

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 23, 1996

CALL TO ORDER

The Regular Meeting of the Sacramento City Council was called to order by Mayor Serna at 2:05 p.m. on the above date in the City Council Chamber located at 915 I Street.

ROLL CALL

Present: Councilmembers Cohn, Fargo, Kerth, Ortiz, Pannell, Steinberg, Waters, Yee and Mayor Serna

Absent: None

1.0 CONSENT CALENDAR (Items 1.1 through 1.14)

A motion was made by Councilmember Pannell, seconded by Councilmember Waters, to waive the reading and adopt the Consent Calendar, Items 1.1 through 1.14. The motion carried with a 9-0 roll call vote, with Councilmember Yee abstaining on Item 1.4 only.

Public Review Items - Informational Only

None

Sacramento Housing and Redevelopment

None

City Council

- 1.1 Establishment of speed limits on various streets. (D-1,4,7,8)
-

Adopted Resolution No. 96-160.

RESOLUTION NO. 96-160

RESOLUTION REPEALING RESOLUTION 94-600 AND
DECLARING PRIMA-FACIE SPEED LIMITS AND MAXIMUM
SPEED ON CERTAIN STREETS

- 1.2 Ordinance amending Sections 6.03.031 and 6.10.131 of the Sacramento City Code authorizing an amnesty period waiving delinquency fees for dog and swine licenses; ordinance adding Section 6.02.028 authorizing City Council to set additional fees relating to animal care and control services by resolution; new fees and increased fee (Law & Leg 4/16/96). (D-All)
-

Passed for publication of title and continued to May 2, 1996, 7:00 p.m.

- 1.3 Downtown Master Control System Project bounded by the Sacramento River, Broadway, Alhambra Boulevard and the American River (PN:SG86/SH51) - Approval of Supplemental Agreement No. 1 in the amount of \$405,385 to City Agreement No. 91-124 with CH2M Hill. (D-1,3,4,5)
-

Adopted staff recommendation to approve Supplemental Agreement No. 1.

- 1.4 Seismic Retrofit of Elevated Concrete Reservoirs, located at the Alhambra, City College, Medical Center Reservoirs (PN:ZD91) - Supplemental Agreement No. 2 in the amount of \$36,540 to City Agreement No. 93-091 with Cole/Yee/Schubert and Associates. (D-3,5)
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Adopted Resolution No. 96-161.

RESOLUTION NO. 96-161

RESOLUTION TO AUTHORIZE AND EXECUTE SUPPLEMENTAL
AGREEMENT NO. 2 TO CITY AGREEMENT NO. 93-091,
WITH COLE/YEE/SCHUBERT AND ASSOCIATES FOR DESIGN
OF SEISMIC RETROFIT OF ELEVATED CONCRETE
RESERVOIRS (PN:ZD91)

- 1.5 Ordinance amending the districts established by the Comprehensive Zoning Ordinance No. 2550, Fourth Series, as amended, for property located North of West El Camino Avenue and South of I-80 by removing 11.2± acres from Standard Single Family Planned Unit Development R-1(PUD) and 9.1± acres from Highway Commercial PUD (HC-PUD) and placing the same 20.3 acres in General Commercial - Planned Unit Development (C2-PUD) (P95-061) [Park El Camino]. (D-1)
-

Passed for publication of title and continued to May 2, 1996.

- 1.6 Request to reopen the application period for the City/County Bicycle Advisory Committee for additional applications for one remaining vacancy. (D-All)
-

Application period opened; applications due May 5, 1996.

- 1.7 Request to open an application period for the Richards Boulevard Project Area Committee for one opening due to the recent resignation of Duke McMillen. (D-1)
-

Application period opened; applications due May 17, 1996.

- 1.8 Amendment of 1995/96 Capital Improvement Program and fund appropriation of \$65,000 for Community Development Block Grant (CDBG) Park Improvement Projects in Muir Park and Hagginwood Park. (D-1,2)
-

Adopted Resolution No. 96-162.

RESOLUTION NO. 96-162

RESOLUTION AMENDING THE 1995/96 CAPITAL
IMPROVEMENT PROGRAM AND APPROPRIATING FUNDS FOR
VARIOUS CDBG PARK IMPROVEMENT PROJECTS

- 1.9 Approval of parcel map entitled "A portion of Lot 34 of Plat of Robla Acres, 14 BM 25" (P95-022), located at 5th Street south of Santa Ana Avenue. (D-2)
-

Adopted Resolution No. 96-163.

RESOLUTION NO. 96-163

APPROVING PARCEL MAP ENTITLED "A PORTION OF LOT
34 OF PLAT OF ROBLA ACRES, 14 BM 25" (P-95022)

- 1.10 Ordinance amending procedures for making certain unpaid costs for Utility Services or Weed Abatement or Nuisance Abatement or Sidewalk Repairs or Housing Code Enforcement Special Assessments upon properties to which the costs are related. (D-All)
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Passed for publication of title and continued to May 7, 1996.

- 1.11 Jacinto Creek Planning Area (JCPA) - proposed policy for processing entitlements. (D-8)
-

Adopted Resolution No. 96-164.

RESOLUTION NO. 96-164

A RESOLUTION ADOPTING A POLICY FOR PROCESSING ENTITLEMENT APPLICATIONS WITHIN THE JACINTO CREEK (JCPA) PLANNING AREA

- 1.12 City-wide alley abandonment and temporary closure program: (D-All)
A. ordinance amending Section 56.04.404 of the Sacramento City Code, relating to Planning Commission review of abandonments.
B. ordinance adding Chapter 38.16 to the Sacramento City Code, relating to the restriction of traffic through alleys.
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Passed for publication of title and continued to May 7, 1996.

- 1.13 Authorization to execute a five year agreement to produce the Sacramento Jazz Jubilee. (D-All)
-

Adopted Resolution No. 96-165 approving Agreement No. 96-052.

RESOLUTION NO. 96-165

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FIVE-YEAR AGREEMENT WITH THE SACRAMENTO TRADITIONAL JAZZ SOCIETY TO PRODUCE THE SACRAMENTO JAZZ JUBILEE FOR THE YEARS 1996 THROUGH 2000, INCLUSIVE

- 1.14 Confirm the following appointments to Boards and Commissions: Mary Beresford, David Mana-Ay, Jesse Galvan, Michael Vinding and Don Grady to the Affirmative Action Advisory Committee; Scott Levonton and Kellie Smith to Paratransit Board of Directors; John Scribner to the Civil Service Board; and Charles Foley to the City/County Bicycle Advisory Committee.
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Appointments confirmed.

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2.0 SPECIAL PRESENTATIONS/GENERAL COMMUNICATIONS

2.1 Presentation of the Human Rights Commission Fair Housing Month activities.

Barbara Lehman, Executive Director of Human Rights/Fair Housing Commission, introduced Fair Housing Month activities, saying that this year the Commission put together a coloring book to celebrate diversity. Ms. Lehman then introduced David Ono, of KOVR Channel 13 as moderator of events.

Mr. Ono introduced each school, by District, the corresponding student representative, Human Rights/Fair Housing Commissioner and the Council Member for each one. The Councilmembers then presented a certificate to the student representative, who, in turn, presented the Council Member with the finished coloring book pages.

Mr. Ono acknowledged the cartoonists and thanked them for their contributions toward the Fair Housing Month coloring book. They were: Morrie Turner of "Wee Pals", Judge Talmadge Jones, and Paul Galang, of the Sacramento Bee.

Mr. Ono also acknowledged the generous donation of crayons from McDonalds, particularly Olga Molina and Lorna Lyons.

