

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

February 13, 1996

CALL TO ORDER

The Regular Meeting of the Sacramento City Council was called to order by Mayor Serna at 2:07 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 1.10)

A motion was made by Councilmember Fargo, seconded by Councilmember Ortiz, to waive the reading and adopt the consent calendar, Items 1.1 through 1.9, except Item 1.10, which was pulled for discussion and passed by separate vote. The motion carried with a 9-0 vote.

Public Review Items - Informational Only

None

Sacramento Housing and Redevelopment

None

City Council

- 1.1 Approval of Supplement No. 1 to City Agreement No. 95-017 with Melvin H. Johnson, P.E. for the City-County Office of Metropolitan Water Planning for an amount not to exceed \$17,337 for the fiscal year 1995-1996. (D-All)

Adopted Resolution No. 96-062.

RESOLUTION NO. 96-062

RESOLUTION AUTHORIZING THE CITY MANAGER AND THE CITY CLERK TO EXECUTE SUPPLEMENT NO. 1 TO CITY AGREEMENT NO. 95-017 WITH MELVIN H. JOHNSON, P.E. TO FULFILL THE POSITION OF EXECUTIVE DIRECTOR FOR THE CITY-COUNTY OFFICE OF METROPOLITAN WATER PLANNING FOR AN AMOUNT NOT TO EXCEED \$17,337 FOR FY 1995-96.

- 1.2 Ordinance adopting procedures and requirements for consideration of development agreements between the City of Sacramento and California Almond Growers Association (M95-003). (D-All)
-

Ordinance was passed for publication and continued to February 20, 1996.

- 1.3 Truxel Road Interchange Project (PN:TH42) - approval of amended cooperative agreement with Reclamation District 1000 for providing canal relocation, located at Interstate 80; South Natomas. (D-1)
-

Adopted Resolution No. 96-063 approving Agreement No. 96-021.

RESOLUTION NO. 96-063

RESOLUTION APPROVING AN AMENDED COOPERATIVE AGREEMENT WITH RECLAMATION DISTRICT 1000 FOR PROVIDING CANAL RELOCATION ON THE TRUXEL ROAD INTERCHANGE PROJECT (PN:TH42)

- 1.4 Truxel Road Extension Project, located between San Juan Road and Interstate 80 (PN:TG06) - approval of Supplemental Agreement No. 1 to consultant services Agreement No. 90-067 with Dokken Engineering, in the amount of \$79,850. (D-1)
-

Adopted Staff recommendation to approve Supplemental Agreement No. 1.

- 1.5 Sand Cove Park Land Exchange, located due east of 2111 Garden Highway - authorization to execute an agreement with Walter Harvey, adjacent property owner, increasing Sand Cove Park Beachfront. (D-1)
-

Adopted Resolution No. 96-064 approving Agreement 96-022.

RESOLUTION NO. 96-064

RESOLUTION AUTHORIZING THE EXECUTION OF AN EXCHANGE AGREEMENT WITH WALTER HARVEY FOR REAL ESTATE AT SAND COVE PARK

- 1.6 Request to open an application period for the Parks and Recreation Citizens Advisory committee. Six openings due to the 05/20/96 term expirations scheduled for Sukhdev Rye, Selby Fermer, Linda Haxel, Cheryl Zeh, James Bacchini, and Barbara Grachen. (Planning Areas: 2,6,7,8,9,10)
-

Application period was opened; applications due March 15, 1996.

- 1.7 Revenue Recovery Services contract award to Municipal Resource Consultants (MRC) in an amount not to exceed \$500,000 annually. (D-All)
-

Adopted Resolution No. 96-065 and Resolution No. 96-066 approving Agreement No. 96-023.

