



**SACRAMENTO
HOUSING AND REDEVELOPMENT
AGENCY**



6

September 11, 1990

Budget and Finance Committee
of the City Council
Sacramento, CA

Honorable Members in Session:

SUBJECT: Amendment to Professional Services Contract with
Dwight L. Moore, Attorney

SUMMARY

The attached report is submitted to you for review and recommendation prior to consideration by the Redevelopment Agency of the City of Sacramento.

RECOMMENDATION

The staff recommends approval of the attached resolution approving the contract amendment.

Respectfully submitted,

ROBERT E. SMITH
Executive Director

TRANSMITTAL TO COMMITTEE:

JACK R. CRIST
Deputy City Manager

Attachment



**SACRAMENTO
HOUSING AND REDEVELOPMENT
AGENCY**



September 18, 1990

Redevelopment Agency of the
City of Sacramento
Sacramento, CA 95814

Honorable Members in Session:

SUBJECT: Amendment to Professional Services Contract with
Dwight L. Moore, Attorney

SUMMARY

Approval is requested for a contract amendment to the professional services contract with Dwight L. Moore for certain legal advice and assistance in connection with the completion of development documents for the Capitol Mall Development Site (Lot A). This contract amendment is attached hereto as Exhibit "A." The staff recommends adoption of the attached resolution authorizing execution of the contract.

BACKGROUND

On April 13, 1990, the Agency entered into a professional services contract with Dwight L. Moore to provide certain legal services and assistance related to the negotiation and preparation of major development documents in connection with the Capitol Mall Development Site. The amount of the original contract was twenty-four thousand dollars (\$24,000). Funds from the original contract are totally expended as of this writing and staff is anticipating additional negotiations and the need for additional legal advice during the 17-month escrow on this project.

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All other terms and conditions of the contract will remain the same.

FINANCIAL DATA

The contract amendment would increase this contract by an amount of twenty-five thousand dollars (\$25,000). The total contract would not exceed forty-nine thousand dollars (\$49,000). Funds are available in the consultant line item of the Downtown Division's Operating Budget. It should be noted that these expenses are recoverable through our third party expenses for the development of Lot A.

MBE/WBE IMPACT

This is a continuation of an existing contract.

ENVIRONMENTAL REVIEW

The proposed action is exempt from environmental review per CEQA Guidelines, Section 15378(b)(3); NEPA does not apply.

POLICY IMPLICATIONS

The action proposed in this staff report is consistent with previously approved policy, and therefore, no policy changes are being recommended.

VOTE AND RECOMMENDATION OF COMMISSION

At its meeting of September 10, 1990, the Sacramento Housing and Redevelopment Commission adopted a motion recommending approval of the attached resolution. The votes were as follows:

AYES:

NOES:

ABSENT:

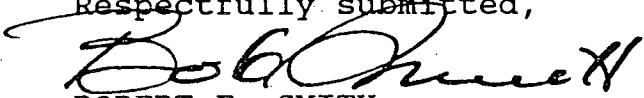
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RECOMMENDATION

The staff recommends approval of the attached contract amendment in the amount of twenty-five thousand dollars (\$25,000), to the Dwight L. Moore contract for providing certain legal advice and assistance in connection with the Capitol Mall Development Site (Lot A).

Respectfully submitted,


ROBERT E. SMITH
Executive Director

TRANSMITTAL TO COUNCIL:

WALTER J. SLIPE
City Manager

Contact Person: Thomas V. Lee, Director, Community Development
440-1355

AmdDMoore

RESOLUTION NO.

ADOPTED BY THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO

ON DATE OF _____

AMENDMENT TO PROFESSIONAL CONTRACT WITH DWIGHT L. MOORE

BE IT RESOLVED BY THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO:

Section 1: The Executive Director is authorized and directed to execute the attached amendment to the contract with Dwight L. Moore dated April 13, 1990, for providing legal representation in respect to negotiating and drafting of legal documents for redevelopment projects, and providing legal advice on housing and redevelopment matters as necessary.

CHAIR

ATTEST:

SECRETARY

P:\Share\Reso\AmdDMoore

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

AMENDMENT TO AGREEMENT TO
PROVIDE PROFESSIONAL SERVICES

This Amendment ("Amendment") to the Agreement to Provide Professional Services ("Agreement") between the Redevelopment Agency of the City of Sacramento ("Agency"), and Dwight L. Moore, an attorney licensed to practice law in the State of California (hereinafter referred to as "Counsel") is made this _____ day of _____, 1990.

RECITALS

- A. The Agency and Counsel entered into the Agreement on April 13, 1990, to provide legal representation in respect to legal documents for negotiating and drafting of redevelopment projects and providing legal advice on housing and redevelopment matters as necessary for the Capitol Mall Development Site (Lot A) Project. The Agreement is attached as Attachment 1.
- B. The Agency and Counsel now wish to amend the Agreement to revise the Scope of Services and increase the total amount of compensation payable to Counsel.