2.2 Proclamation declaring the week of April 21 - 27, 1996 as "Young Child Week".

Mayor Serna presented the proclamation to Faye Kennedy. Ms. Kennedy requested that the Mayor and Council prepare a proclamation declaring June 1, 1996 as "Stand for Children Day". She said that some local groups will be going to Washington, D.C. at that time to attend such a meeting under the auspices of the Childrens' Defense Fund.

2.3 Resolution declaring the week of April 24 - 30, 1996 as "TV Turn-Off Week".

Mayor Serna presented the resolution to Alan Candee, a staff member of South Natomas Library. Mr. Candee said he hoped that after this week was is over, people would continue with the effort; he believes that to limit TV viewing is a valuable step toward strengthening families.

2.4 Resolution recognizing the 1996 USA Softball Olympic Tour.

Mayor Serna read the resolution recognizing and welcoming the USA Women's Olympic Softball Team to Sacramento as the first stop on the tour of twenty cities which will be hosting the team. The Mayor expressed thanks to Coca-Cola and IGA for sponsoring the tour and USA Softball for selecting Sacramento as a host city.

Ron Radigonda, USA Softball Commissioner, introduced Rose Stinson, IGS President, who received the resolution from the Mayor, spoke briefly about her own experience with women's softball, and expressed her enthusiasm and support for the Olympic Team.

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3.0 PUBLIC HEARINGS

- 3.1 Zoning ordinance amendment related to Zoning Administrator Authority (M95-084). (PFP'd April 16, 1996) (D-All)
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A motion was made by Councilmember Kerth, seconded by Councilmember Pannell to continue this item (per staff request) to May 28, 1996. The motion carried by a 9-0 vote.

- 3.2 American River Parkway Restoration Project, located at Discovery Park East and Woodlake Areas (M95-038/P95-127) [Discovery Park] (D-1,2,3) (PFP'd 4/9/96, item 1.1) (cont. from 4/16/96, item 3.1 [staff request]):
- A. certify the Environmental Impact Report
 - B. adopt Findings of Fact and Statement of Overrides
 - C. adopt the Mitigation Monitoring Plan
 - D. pass a motion of intent to approve the resolution to adopt the plans
 - E. adopt the zoning ordinance amendment for Section 24 to allow borrow/restoration (surface mining) activities subject to approval of a Special Permit, in compliance with the State Surface Mining and Reclamation Act of 1975, as amended
-

Don Lockhart, Associate Planner, said that Planning staff has been working with various local and state agencies and EIP Associates to process the American River Parkway Restoration project, as outlined in A-E, above. The City Planning Commission will take action on the Special Permit on May 23, 1996.

The Area Plan is subject to the concurrent review and approval of both the City and the County. The Area Plan was reviewed and approved by the County Recreation and Parks Commission on February 28, 1996. Planning staff conducted an Informational Public Workshop for the overall project with the City Planning Commission on February 29, 1996. Issues discussed at the Workshop dealt with clarification of the project scope and participants of the Phase II Lower American River Task Force.

The County Policy Planning Commission met in regular session on March 13, 1996 and recommended approval of the Area Plan to the County Board of Supervisors, which will take action on the Area Plan on April 24, 1996.

The City Planning Commission voted unanimously on March 14, 1996 to recommend approval of the overall project to the City Council.

After the April 24 action by the Board of Supervisors, the Discovery Park East & Woodlake Area Plan will be brought back to City Council for final approval. Any modifications of the plan directed by the Board of Supervisors or City Council will be incorporated into the final plan.

The intent is to accomplish both environmental restoration and flood protection within the American River Parkway. Numerous meetings have been held between City staff, SAFCA, and many State and County agencies to discuss potential restoration concepts within the American River Parkway. There is much interest and support among these parties for the actions proposed.

Tim Washburn, Agency Counsel for SAFCA, said that on a 19 acre site along Northgate, currently used as cropland, the plan is to remove soil material and restore the area to wetlands. The soil material can be used in other Public Works projects that need fill. The site will be planted, irrigated at first with a simple drip system, and later will rely on other water sources such as a connection to the Natomas east main drain. This action is expected to provide a positive water quality effect, as well as recreational and environmental improvement. It is considered to be a win-win situation.

Councilmember Kerth said it is his understanding that the agreement has not yet been formalized with North Sacramento Land Company.

Mr. Washburn said that there would have to be a clean-up operation re: a dump at the site, for which the land company had some responsibility, but felt it was something that could be worked out over time. It is a City/County problem.

Mr. Kerth said he did not want to support this action now unless the agreement with the Land Company is in place. He said there is currently an excess of soil material from other projects in the area.

Mr. Washburn replied that the soil could be used for lower end American River banks protection and reinforcement.

Mayor Serna asked if there were any toxic problems at the dump site, and Mr. Washburn replied that the County did not expect any.

Councilmember Fargo inquired as to the location of the dump, and Mr. Washburn indicated that it was in the far right section on the overhead map. Ms. Fargo then asked if there was any extra soil for raising Northgate Boulevard above flood plain level. She wanted the Public informed that removal of soil is for public safety reasons as well as for improvement of the area, because of the inconvenience to the affected residences. Ms. Fargo also raised the issue of possible mosquito infestation which might occur as a result of restoration to wetlands.

Mr. Washburn said that there would be discussions with the mosquito abatement district, which is expected to provide abatement for that problem.

Ms. Fargo said she felt it was a creative solution to the flooding problems in that area, as well as restoration efforts and American River improvements.

Mr. Washburn introduced another component into the discussion, in that the project would employ out-of-work or under-employed local people in conjunction with the North Area Job Training Program. If it works well, then these people would be well-trained, and able to work on other projects.

Councilmember Cohn commended the SAFCA and City staffs on this approach, and asked if the American River bank protection is scheduled to be done this year. Mr. Washburn said there was a good chance that it would, and that the City detention basin is the best source to retrieve soil material for other Public Works projects. Mr. Cohn mentioned the River Park portion, and other work to follow. Mr. Washburn said there are three other sites besides River Park in need of erosion control.

Frank Cirill, President of Save the American River Association, said the project is a classic win-win situation. It can improve the American River Parkway and benefit flood control at the same time. He stressed that the public supports the project, the various agencies support it, and SAFCA through the lower American River Task Force supports it. He asked for Council endorsement, commending all concerned for excellent work. Mr. Cirill also agreed with Councilmember Fargo's comments re: educating neighborhoods that excavations will occur, in order to prepare them for any inconvenience.

Councilmember Pannell spoke in support of the project, but reminded SAFCA that Stockton residents were very unhappy when they were charged for levee protection.

A motion was made by Councilmember Cohn, seconded by Councilmember Kerth, to adopt staff recommendation passing the motion of intent with documentation due May 14, 1996, 2:00 p.m. The motion carried by a 9-0 vote.

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4.0 STAFF REPORTS

4.1 City Council's authority over the Sacramento City Unified School Board. (D-All)

Sam Jackson, City Attorney, presented this report at the request of Councilmember Pannell to research the issue of whether Council has the authority to assume the duties of the School Board. Mayor Serna joined in this request.

Research by the Attorney's Office staff established that the original Charter of the City of Sacramento, adopted June 30, 1921, authorized the City Council to appoint five members to the Board of Education. No Councilmember, while serving as such, could be appointed to the School Board. In November 1959 the Charter was amended to provide that the seven members of the Board of Education would henceforth be nominated and elected from the district at large. Finally, in 1976 the Charter was amended to eliminate City Charter control over the election, term of office, qualification and compensation of the Board of Education after January 1, 1980, by making the Board subject to the Education Code and general laws of the State of California. Thus, over the years, the City has relinquished control over the School Board.