RESOLUTION NO. 96-065

RESOLUTION APPROVING THE CONTRACT BETWEEN THE CITY OF SACRAMENTO AND MUNICIPAL RESOURCE CONSULTANTS (MRC) FOR SALES/USE TAX AUDITING AND OTHER RELATED REVENUE RECOVERY SERVICES IN AN AMOUNT NOT TO EXCEED \$500,000.00

RESOLUTION NO. 96-066

RESOLUTION AMENDING THE FINANCE DEPARTMENT, REVENUE DIVISION FY 1995/96 REVENUE AND OPERATING BUDGET BY AN INCREASE OF \$120,611

- 1.8 Appeal of Predovich Properties, Inc. Profit Sharing Plan from the decision of the Construction Codes Advisory and Appeals Board regarding the conditional occupancy permit, located at 1719 24th Street. (Construction Codes Advisory and Appeals Board, 01/23/96) (D-3)
-

This information was received and filed. Hearing to be held at McGeorge School of Law at 9:00 a.m. on Monday, February 26, 1996.

- 1.9 Mayoral appointments for various Boards and Commissions upon which Councilmembers serve (Appointments made 2-6-96, item 1.14) (D-All):
-

All appointments were confirmed.

Law and Legislation Committee - *Ortiz (Chair), Fargo, Steinberg, Waters*
Personnel and Public Employees Committee - *Cohn (Chair), Fargo, Ortiz, Steinberg*

American River Water Resources Study - *Yee, Kerth (alt)*

Quarterly, Thursday, A.M.

County Sanitation District #1 - *Pannell*

Crocker Art Museum Co-Trustees - *Mayor, Fargo (alt)*

4th Tuesday at Noon

Local Agency Formation Commission (LAFCO) - *Kerth*

1st Wednesday at 5:30 p.m.

Overall Economic Development Program Committee - *Yee*

1-2 times per year at noon

Regional Transit Board (RT) - Kerth, Ortiz, Steinberg, Pannell
 2nd & 4th Monday at 6:00 p.m.

Sacramento Area Commerce and Trade Org (SACTO) - Mayor, Waters
 2nd & 3rd Wednesday (alternating each month)

Sacramento Area Council of Governments (SACOG) - Kerth, Fargo (alt)
 3rd Thursday at 9:00 a.m.

Sacramento Area Flood Control Agency (SAFCA) - Fargo, Kerth, Cohn,
 Ortiz (alt), Steinberg (alt)
 4th Thursday at 1:00 p.m.

Sacramento City Financing Authority - Mayor, Steinberg
 at least 1 time per year

Sacramento County Disaster Commission - Mayor
 when called

Sacramento Employment and Training Agency (SETA) - Ortiz, Pannell
 1st & 3rd Thursday at 10:00 a.m.

Sacramento Metropolitan Air Quality Management District - Fargo, Ortiz,
 Steinberg
 1st Thursday at 5:30 p.m.

Sacramento Metropolitan Cable Television Commission - Yee, Waters,
 Pannell, Steinberg (alt)
 1st Thursday at 2:30 p.m.

Sacramento Mutual Housing Association Board - Ortiz
 not less than 6 meetings per year

Sacramento Public Library Authority - Fargo, Cohn, Waters, Pannell,
 Yee (alt)
 3rd Thursday - alternate months beginning January at 4:00 p.m.

Sacramento Regional County Sanitation District Board - Pannell (Mayor's
 designee)
 2nd & 4th Tuesday at 9:30 a.m.

Sacramento Regional County Solid Waste Authority (JPA) - Cohn, Yee,
 Waters
 2nd Thursday at 1:00 p.m.

Sacramento Sports Commission - Pannell
 1st Thursday at 12:00 noon

Sacramento Transportation Authority - Kerth, Cohn, Yee, Pannell,
 Fargo (alt)
 2nd & 4th Thursday at 3:00 p.m.

Sacramento-West Sacramento 2 x 2 - Mayor and Fargo
 when called

Sacramento/Yolo Port District/Board of Electors - Mayor and Steinberg

Sacramento/Yolo Port District Commission - Yee and Waters
 2nd Monday at 4:15 p.m.

Technology Steering Committee - Kerth and Yee

Water Advisory Commission - Waters
 3rd Thursday at 7:00 p.m.