AGREEMENT

Now, therefore, the Agency and Contractor agree that the Agreement shall be amended as follows:

1. The Scope of Services shall be amended to read:

"1. SCOPE OF SERVICES

Counsel shall personally perform all services under this Agreement as requested by the Agency's General Counsel.

Counsel's services shall include providing legal representation in respect to negotiating and drafting of legal documents for redevelopment projects and providing legal advice on housing and redevelopment matters as necessary."

2. Total compensation payable to Counsel under the Agreement shall be increased to Forty-nine Thousand Dollars (\$49,000).
3. Except as modified herein, all terms and conditions of the Agreement shall remain the same..

IN WITNESS WHEREOF, the Agency and Counsel have executed this Agreement as of the date first written above.

Approved as to Form:

REDEVELOPMENT AGENCY OF THE CITY
OF SACRAMENTO

General Counsel

By _____
ROBERT E. SMITH
Executive Director

APPROVED:

DWIGHT L. MOORE

Finance Department

	<u>Redevelopment</u>	<u>Lot A</u>
Organization:	2455	6300
Account:	4223	4223
Cost Center:	A00200	A00206

Organizational Approval

DwghtLtA

AGREEMENT FOR LEGAL SERVICES

THIS AGREEMENT, entered into April 13, 1990, by and between the REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO, a public corporation (hereinafter referred to as the "Agency"), and DWIGHT L. MOORE, an attorney licensed to practice of law in the State of California (hereinafter referred to as "Counsel").

IT IS MUTUALLY AGREED, as follows:

1. SCOPE OF SERVICES

Counsel shall personally perform all services under this Agreement as requested by the Agency's General Counsel.

Counsel's services shall include providing legal representation in respect to all the legal documents and actions for the disposition and development of Lot A.

2. TIME OF PERFORMANCE

The services of Counsel shall commence upon execution of this Agreement and shall be performed at such time or times as may be necessary to complete such services.

3. COMPENSATION, REIMBURSEMENT AND METHOD OF PAYMENT

Counsel shall be compensated and reimbursed as follows:

(a) Compensation

Counsel shall be compensated at the rate of \$100 per hour for his services under this Agreement;

(b) Reimbursement

The Agency shall reimburse Counsel monthly for the following expenses:

Long distance telephone calls, meeting costs and facsimile machine transmittals; provided; however, such expenses shall not include normal office operating expenses.

(c) Maximum Compensation and Reimbursement

It is expressly understood and agreed that in no event shall the total compensation and reimbursement to be paid under this Agreement exceed the maximum sum of TWENTY FOUR THOUSAND DOLLARS (\$24,000.00).

(d) Statements

As a condition to any payment to Counsel under this Agreement, Counsel shall submit to the Agency in duplicate the following statements:

(1) Monthly Statement

A monthly statement of account which clearly sets forth by date the items of work performed by Counsel during the proceeding month and the status of all current activities.

(2) Requested Statements

Counsel shall provide a bill to Agency no later than ten (10) days following a written request received from the Agency. Agency is entitled to similar requests at intervals of no less than thirty (30) days following the initial request.

4. EMPLOYMENT OF OTHER COUNSEL, SPECIALISTS OR EXPERTS

Counsel shall not employ or otherwise incur an obligation to pay other counsel, specialists or experts for services in connection with this Agreement without the prior written approval of the Agency.

5. TERMINATION OF AGREEMENT AND LEGAL SERVICES

This Agreement and all legal services to be rendered hereunder may be terminated at any time by written notice from either party, with or without cause. In such event, all finished and unfinished documents, project data and reports shall be the Agency's property and shall be delivered to it or to any party it may designate. In the event of such termination, Counsel shall be paid for all satisfactory work completed at the time of termination.

6. INTEREST OF COUNSEL

Counsel (including partners, associates and professional employees) covenants that he does not now have any interest and shall not acquire any interest, direct or indirect, in the area covered by the activity or project, which would conflict in any manner or degree with the performance of his services hereunder. Counsel further covenants that in the performance of his duties hereunder no person having any such interest shall be employed.

7. INDEMNIFICATION

Counsel shall indemnify and hold harmless the Agency from any liability, court costs or attorneys fees resulting from Counsel's services under this Agreement.

8. RECEIPT

Agency hereby acknowledges receipt of a copy of this Agreement

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the date first above written.

REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO

APPROVED AS TO FORM:

[Signature]
General Counsel

BY: [Signature]
ROBERT E. SMITH
Executive Director

APPROVED:

[Signature]
Finance Department

DWIGHT L. MOORE

BY: [Signature]

Account Code: 4223
Organization 6300 ~~345~~
Cost Center: C ~~100206~~

Federal Tax ID: 374-44-0962

APPROVED:

[Signature]
Organization

154WPP(1166)

COUNCIL COMMITTEE MINUTES

Concurrent Special Committee Meetings of the Sacramento City Council, Redevelopment Agency of the City of Sacramento, Housing Authority of the City of Sacramento and the Parking Authority of the City of Sacramento.