Mr. Jackson said with an amendment, Council could regain control. The amendment would require affirmative votes by all who reside in the Sacramento Unified School District boundaries. This would have to be accomplished by November, 1996.

Councilmember Pannell asked if an amendment would require that a petition be circulated for signatures to place an initiative on the November ballot or could Council request that an initiative be placed on the ballot. Mr. Jackson replied that either approach would be permissible.

Mr. Pannell said that from 1921-1960 City Council appointed the School Board. He said he wanted to give the voters an opportunity to "clean house" in November. If that did not occur, it is Mr. Pannell's intent to return with the item on December 1, 1996. He said that 23,000 signatures have already been gathered re: a recall, and that he would place the item on a June, 1997 ballot.

Councilmember Steinberg raised the question of timing, saying that depending upon the results of the November election, it was very likely that there would have to be a special City Council election in March, 1997. He asked if this issue could be placed on the ballot to coincide with the March, 1997 special election.

Valerie Burrowes, City Clerk, commented re: the timing of a special election in March, 1997, which would be held to fill a possible vacancy in District 5. She said there is no election scheduled for June, 1997, that elections are held in even years, thus June, 1998 would be the appropriate time. Ms. Burrowes indicated to Councilmember Steinberg that timing would not permit consolidating the school issue in March, 1997. She said if the County held an election sometime before the next primary, it might be done then.

Mr. Steinberg agreed that the voters should be given an opportunity to decide the issue in November, and that this or the next school board should be given the opportunity to implement the Mayor's Commission recommendations before more drastic action is taken.

Councilmember Cohn expressed his appreciation to the Mayor and Councilmember Pannell for raising the school board issue to a higher level in public debate. He said Council must also consider that there have been some major changes since 1959. North Sacramento has been annexed, and Natomas and Laguna are no longer part of the Sacramento Unified School District. He agreed that ways need to be found to improve City schools, and said he is committed to working with others to improve the situation.

Councilmember Pannell said his main focus in bringing this issue strongly to the forefront is his commitment to assuring every child a quality education in a safe and clean environment.

Mayor Serna agreed that it would be wise to wait for the results of the November, 1996 election re: new education reform. He said the Mayor's Commission on Education will present its final report within the next three months. If that doesn't improve the situation, then citizens must take back responsibility for the schools, providing new leaders and examining other options.

This report was for information and Council direction.

4.2 Initiate annual proceedings for the Downtown Sacramento Management District FY1996/97. (D-1)

Councilmember Kerth registered a conflict re: this item and declared his intent to abstain.

Mayor Serna asked how long the conflict would last, and Mr. Kerth replied it would until the end of the one-year contract, which was nearing its close. The Mayor replied that he would be counting on Mr. Kerth's support when the conflict was no longer a factor.

Edward Williams, Special Districts and Real Estate, said the DSMD was established by approval of City Council on June 13, 1995, for funding security, maintenance, and revitalization services in an area of the downtown. The district is managed by the Downtown Sacramento Partnership. The recommended Council action will formally initiate the annual proceedings and set public hearing dates of June 4 and June 11, 1996. The proposed budget for FY 1996/97 of \$1,220,940 represents an increase of 2.0% over FY 1995/96.

Some of the services provided by funding include the Guide Program, Clean Streets/Clean Sweep Program, and Marketing and Business Recruitment.

The majority of the City contribution will be from existing enterprise funds, as determined by the City. Contribution from the General Fund portion is expected to be approximately \$41,000.

A motion was made by Councilmember Fargo, seconded by Councilmember Pannell, to adopt Resolution No. 96-167. The motion carried by an 8-0 vote, with Councilmember Kerth abstaining.

RESOLUTION NO. 96-167

RESOLUTION DIRECTING FILING OF ANNUAL REPORT FOR
THE DOWNTOWN SACRAMENTO MANAGEMENT DISTRICT

4.3 Application for Operation Revitalization Funding. (D-1,2,3)

Lieutenant Paul Marshall, Sacramento Police Department Planning and Research Division, said that the Sacramento Police Department and Grant Joint Union High School District are co-applicants for an 18-month, \$450,000 Operation Revitalization grant from the State of California Office of Criminal Justice Planning (OCJP). The grant proposal includes a comprehensive, multi-agency approach to combating violent crime, drug use and gang activity in the Del Paso Heights area. Two new Neighborhood Police Officers (NPO's) will conduct crime suppression and community policing activities in the target area, which includes Grant Union High School and surrounding neighborhoods.

The OCJP has released a Request for Proposals (RFP) to implement a community-based drug prevention, intervention, and suppression project known as "Operation Revitalization". The Police Department received funding for the Oak Park Revitalization Plan under the first RFP in July 1993. This was one of five such grants recognized by the Attorney General as the most successful in California.

Total funding of \$450,000 is available from July 1, 1996 through December 31, 1997. If funding is approved, the Police Department would receive \$350,000 of the grant award, and Grant Union High School would receive \$100,000. Police Department staffing would be increased by 2 FTE police officers and 1 FTE Police Clerk II. All grant funds would be administered through the Fiscal Section of the Police Department; there is no match required for this grant.

Councilmember Pannell inquired as to why there was a need for a full time Police Clerk II along with the two NPO's.

Police Chief Arturo Venegas replied that there is a high volume of paperwork and administrative duties and such a support person is necessary.

Mayor Serna said that the position is paid for by the grant.

Lt. Marshall said that the administrative support is vital to the success of the program. Also, it is a shared position; the Police Clerk II will gather statistics for the school's component as well as the law enforcement component, and maintain documentation that is required by OCJP.

Mayor Serna asked if a co-applicant is required for the grant, and Lt. Marshall replied that it is, and that Grant Union High School had been selected.

Councilmember Ortiz spoke enthusiastically of the success of the Oak Park Program which had been implemented in District 5, saying she fully recognized the need for an administrative person. She said some of the duties of the Police Clerk II were to track drug-free data bases, truancy, etc. She said the grant program provided a greater sense of security to the community, and expressed her hope that funding would be found to continue the program once the 18 month grant period ended.

Councilmember Fargo inquired about plans to provide intervention programs in feeder schools in District 1, mentioning Northgate and Gardenland. She said there were 4 in her area, with 19 schools in Districts 1 and 3.

Lt. Marshall indicated that there will be coordination efforts to bring the program into the classrooms; Chief Venegas said he wants to reconnect beat officers with NPO's and schools.

Lt. Marshall said there is a strategic 3-month start-up program.

Ms. Fargo questioned whether the Police Clerk II would be considered as a limited term position, so as to consider the City's overall needs.

Chief Venegas stressed that the turnover is great among the Police Clerks, mainly due to the irregular and long hours which they are required to work. He is hopeful that at the end of the 18 months, it would be possible to move the position in.

Councilmember Steinberg spoke in support of the program, and asked if there would be steps taken to avoid duplicating efforts. He suggested that the implementation of the program work in conjunction with existing efforts, to strengthen them. He asked if the NPO's are successful, would it be possible to evaluate the progress at the end of the 18 months and then reapply with OCJP.

Councilmember Kerth inquired as to whether the clerk position could be filled from within the community. Both Mayor Serna and Bill Edgar, City Manager, replied that Civil Service rules must apply, and the position would be filled from an existing list.

Councilmember Waters suggested that there may be employees already on board who live in the target area who would fill the Police Clerk II position and meet the Civil Service rule requirements.

Chief Venegas agreed that this may be a possibility for filling the position and would look into it.

