concerns regarding Oak Park revitalization.

Council Comments-Ideas, Questions and Meeting/Conference Reports

a. Board/Commission Appointments
   1. Mayor announced the appointment of Lauren Hammond to the existing Blue Diamond ad hoc committee

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 - 3:55 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 6:08 p.m. Tuesday, October 7, 2008 at the Sacramento City Hall Council Chamber. Councilmember McCarty arrived at 6:25 p.m. All members present.

Pledge of Allegiance – led by Councilmember Tretheway

Closed Session Report
Action: Moved, seconded, carried unanimously (Fargo/Tretheway), sitting as the Board for the Redevelopment Agency, to authorize the Redevelopment Agency (Agency) to enter into a settlement agreement with Mo Mohanna and all related entities of all lawsuits listed on the Closed Session agenda, both for the City Council and the Agency, and to authorize Assistant City Manager, John Dangberg, to execute the agreement and all related agreements.

The terms of the Settlement Agreement are: All nine properties on the 700 and 800 blocks of K Street, including affiliate-owned properties owned by Mo Mohanna, will be purchased by the Agency for $18.6 million. Mo Mohanna agreed to dismiss all lawsuits as listed on the Closed Session agenda. The Agency has an Exclusive Right to Negotiate (ERN) with Bob Leach, Principal, USA Hospitality. The Settlement Agreement is part of a court-approved Settlement subject to court enforcement. The ERN has a nine month due diligence period in which the negotiation for a proposed project of a 400 room hotel on K

Street and a mixed-use project on L Street will occur. During this ninth month period, the Agency will review the project, financials, and underwrite the project before bringing the Disposition and Development Agreement (DDA) to City Council for approval. DDA terms require that the project to be completed within 5 years and the property purchased at $150/sq. ft. The Agency is not obligated to enter into a DDA.

Staff Reports (Items 10 and 11)

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

10. **Attendance Centers for 2007/2008 School Year**
Location: (Districts 1 and 4)

Recommendation: Receive and File.

Contact: Darrell Fong, Captain, (916) 808-0310, Police Department and Lyn Corbett, Youth Director, (916) 808-8849, Office of Youth Development .

Action: Public comment given by Heyman Metlock. Received and field.

11. **Grant: Funding for Counseling Services for Attendance Centers**
Location: (Districts 1, 4 and 8)

Recommendation: Adopt a **Resolution** 1) authorizing the City Manager, or his designee, to accept a grant award from the United States Department of Justice, 2) increasing the Police Department's Grant Operating and Grant Revenue Budgets in the amount of $268,305.

Contact: Darrell Fong, Captain, (916) 808-0310, Police Department and Lyn Corbett, Youth Director, (916) 808-8849, Office of Youth Development.

Action: No public comment. Moved, seconded, carried (Fong/Pannell) to adopt Resolution No. 2008-676.

Public Comments-Matters Not on the Agenda

a. Ron Emslie – Police department non responsiveness

Council Comments-Ideas, Questions and Meeting/Conference Reports

a. Board/Commission Appointments – None.
b. Reports Back – None.
c. Meeting/Conference Reports – None.

Adjournment – 7:20 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the October 7, 2008 meeting as approved by the Sacramento City Council.

_____
Shirley Concolino, City Clerk