COMMITTEE NAME: BUDGET & FINANCE COMMITTEE

MEETING DATE: SEPTEMBER 11, 1990

MEETING TIME: 3:00 P.M.

LOCATION: 1231 I STREET, 1ST FLOOR, HEARING ROOM

VOTING RECORD LEGEND

MOV:	MOVED	ABST:	ABSTAIN
SEC:	SECOND	ABS:	ABSENT
M --	MAYOR RUDIN	D5 --	SERNA
D1 --	FARGO	D6 --	MUELLER
D2 --	FERRIS	D7 --	KASTANIS
D3 --	PANE	D8 --	ROBIE
D4 --	CHINN		

I HEREBY CALL Special Meetings of the Sacramento City Council, Redevelopment Agency of the City of Sacramento, Housing Authority of the City of Sacramento, and Parking Authority of the City of Sacramento to be conducted concurrently with the Council committee meetings listed below, which are incorporated herein by reference. The Special Meetings are called to permit Members who are not on the listed committees to attend the meetings and participate in the discussions. In the event five (5) or more members of the City Council are present at a Committee meeting, only those items listed on the agenda can be acted on or discussed.

The meeting was called to order at the hour of 3:50 P.M. by Committee Chairperson Kim Mueller and the roll was answered as follows:

PRESENT: Committee Chairperson Kim Mueller; Committee Members Tom Chinn, Lyla Ferris and Lynn Robie

-
1. Report approving a Flood Hazard Warning System and appropriating \$55,000 from the Storm Drainage Contingency Reserve to the operating budget of the Flood Control and Sewers Division. (D-All)
 - A. Res. to appropriate funds from the Storm Drainage Fund Contingency Reserve for the installation of a local flood hazard warning system.

RECOMMENDATION OF STAFF: RECOMMEND APPROVAL AND FORWARD TO COUNCIL

REPORTS BACK: A FOLLOW-UP MEMO ON WAYS TO DEAL WITH BUDGET AUGMENTATIONS THROUGHOUT THE YEAR. TAKE A LOOK AT HOW COUNTY HANDLES THIS PROCESS.

COMMITTEE ACTION: RECOMMENDED APPROVAL AND FORWARDED TO COUNCIL

CONTINUED ON NEXT PAGE

BUDGET AND FINANCE COMMITTEE

SEPTEMBER 11, 1990

COMMITTEE ACTION SHEET

ITEM NO. 1 CONTINUED

VOTING RECORD: MOV: D8 SEC: D4
 AYES: UNANIMOUS

MINUTES

Mel Johnson, Director of Public Works, gave a presentation on this item and was available to answer questions.

The Committee discussed how the County currently handles budget augmentations. The County limits changes to the approved budget. It takes a 4/5 vote to amend the County's budget. The Committee asked the Budget Office to take a look at this process and report back regarding augmenting the approved budget.

Moved by Committee Member Robie to adopt staff recommendation. Seconded by Committee Member Chinn and motion carried as noted above.

- 2. Fee for safe drinking water development plan. (D-All)
A. Res. transferring \$10,000 from the Water Fund Contingency to the Water Production Operating Budget to pay for the State's Safe Drinking Water Development Plan Fee.

RECOMMENDATION OF STAFF: RECOMMEND APPROVAL AND FORWARD TO COUNCIL

REPORTS BACK: NONE

COMMITTEE ACTION: RECOMMENDED APPROVAL AND FORWARDED TO COUNCIL

VOTING RECORD: MOV: D4 SEC: D2
 AYES: D2, D4, D6
 NOES: D8

MINUTES

Committee Member Robie stated that she was angry about the State passing on bills to local government.

Committee Member Chinn stated that this issue should have been addressed in the Law and Legislation Committee during the State Budget hearings.

CONTINUED ON NEXT PAGE

BUDGET AND FINANCE COMMITTEE

SEPTEMBER 11, 1990

COMMITTEE ACTION SHEET

ITEM NO. 2 CONTINUED

Committee Chairperson Mueller asked what would happen if we just didn't pay. Mel Johnson, Director of Public Work, stated he was not sure.

The Committee amended the resolution to include language that states that the City Council does not support this practice. Moved by Committee Member to adopt staff recommendation. Seconded by Committee Member and motion carried as noted above.

- 3. Grant proposal - Gang Violence Suppression Program. (D-All)
A. Res. authorizing the execution of a contract with the Office of Criminal Justice planning to implement fifth year funding of the Gang Violence Suppression Program.