Mr. Kerth asked if the NPO's supplanted any other officers in the area, to which Chief Venegas replied in the negative, saying that this is an augmentation.

This report was for information.

4.4 Agreement with Sierra Computer Systems for an automated permit system.
(D-All)

Dianne Guzman, Director of Planning and Development, said that the Planning and Development and Neighborhood Services Departments have initiated a program to automate City planning processing, building plan check, permit issuance, field inspections, complaint management, and code and housing enforcement activities. The evaluation team unanimously recommends that the contract for these automated services be awarded to Sierra Computer Systems. Funding is being provided from existing CIP and operating budgets with the majority of the funding offset revenue collected from the technology surcharge placed on building permits.

The contract cost is \$220,000. The cost of the initial phase of the project is \$40,000 which will be funded by the Automated Permit System CIP budget (AA66). Additional funding for the later phases will be addressed in the 1996-97 budget. The CIP portion of the project is being funded by a technology surcharge being applied to building permit fees.

Ms. Guzman said that the installation of this new system may result in a staff savings of \$100,000 a year. At the present time, 160 cities have this system in operation; 30-50 California cities are among them. Ms. Guzman said that staff had visited the city of Riverside, and spoke with Moreno Valley, and Roseville as well. This system is working most smoothly, and is easiest to upgrade in the future. She said the County is also upgrading their system.

Ms. Guzman continued that the purpose is to provide a more efficient, solid foundation for future links, and that internal benefits are excellent. For Planning, there will be improved access to project information through touch tone telephones (24 hrs. a day); there will be a reduction in processing errors; there will be improved communication with applicants when items are needed during processing such items as plan revisions, school fees, etc.

Benefits for Neighborhood Services will include improved access to information for complainants, community groups, and City Council members and their staffs. There is expected to be reduction in processing of duplicate complaints, as well as more information available to field staff to respond to citizen questions, etc.

Ms. Guzman introduced Kelly Montgomery, Neighborhood Services Team Manager, and Barbara Weaver, Information/Communication Services Department Director. She said there had been great teamwork from all three departments in order to initiate this program.

Mayor Serna asked if the new system could accommodate a GIS system, including CAD, and Ms. Guzman responded that it could, that eventually all systems will link together.

Mayor Serna commented that the new system will have the capability to draw property maps, process live permits, etc.

Bill Edgar, City Manager, cautioned that it would be unwise to oversell the system; he advised Ms. Guzman to tell Council what the system would and would not do. He stressed that at this time, the intent is to build a firm foundation, to ultimately tie-in with the Police Department and Code Enforcement. The focus now is to automate the permit system.

Councilmember Ortiz expressed optimism re: the projected services. Ms. Ortiz said her main area of interest is in tracking housing problems, such as vacant, substandard, and dangerous buildings. She asked if the City would be able to access the Metroscan system, to which Ms. Guzman replied affirmatively. Ms. Ortiz inquired if the capability would exist to follow exactly where a problem is during processing, and Ms. Guzman replied that would be possible except for the first phase.

Ms. Ortiz also inquired as to whether the City Attorney's office, Revenue, and Design Review will eventually be linked so that proper licenses, permits could be tracked, to which Ms. Guzman replied affirmatively. She stressed that this is the foundation only at this point; it is expected to be 22 months before the whole foundation system is in place.

Councilmember Kerth said there is a tendency to overexpect re: the capabilities of new systems. He expressed concern that the system will perform as presented; he requested that problems be delineated. Ms. Guzman said she would provide a complete listing of the information Mr. Kerth requested.

Councilmember Fargo inquired as to why the time frame was 22 months, and if the City purchasing policies were creating the delay. Ms. Guzman replied that it takes time to buy and install. New software must be prepared and tested.

Barbara Weaver, Director, Information/Communication Services, explained that the data must be converted and loaded onto the new machine. Part of it is keyed in by hand, and some conversion programs must be written.

Ms. Fargo asked why the same programs could not be used that are being used by other cities immediately, and Ms. Weaver said that each city does business differently. The standard programs must be tailored to conform to the procedures of each individual city. Ms. Guzman gave examples of such variations as permit numbering systems, different fee structures, ordinances, etc.

Mr. Edgar stressed that City Council must know that management is concerned re: what has happened in other areas. Thorough research has been done so as to do the job properly and provide an effective foundation that works well.

Ms. Weaver said that a phased approach had been chosen in order to avoid problems.

Ms. Fargo inquired as to when the neighborhood nuisance 24 hour phone line would be accessible, and Ms. Guzman replied that it would be during the first phase. Ms. Fargo asked if the system would do labels for the applicant; Ms. Guzman replied that it would, because of access to Metroscan.

Ms. Fargo asked what would happen to the 2.8 positions expected to be phased out as a result of the installation of the new system, asking if the fee structure would be reduced since there would be less staff. Ms. Guzman replied that they are clerical people who are needed for now.

Ms. Fargo asked if Public Works would be linked in, and Ms. Guzman replied that it would, at the end of the process. Ms. Fargo said she felt it would be good to establish conditions to inform people exactly when an inspector would be there to inspect.

Mayor Serna said he realizes that staff has worked hard to provide the best possible customer service.

Councilmember Kerth asked if the new software changes would be owned, and Ms. Weaver responded that it would, and could also be modified, using our own source codes.

Mayor Serna said he was glad to see the program getting started, that he realized how far behind the City has been technologically.

A motion was made by Councilmember Kerth, seconded by Councilmember Ortiz, to adopt Resolution No.96-168 approving Agreement No.96-053. The motion carried by a 7-0 vote, with Councilmembers Cohn and Pannell being absent.

RESOLUTION NO. 96-168

RESOLUTION APPROVING A CONTRACT WITH SIERRA COMPUTER SYSTEMS, INC. TO PROVIDE AN AUTOMATED PERMIT SYSTEM.

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5.0 S.H.R.A.

None

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6.0 CITIZENS ADDRESSING COUNCIL (MATTERS NOT ON AGENDA)

(A Three minute time limit is imposed on speakers addressing the Council under this heading)

None

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7.0 COUNCIL IDEAS AND QUESTIONS

- 7.1 Councilmember Steinberg expressed concerns re: the recent troubles at Hiram Johnson High School. He said that most students were there to learn, and only a few members of the student body were threatening the safety of the rest. He noted that the principal is working to seal off problem areas of the campus, initiating a strict dress code, and establishing tighter discipline.

Mr. Steinberg requested the Police Department to report back with information identifying the large number of students at the school who are either on probation or gang-affiliated. He called for a discussion to provide the principal with as much confidential information as legally possible.

Mr. Steinberg thought it would be advisable to consider removing these students from the regular high school system and providing alternatives for the trouble-makers.

Councilmember Pannell said that students on probation are required to attend school.

Mayor Serna indicated that he would have the commission review the problem. He said a change of State law may be necessary.

- 7.2 Councilmember Yee discussed the unsightly posting of handbills on telephone poles and other public places. He questioned the City Manager, re: the strength and effectiveness of City codes and enforcement, since this situation continues to be a nuisance.

Councilmember Fargo said she had informed some young people in the downtown area who were posting bills that it was illegal to do so, and they had been unaware of that ordinance. She suggested the City install more kiosks for those who wish to post handbills.

- 7.3 Councilmember Fargo asked the City Manager to remind City staff members to better index and number pages of staff reports. She felt it was particularly confusing when staff reports are large.

- 7.4 Councilmember Pannell inquired of Mayor Serna whether the Mayor's Commission would be coming back to Council, and Mayor Serna indicated that the Commission would do so in June or July.

- 7.5 Mayor Serna said that certain problems have arisen around the opening up of the telecommunication/cell phone industries, with a large number of pending requests for towers. The Mayor suggested that policies be established to control the proliferation and siting of PCS broadcasting equipment and cell phone towers. He requested that the City Manager report back.

The Mayor also expressed his desire to have fiber optics technology made available to all MATS communication infrastructure. He instructed that at the opening of every street in the City, fiber optics be laid down.

Bill Edgar, City Manager, agreed with the Mayor re: the pending requests for telecommunication/cell phone towers, and said he was reluctant to approve 40 applications before a policy is in place.

* * * * *

8.0 Recessed into Closed Session at the hour of 4:35 p.m.

8.1 Pursuant to Government Code Section 54956.8 for discussion with members of the City Real Estate Division regarding the following matters:

a) Lease of the U. S. Bank Building, located on the corner of 9th and J Streets, and the lease of the Christopher Building, located at 1000 G Street related to the relocation of City Attorneys office;

8.2 Pursuant to Government Code Section 54956.9(b) for discussion on matters relating to a significant exposure to litigations; three potential cases.

8.3 Pursuant to Government Code Section 54956.9(c) for discussion of matters relating to initiation of litigation; two potential cases.

* * * * *

There being no further business to come before the City Council, the meeting was adjourned at the hour of 5:20 p.m.

Submitted

for Virginia K. Harvey
Valerie A. Burrowes, City Clerk

Approved

Joe Serna, Jr.
Joe Serna, Jr., Mayor

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 23, 1996

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: Councilmembers Cohn, Fargo, Kerth, Ortiz, Pannell, Steinberg, Waters, Yee and Mayor Serna

Absent: None

PLEDGE OF ALLEGIANCE was led by Mayor Serna

9.0 SPECIAL PRESENTATIONS/GENERAL COMMUNICATIONS

- 9.1 Resolution recognizing the 1996 Festival De La Familia to be held in Old Sacramento and Downtown Plaza on Sunday, April 28, 1996, 10 A.M. to 6 P.M.; Sacramento Bee Festival video.

Mayor Serna presented the Resolution, commenting that he wished to have Sacramento known for its festivals.

Dr. Joseph Sanchez, Chair of Festival De La Familia for 1996, presented a brief video to Council showcasing the events of the festival in prior years. He said that Sacramento sponsored it in the first year, when fifty thousand people attended; now that number has grown much larger. It is a joyous occasion, celebrating entertainment, arts and crafts, and food of the Latino culture.

Dr. Sanchez said to commemorate the 5th year of the festival, he wished to present 3 awards: one to the Mayor, one to the Royal Chicano Air Force (a group of artists), and one to the Sacramento Bee. Dr. Sanchez was pleased to recognize David Martinez, Jack Crist, and many others, including the Fire and Police Departments, and community volunteers for all of their assistance which helped to make the event a success.

Dr. Sanchez presented T-shirts and other gifts to Council, and expressed his appreciation for all of the support from various businesses and City Council.

Mayor Serna said he was pleased with the strong community effort and all of the sponsorship which afforded a chance to celebrate the Latino culture.

Councilmember Ortiz expressed her thanks to Dr. Sanchez and the rest of the community, saying she was impressed with the event.

9.2 Recognition of City Manager Academy Graduates.

Bill Edgar, City Manager, was pleased to recognize the second graduating class of the City Manager's Management Academy. He said the program was an attempt to de-mystify government, familiarizing citizens with how government works.

Don Souza, a resident of District 1, said he was honored to have attended the Academy, that it had diminished his cynicism re: the workings of government.

Janice Hill presented a certificate of appreciation to Mr. Edgar, on behalf of the graduates.

Mayor Serna said he was pleased with the continual opening-up of the City government.

* * * * *

10.0 PUBLIC HEARINGS

- 10.1 Appeal of the City Planning Commission decision approving a Tentative Map to subdivide 285± vacant acres into 14 lots for a mixed use development comprised of open space elements, residential, and commercial development in the proposed "Hansen Lakes PUD"; various planning entitlements, located at the north end of Norwood Avenue west of Rio Linda Boulevard, North Sacramento/Robla Area (P92-212) (PFP'd 4/16/96, item 1.11) (D-2):
- A. approve Findings of Fact denying the appeal
 - B. approve the Environmental Impact Report (EIR)
 - 1. certification of the Hansen Lakes PUD Environmental Impact Report (SCH #94062028)
 - 2. approve Findings of Fact and Statement of Overriding Considerations
 - 3. Mitigation Monitoring Plan
 - C. amend North Sacramento Community Plan and the General Plan
 - D. establish the Hansen Lakes PUD and Schematic Plan
 - E. adopt rezone ordinance
-

Discussion of this item centered around the feasibility of subdividing 285± acres in an existing floodway and developing the land for multi-use purposes. Two appeals were filed against the Planning Commission's approval of the Tentative Map for the proposed Hansen Lakes project. The General Plan and Community Plan Amendments, Rezone, and PUD Designation and Schematic Plan are related entitlements requested for the project. The appellants claim that the floodplain encroachment is not adequately addressed, levee relocation is inconsistent with SAFCA's levee plans and schools in the immediate area will be greatly impacted. The community spokespersons indicated that the increase in traffic is of major concern.

Both the City Planning Commission and City Council were in support of urbanizing this area of the Community Plan by allowing development to occur inside an existing floodplain, providing mitigation measures were implemented. Since the original application submittal (5/21/93), the project was revised several times in response to staff and community concerns.

The most significant policy issue of the proposed project pertains to the existing rural estates land use designation and whether or not the City is willing to allow urban development in an area originally planned for rural estates development due to the existing 100 year floodplain. As part of the Early Review Process, both the City Planning Commission and City Council made the tentative decision to allow urbanization in the project area and relocation of the levee. *subject to a finding that the urbanization would not affect the floodway elevations and that adequate environmental mitigation of disturbed wetlands would be provided.*

The City's current policy allows development to encroach within the floodplain as long as the regulatory floodway elevation is not exceeded. Extensive analysis has found that the project as proposed, with adequate mitigation, will not impact the floodway nor the surrounding residential neighborhoods and will create a replacement open space element which serves the community.

Bridgette Williams, Associate Planner, in response to concerns expressed by residents of the area, said that the applicant had agreed to the realignment of the Sully Street intersection and to change the public street to a private one. The applicant also agreed to carefully locate/relocate high/low density housing and to eliminate the grocery store.

Ms. Williams said that 180 acres of the project would be in the floodplain. On March 13, 1996, the applicant (Mr. Wayne Stoops), the applicant's attorney, (Marcus LaDuca), and City staff met to discuss the Sacramento Audubon Society's and Sacramento Urban Creeks Council's request to include 14 conditions of approval to the Hansen Lakes project.

The impact to the area schools was addressed. Robla School District would expect 300 new students who would be housed in an existing school; Grant Union School would expect to house 158 students.

Marcus LaDuca, Attorney for the applicant, expressed his thanks to staff for all of their hard work. He noted that this project had been in the works for 10 years. Currently proposed changes indicate less mixed-use, less commercial space, fewer apartments and more single family dwellings. Two-thirds of the site would be permanent open space. Several hydrologic studies have found that there would be no adverse impact to affect flood control/floodway elevation; City staff and SAFCA are in agreement with those findings. SAFCA would utilize 46 acres; Hansen Lakes encroachment, 66 acres; 175 acres would be absorbed by an urban park and urban wetlands.