RECOMMENDATION OF STAFF: RECOMMEND APPROVAL AND FORWARD TO COUNCIL

REPORTS BACK: NONE

COMMITTEE ACTION: RECOMMENDED APPROVAL AND FORWARDED TO COUNCIL

VOTING RECORD: MOV: D8 SEC: D2
AYES: UNANIMOUS
ABSENT: D4

MINUTES

Moved by Committee Member Robie to adopt staff recommendation. Seconded by Committee Member Ferris and motion carried as noted above.

- 4. Amendment No. 1 to City Agreement No. 89061 with EBASCO for Arden-Arcade Local Area Transportation Analysis in the amount of \$46,173. (D1,3)

A. Res. authorizing the amendment of the Arden-Arcade Local Area Transportation professional services agreement No. 89061 with EBASCO Services, Inc. in an amount not to exceed \$118,686.

RECOMMENDATION OF STAFF: RECOMMEND APPROVAL AND FORWARD TO COUNCIL

REPORTS BACK: NONE

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BUDGET AND FINANCE COMMITTEE

SEPTEMBER 17, 1990

COMMITTEE ACTION SHEET

ITEM NO. 4 CONTINUED

COMMITTEE ACTION: RECOMMENDED APPROVAL AND FORWARDED
TO COUNCIL

VOTING RECORD: MOV: D2 SEC: D8
AYES: UNANIMOUS
ABSENT: D4

MINUTES

Committee Member Ferris asked for a timeline on this project. Steve Jenkins of the Environmental Services Division will provide her with a copy of the timeline.

Moved by Committee Member Ferris to adopt staff recommendation. Seconded by Committee Member Robie and motion carried as noted above.

SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

5. Agency Res. approving amendment to master agreement for consulting services with Katz, Hollis, Coren & Associates (D-All).

RECOMMENDATION OF STAFF: RECOMMEND APPROVAL AND FORWARD TO
COUNCIL

REPORTS BACK: NONE

COMMITTEE ACTION: RECOMMENDED APPROVAL AND FORWARDED
TO COUNCIL

VOTING RECORD: MOV: D8 SEC: D2
AYES: UNANIMOUS
ABSENT: D4

MINUTES

Moved by Committee Member Robie to adopt staff recommendation. Seconded by Committee Member Ferris and motion carried as noted above.

- 6. Agency Res. approving amendment to professional services contract with Dwight L. Moore, Attorney. (D-All)

RECOMMENDATION OF STAFF: RECOMMEND APPROVAL AND FORWARD TO
COUNCIL

CONTINUED ON NEXT PAGE

BUDGET AND FINANCE COMMITTEE

SEPTEMBER 11, 1990

COMMITTEE ACTION SHEET

ITEM NO. 6 CONTINUED

REPORTS BACK: NONE
COMMITTEE ACTION: RECOMMENDED APPROVAL AND FORWARDED TO COUNCIL
VOTING RECORD: MOV: D8 SEC: D2
AYES: UNANIMOUS
ABSENT: D4

MINUTES

Moved by Committee Member Robie to adopt staff recommendation. Seconded by Committee Member Ferris and motion carried as noted above.

- 7. Sacramento Ballet Agreement for Arts Activities. (D-All)
A. Res. authorizing the City Manager to execute an agreement between the City of Sacramento and the Sacramento Ballet.

RECOMMENDATION OF STAFF: RECOMMEND APPROVAL AND FORWARD TO COUNCIL

REPORTS BACK: NONE
COMMITTEE ACTION: RECOMMENDED APPROVAL AND FORWARDED TO COUNCIL
VOTING RECORD: MOV: D8 SEC: D2
AYES: UNANIMOUS
ABSENT: D4

MINUTES

Chair Mueller asked about the status of the Capital City Ballet merger and the status of the City loan to the Capital City Ballet.

Ernie Finney of the Sacramento Ballet explained that this was not a legal merger. Liabilities are not planned to be assumed by the Sacramento Ballet from the Capital City Ballet. The Sacramento Ballet plans to receive only assets from the Capital City Ballet.

Ken Nishimoto, Budget Manager, stated that if assets were from the \$20,000 loan the City made to Capital City Ballet, then the City will want some remuneration of money. Chair Mueller requested that the Sacramento Ballet keep City staff advised of the status of the merger.


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BUDGET AND FINANCE COMMITTEE
SEPTEMBER 11, 1990

COMMITTEE ACTION SHEET


ITEM NO. 7 CONTINUED

Moved by Committee Member Robie to adopt staff recommendation.
Seconded by Committee Member Ferris and motion carried as
noted above.

The meeting adjourned at 4:30 p.m.



KIM MUELLER
Committee Chairperson



Secretary

APPROVED:



KEN NISHIMOTO
Budget Manager

BUDGET AND FINANCE COMMITTEE

SEPTEMBER 11, 1990