Mayor Serna inquired as to the reason for moving one levee to accommodate one developer. He asked what the real public purpose was, saying he would need to hear a convincing argument.

Mr. LaDuca replied that the project would enhance the whole community, providing mixed-use housing. He said that the developers are committed to providing a high quality product.

Councilmember Steinberg said that while he understood public purpose, it must be balanced against the flood risk. He referred to such problem areas as Morris Creek, Magpie Creek, and Dry Creek. Mr. Steinberg asked how there could be any certainty regarding the findings of four studies which indicated that the project would not increase the flood risk.

Michael O'Hagan, a professional engineer of Spink Corporation, said the base study was a SAFCA one. Studies confirmed that the Hansen Lakes project would not impact water surface or elevation. The levee would meet Corps of Engineers and SAFCA standards. Mr. O'Hagan mentioned the Placer County/Dry Creek watershed. He said that American River Flood Control was concerned. A study evaluated the effect of 40,000 cubic feet of water per second flowing down Dry Creek, in case of a 200 year storm. The relative increased depth was from 6" to 12". Hansen Lakes would store the additional water.

Councilmember Waters inquired as to the distance from the river to the development.

Councilmember Yee inquired as to the velocity of water at 20,000 cubic feet per second.

Councilmember Steinberg questioned the value of the lake itself, since it would be reducing the floodplain by 66 acres.

Mr. O'Hagan replied that the area would be re-graded and excavated to replace lost areas.

Councilmember Cohn inquired about maintenance, particularly sediment considerations, and how to assure that artificially created depressions would not fill in over time.

Mr. O'Hagan said that studies indicated negligible impact regarding that issue, and Mr. Cohn suggested that a commitment to maintain be negotiated in case of infilling. Mr. LaDuca indicated that agreements with SAFCA and coordination with other concerned parties would be devised.

Mayor Serna asked if future homeowners were expected to pay for the maintenance.

Councilmember Fargo inquired as to who would own and maintain the levees. Mr. O'Hagan replied that the levees would be built by a private contractor to conform to Corps of Engineers and SAFCA standards; who would own/maintain the levee had not yet been established.

Councilmember Ortiz raised habitat issues regarding the Swainson's hawk, the egret and heron population, and rookeries. Ms. Ortiz asked if there would be sufficient mitigation.

Dr. John Litke testified that there were no Swainson's hawks known to nest there; if such a nest were to be found, there would be cooperation with Fish and Game to put space between the nesting area and development. If the heron and egret rookeries were within approximately 100 feet to construction, mitigation policies would be developed to avoid nesting season should there be a conflict.

Dr. Litke added that new trees planted would provide new nesting areas; existing trees would be part of the preserve.

Otis Jackson, a resident of North Pointe Community, spoke in support of the public/private enterprise to develop a viable floodplain area. He said he felt it was good business, which would provide move-up housing.

Councilmember Pannell asked if Mr. Jackson had participated in the process, to which he replied that he lived in the project area, and had participated along with many other residents of North Pointe.

Sue Raspberry spoke in support of the project, saying it was an exciting opportunity to develop a high-level way at developer expense vs. SAFCA expense. She felt it would also improve schools.

Doug Austin, Vice President of North Sacramento Chamber of Commerce and a North Sacramento homeowner, said the area is on the east side of the Natomas main drain; he felt if the floodplain review is acceptable, that the project would have a positive impact on the community.

Bob Nelson said he was skeptical two years ago, then attended the community meetings. He now feels that the opponents' views lack credibility. He said it is possible that he would be a future homeowner if the development is approved; he found the lifestyle and amenities appealing. He felt that this project would be a step in a positive direction and would boost the quality of life in the North Natomas area.

Mrs. Dorothy Hill, a neighborhood association representative, spoke in support of the project. She said it would provide desirable senior housing, bring in a tax base, and felt it would aid reprivatization of McClellan AFB.

Patrick Borin said he had worked on the project from beginning to end. SAFCA will move the levee whether or not the project is approved. Looking at the benefits all the way around, he said the City would be getting a substantial infrastructure benefit at developer's expense, as well as a park and tax base.

Mayor Serna questioned the location of the golf course, and was informed that it was adjacent.

Tom Bright asked what the targeted income would be for the residents of the apartments, saying that the lower the rent, the higher the police problems.

Mary Tappel spoke in support of the project and proposed a compromise: additional flood control insurance in the form of a multi-use retention basin upstream, instead of arguing about the impacts. She suggested that additional retention upstream could be of benefit, as a large number of heritage oaks are being lost; dams form from debris.

Franklin Tilley urged caution, taking a neutral position. He referred to some State projects currently in the works under the Hazard Mitigation Program (notably, funding of the Dry Creek Regional Project). At this point, it is possible that proceeding with the Hansen Lakes project could result in the loss of FEMA funding later on.

Connielee Masterman spoke at length in opposition to the project, on behalf of a contingent of existing homeowners. She expressed concern that moving the levee would not solve the problems, that the whole system needs upgrading. She cited problems with the school system, which it was feared would worsen, as well as concerns about adequate crime control. She said the existing police force can't handle the current crime problems. If the project is approved, she indicated the desire of the homeowners for certain conditions to be met:

1. Levee improvements to be completed by November, 1996.
2. Builder proposal indicates change to the south side for the condos. Homeowners want single family homes to back up to single family homes.
3. Do not make Sully Street into a four lane road; it is a T intersection which dead-ends at the levee. Homeowners want it to remain a 2 lane road, not a 4 lane.
4. Street rerouting from a cul-de-sac to a through street will increase traffic, make it unsafe for children to play.

Ms. Masterman said she felt the area would hold no attraction for an upper-end buyer. She requested a response to her appeal.

Councilmember Fargo said a meeting with staff would occur later regarding the road issue.

Councilmember Waters inquired as to the current real estate values and proximity to grocery stores in the area, and Ms. Masterman replied that depending on size, the range is from \$89,900 to \$159,500 in the North Pointe subdivision, with most residents buying groceries from Dave's Market, the South Natomas Bel Air, or Albertson's.

[Vice Mayor Steinberg sat in for Mayor Serna at 9:10 p.m.]

Councilmember Cohn asked why Ms. Masterman was skeptical about upper-end housing, to which she replied that the area does not lend itself to high end housing; there is nothing there to attract that market. She expressed concern about what would happen if the area were rezoned, changed. She spoke strongly against apartments.

Bridgette Williams indicated that staff would be coming back with PUD guidelines.

Councilmember Kerth asked for clarification about the parcel that backs to single family homes. On Sully, the road within the new housing division would have to be a four lane road; he said it made sense with the expected growth in the region. He said Mr. Stoops had agreed to widen the road at Sully by 10 feet. It is not yet four lanes, but probably in the future it would become four lanes.

Councilmember Kerth said he was troubled by comments on Robla School District. He said there is a new school at Glenwood Meadows; the bond issue passed, and two more are being built; there is not quite enough funding to complete the third school.

Mr. Kerth said that Fire resources are allocated when warranted by higher population development.

He said that he wants the entire City brought up to higher flood standards, that changes are in the works. He noted the lack of confidence expressed by Ms. Masterman that the proposed levee would solve the flooding problem.

Mr. Kerth said to look to the future of the North Sacramento community, that he believes there will be a demand for upscale housing. Ms. Masterman said it was necessary to be realistic, to address problems now.

Councilmember Fargo asked why there had been no response to Ms. Masterman's appeal; she asked if staff had failed to respond.

Staff responded by referring to the SAFCA letter on page 12 of the staff report, and another letter addressed to Alta Tura dated March 26, 1996 in which 14 questions received responses.

Roger Bshara, a resident of the area, expressed his concerns about the impact to the drainage problem in front of his house once the levee is moved.

Alta Tura, Audubon and Wild Creeks Council, spoke in opposition to the project, expressing concerns about the encroachment into Dry Creek. She said the final EIR does not indicate that the project must be sited in the flood plain; she suggested that an alternate site be selected. Her concerns were for the birds and the trees. She requested that mitigation measures be imposed if the project received approval.

Councilmember Steinberg asked if concerns would be alleviated by providing an adequate dredging plan.

Tom Whitney spoke against the project, saying the map shows flooding on Dry Creek. He referenced a Bee article which reported 220 homes flooded in a prior storm season, and cited the FEMA advisory that homes be moved out of the flood plain rather than new ones built. He expressed concerns about sediment movement. Mr. Whitney pointed out that different jurisdictions use different methodology to calculate runoffs; he advocated consistency.

Mayor Serna asked Scot Mende why there had been no response to Ms. Masterman and her neighbors' appeal.

Scot Mende, Senior Planner, asked Gary Rentz to come forward to respond to technical questions.

Gary Rentz, Utilities, responded to Tom Whitney, saying that analyses were done by consultants, all were reviewed, City staff concurs. There would be no significant change in water level elevations if the levee were moved.

Butch Hodgkins, SAFCA, did a technical analysis prior to SAFCA meeting; the analysis indicated no impact. As a matter of general policy, SAFCA does not recommend building in a flood plain. He said that this project plan is to construct a levee in an area where there was none before; it is to close a gap in the levee system.

Mr. Hodgkins said that SAFCA plans to construct a temporary levee. Conditions in this project are that the proponent must construct a levee by 1997. He said that he can't guarantee that people won't have to buy flood insurance for another year. No sediment is in evidence in Dry Creek after a storm; erosion is not a concern.

Councilmember Cohn asked Mr. Hodgkins if he had the same degree of confidence in the developer's levee as if it were constructed by SAFCA. Mr. Hodgkins replied that he did, so long as it was built to SAFCA standards and overseen by SAFCA. Mr. Cohn questioned him further about the basic policy issue.

Councilmember Yee asked where the golf course land was located, saying it could line up the levee.

[Mayor Serna called for a vote by 10:30 p.m. Councilmember Pannell suggested that the meeting not go beyond 11 p.m.]

A motion was made by Councilmember Waters, seconded by Councilmember Pannell, to continue discussion on this item until 11 p.m. The motion carried by a vote of 9-0.

Councilmember Fargo inquired if savings anticipated by SAFCA were true savings. Mr. Hodgkins replied that if done according to the project, the cost would be \$1.5 million; if done temporarily, \$500,000. SAFCA would save \$1.2 million in construction costs; additionally, flowage easement would be needed, which would be another source of savings.

Ms. Fargo asked if the depth would be monitored; Mr. Hodgkins replied that the details regarding maintenance responsibility must be worked out.

Mayor Serna raised the question of sequence; Mr. Hodgkins said that SAFCA had planned to construct this summer. He said perhaps Mr. Stoops, the applicant, may not be able to get his financing or permits all in place until 1997. If there is a developer delay, then SAFCA must build a temporary levee.

Councilmember Kerth asked what effect there would be on water surface elevations above and below the project; Mr. Hodgkins replied that downstream cannot be affected, but upstream could. Studies indicate there would be no upstream effect.

Mr. Kerth remarked that an interim levee would not be a throwaway at a cost of \$600,000. He said that regardless of Hansen Lakes, we are providing 100 year levees without free board, and expressed his concerns about flooding, referring to technical and engineering problems. He asked whether all engineers were in agreement with the studies which indicated there would be no impact to surface water elevation, and Mr. Hodgkins responded affirmatively.

Councilmember Steinberg proposed additional excavation of the lake in order to offset; SAFCA was in agreement with that approach. Mr. Hodgkins cautioned that vegetation must be planted so that it does not impede water flow.

Mr. Kerth requested timely settlement of the issue.

Ted Smith, General Manager of the American River Flood Control District, stressed that the policy was to NOT permit encroachment in a designated floodway. The District is responsible for operation and maintenance of 35 miles of levees. It would be responsible for the operation and maintenance of Hansen Lakes levee. He said the intent of the American River Flood Control District was to deny necessary permits and to disallow any rights encroaching on Dry Creek.

Councilmember Cohn asked for Mr. Smith's personal and professional opinion on whether or not the project as designed would provide adequate flood protection. Mr. Smith replied that the potential for future needs may be inadequate; the structural integrity would be acceptable.

Mayor Serna inquired as to the final authority for approval for the project; Councilmember Kerth replied that the City Reclamation Board was, and that if the State agrees with the Flood Control District, an appeal would be filed.

Councilmember Pannell inquired as to the number of trustees on the Board, and Mr. Smith answered that there were 5. The vote on allowing the project had been 3-2 against.

Councilmember Yee asked if Mr. Smith was concerned about future drainage control in the area, to which Mr. Smith replied affirmatively. Mr. Yee commented that the planned capacity was for 20,000 cubic feet per minute, which to him seemed to be more than adequate.

Mr. Smith said the storms appear to be worsening; he wanted a 200 year levee, did not want to foreclose opportunity to leave options open to deal with future heavy storms. He said if a policy were put in place to resist this, preparations must be made to advise the Board on non-technical as well as engineering issues.

Councilmember Pannell remarked that the whole City is built on a flood plain; weather patterns cannot be predicted. He felt that all parties concerned must do what is best for the City.

Councilmember Steinberg pointed out that the proponents are planning to deepen the channel to make up for lost space. Mr. Smith conceded that technically that was a valid premise.

Councilmember Waters noted that the bottleneck is the east main drain, whether the levee is moved or not. Mr. Smith has not analyzed all data; he is waiting for a proposal from a consultant to analyze.

Mr. Steinberg remarked to Mr. Whitney that one area of uncertainty had to do with the weather vs. deepening the levee. He asked what the impact would be on future development elsewhere on the floodplain if Council disallowed this project. If the flow of water was underestimated, and action taken to prohibit development in the flood plain, then it was logical to extend that prohibition to include all other areas.

Tom Whitney wanted all of the levees upgraded to provide better protection.

Mayor Serna asked for clarification of the difference between developing in a flood plain vs. a floodway. Gary Rentz said it was qualitative, a judgement call, defined legally by FEMA; encroachment on a floodway may not raise water levels by more than one foot.

Councilmember Steinberg asked what effect there would be if Council delayed its decision for 2 weeks. Mr. LaDuca replied that the permit process would be delayed, causing further difficulty to the project.

A second motion was made by Councilmember Waters, seconded by Councilmember Yee, to continue discussion until this item was concluded. The motion carried by a 5-4 vote, with Councilmembers Fargo, Ortiz, Steinberg and Serna voting no.

Jim Bacchini, Parks & Recreation, said he wanted the wetlands at Hansen Ranch left untouched. He suggested that the golf course be relocated to Hansen Lakes.

David Hahn spoke in opposition to the project. He said he lived adjoining the project. He said the motive seems clear: developer profit. The developer bought the property cheaply, and Mr. Hahn supports the concept to choose another, less controversial site. He expressed disappointment that the appeals filed were not answered directly, nor were appellants notified prior to decisions.

Alberto Hernandez, a resident at 5195 Sully Street, said he has 3 children and likes the quiet atmosphere; he does not want a boulevard in front of his house, creating more traffic and additional police and fire problems.

Teresa Boune, a resident in an area north of Ascot, does not want the street to go through the development; she spoke against apartments being built there, and said she wanted Ascot to be maintained as the quiet street that it is now.

Carol Stubbs, a representative of Valley View Acres Community Association, expressed concerns about flooding problems. If engineering evaluations are not accurate, she said that residents always suffer. She also disagreed with Dr. Litke's statement that Swainson's hawks are not present on the property, because she has seen them there on numerous occasions.

Randy Johnson, a resident of the Robla area, expressed concerns about increased traffic. He said flooding in 1995 was caused by one storm in one night. He requested a traffic study for a worst-case scenario if the floodgates failed, saying he felt there would be trouble in evacuating the area. He also expressed concern over the impact to area schools.

Amanda Ridgeway said she was a property owner in both North Sacramento and Rio Linda. She expressed concerns about Rio Linda flooding. She also expressed evacuation concerns should the levee fail; she wanted to know who would pay liability in the event of a flood. Mayor Serna told her that the homeowners would be liable. She felt she was already being assessed excessively for her properties.

Beverly Dir spoke as a Board member of Valley View Acres Community Association, representing 142 homes. She expressed concerns about adequate clean parkland, how the lake quality would be maintained for swimmers, and what effect the use of water quality chemical treatments might have on the sensitive wetlands ecosystem. She felt the lake would be an attractive nuisance presenting safety issues. Wetlands mitigation is a concern of the Union Pacific Railroad, she said.

Councilmember Fargo pointed out an inconsistency in the staff report and resolution about how many acres were involved. Staff replied that the resolution was correct, with a figure of 180 acres. Ms. Fargo asked who would own, maintain the park, open space and recreation area, including lake and wetlands.

Scot Mende, Senior Planner, said the ownership issue is not yet settled. There would be a public trail, or easement.

Ms. Fargo asked if there were any provision to ensure that the condos would be sold. Mr. Mende replied that each unit must have the ability to be saleable. The City, he said, does not have authority to require that they be sold.

Mayor Serna asked if the golf course would be owned by the City. Mr. Edmisten replied that was a separate project.

Councilmember Kerth spoke strongly in favor of the project. He noted that it was a complicated project, that both sides of the debate had strongly held beliefs which must be tested with factual analysis. He pointed out that the studies indicate there will be no impact, that it is a safe project. He stressed the benefits of Council approval.

A motion was made by Councilmember Kerth, seconded by Councilmember Waters, to adopt staff recommendations, Items 1-5, with added conditions: 1) adopt a no-supermarket policy similar to the Truxel Road situation; 2) study additional SAFCA upstream storage space; 3) money to be derived from project for maintenance of open space; 4) review the levee closure, other mitigation options - possible sound buffer; 5) abut land parcels of single family to single family, and to adopt Resolutions 96-169; 96-170 as amended; 96-171 as amended; and Ordinance 96-017, as amended. The motion carried by a 5-4 vote, with Councilmembers Fargo, Ortiz, Steinberg and Mayor Serna voting no.

During a discussion following the motion, Councilmember Ortiz cited competing expert opinions, saying she would have preferred a solid expert opinion, and would have preferred to delay the decision. She felt there were legitimate environmental concerns, referring to the Audubon Society and a balancing process between environmental and economic development issues.

Ms. Fargo said she felt that floodway vs. floodplain was a consideration, and did not want to limit options down the road to increase flood protection. She expressed concern about environmental issues and the density of the project weighed against the location.

Mr. Yee said, as an engineer, he saw no reasons from a technical standpoint to disapprove; he felt it was an economically sound venture.

Mayor Serna said he had given the economic development aspect serious consideration, but his main concern was his disapproval of building directly in a floodway; for him that was the deciding factor.

Councilmember Waters said he was in support of the project because of the economic benefits and growth it provides.

Councilmember Pannell spoke in support because of the move-up housing it would provide.

Councilmember Steinberg said that he weighed the balance of information given on the technical end, and felt that the project would provide sufficient protection. He said he understood that this was only the first phase, that the PUD would return.

Councilmember Cohn said he was not in favor because he felt it was unwise to build in a flood plain or flood way. He felt that everything possible should be done to protect against the dangers in that.

RESOLUTION NO. 96-169

A RESOLUTION OF THE CITY COUNCIL CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION, AND ADOPTING A MITIGATION MONITORING PLAN FOR APPROVAL OF THE PROPOSED HANSEN LAKES PUD LOCATED WEST OF RIO LINDA BLVD. AND SOUTH OF ASCOT AVENUE IN THE NORTH SACRAMENTO COMMUNITY PLAN AREA. APN: 226-061-001,02,04,05,016, 020; 226-070-051,953,054.

RESOLUTION NO. 96-170, AS AMENDED

A RESOLUTION AMENDING THE NORTH SACRAMENTO COMMUNITY PLAN AND THE GENERAL PLAN FOR 285± ACRES FOR THE PROJECT KNOWN AS HANSEN LAKES (PN92-212) (APN: 226-061-001,02,04,05,016,020; 226-070-051,053,054)

RESOLUTION NO. 96-171, AS AMENDED

A RESOLUTION ADOPTING A SCHEMATIC PLAN FOR THE PLANNED UNIT DEVELOPMENT KNOWN AS HANSEN LAKES (P92-212)

ORDINANCE NO. 96-017 (AMENDED)

ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED BY REZONING 285 ACRES FROM A (AGRICULTURE) TO AOS-PUD, SC-PUD, R-1A-PUD, R-2B-PUD, R-3-PUD FOR THE HANSEN LAKES PROPERTY LOCATED WEST OF RIO LINDA BLVD. AND SOUTH OF ASCOT AVENUE (P92-212) (APN: 226-061-001,02,04,05,016,020; 226-070-051,053,054)

11.0 STAFF REPORTS

11.1 Proposed Movie Theater Policy: (D-All)

A. the Downtown Partnership is requesting adoption of the policy statement immediately.

OR

B. the City Manager recommends that the Council hear the item and continue to May 2, 1996.

Bill Farley, Economic Development Manager, requested that this item be continued to May 7, 1996 so that discussions may be held with various stakeholders.

Tom Carroll, of the Downtown Partnership, agreed to the continuance.

Don Souza spoke in favor of the proposed movie theatres, saying that Sacramento used to have many fine old theatres, most of which have been torn down. He said that the Crest and the Tower are the only ones remaining. He felt that the new theatres would help to decrease crime in the area and help to revitalize it.

Councilmember Waters spoke for Councilmember Yee and himself, thanking Mr. Souza for the movie theatre history.

Mike Mayfield, owner of Schlotsky's Deli, said as a new business owner, he is struggling to hold on; he feels increased night-time business provided by the theatres would help him considerably, and spoke strongly in support of the theatre proposal. Mr. Mayfield is on the Thursday Night Market committee as well.

Tom Bright expressed concerns over safety and said he was skeptical about the value of the theatres.

Randy Hicks, of Farley's restaurant, noted that his sales are up 30% due to the Thursday Night Market. He spoke strongly in favor of the theatres, saying he wanted to see both sides of K Street Mall developed.

A motion was made by Councilmember Fargo, seconded by Councilmember Waters, to continue the item until May 7, 1996. The motion carried by a 9-0 vote.

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12.0 S.H.R.A.

None

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

None

14.0 COUNCIL IDEAS AND QUESTIONS

None

15.0 ANNOUNCEMENTS

None

There being no further business to come before the City Council, the meeting was adjourned at the hour of 11:55 p.m. in memory of Caesar Chavez.

Submitted


Virginia K. Henry, Asst. City Clerk

Approved


Joe Serna, Jr., Mayor