ACR132-Hannigan's Rail Committee - Cohn

- 1.10 Increase Agreement #95-267 with Pilot Computer Services Inc. by \$45,200,
 to an amount not to exceed \$95,200. (D-All)

A motion was made by Councilmember Kerth, seconded by Councilmember Pannell, to adopt Staff recommendation to increase Agreement No.95-267 in the amount stipulated. The motion carried by a 9-0 vote.

2.0 SPECIAL PRESENTATIONS/GENERAL COMMUNICATIONS

- 2.1 Recognition of students from Rocklin for donation of money at Christmas to assist with restoration of the vandalized City cemetery.
-

Four students - (Matt Ellston, Megan Woodring, Katie Wagner, and Joe Gillette) - representing each of four fourth grade classrooms of the Parker Whitney School in Rocklin, were applauded by Councilmembers and all others present for their unselfish and positive contribution to assist with the restoration of the vandalized City cemetery. All present agreed that at a time when there is so much negativity surrounding the general reputation of young people, it is refreshing and uplifting to note that these 90 fourth grade students sacrificed their Christmas gift exchange money, in the amount of \$153.00, to present it to the City. John Betancourt also helped to coordinate their efforts.

Councilmember Pannell suggested that the students be afforded the opportunity to attend Camp Sacramento. His thoughtful suggestion was met with approval from other Councilmembers and applause from all present.

- 2.2 Port Authority update [John Sulpizio/oral report].
-

John Sulpizio reported an expected overall profitable fiscal status of the Port Authority. He said there have been some evaluations made as to the feasibility of a cooperative funding plan, and as a result revisions based on public financing at a local level will not occur. The Port will continue operating, with a more entrepreneurial approach over the long term. The Mission Statement will be more narrowly focused on providing quality transportation services, raising revenues, reducing debt, and improving facilities.

Mr. Sulpizio went on to say that a fine-tuning of administrative methods and staffing has occurred, and that an incentive plan is now in effect. Councilmember Steinberg agreed that the incentive plan is a good idea, and asked if the rank-and-file also participated in this. Mr. Sulpizio replied that he would be working with the Labor Commission on this.

He welcomed Councilmember Yee as the Port Commission's newest member.

Mr. Sulpizio addressed the need for channel deepening in the port, and also some real estate plans which are expected to increase storage facilities for bagged rice.

Councilmember Steinberg inquired as to the reason for expanding membership from the Public Sector while public financing was being lessened, to which Mr. Sulpizio replied that a Public/Private Sector mix was desirable.

2.3 Communication from Howard Jarvis Taxpayers Association re: City of Sacramento General Fund Taxes (D-All)

A motion was made by Councilmember Pannell, seconded by Councilmember Waters, to refer this item to the Law and Legislation Committee. The motion carried by a 9-0 vote.

* * * * *

3.0 PUBLIC HEARINGS

3.1 Granting of variance to driveway permit regulations, City Code 38.13.164(A) for property located at 1137 34th Street. (continued from 1/30/96, item 3.1) (D-3)

A motion was made by Councilmember Cohn,, seconded by Councilmember Kerth, to close the hearing and adopt Resolution No. 96-067, granting the variance. The motion carried by a 9-0 vote.

RESOLUTION NO. 96-067

GRANTING A VARIANCE TO CITY CODE SECTION
38.13.164(a) TO ALLOW AN 8 FOOT DRIVEWAY ON 34TH
STREET, SACRAMENTO

Councilmember Fargo suggested a recommendation to Public Works and Planning that in the future, these variance issues need not be brought before Council, but could be resolved within the respective departments.

Mayor Serna agreed, as did Councilmember Ortiz, who asked why variance is necessary at all in older neighborhoods and suggested that the Code be changed to eliminate that requirement.

3.2 Granting a variance to driveway permit regulations, City Code 38.13.164(a) for property located at 710 26th Street. (D-3)

A motion was made by Councilmember Cohn, seconded by Councilmember Fargo, to close the hearing and adopt Resolution No. 96-068 granting the variance. The motion carried by a 9-0 vote.

RESOLUTION NO. 96-068

GRANTING OF A VARIANCE TO CITY CODE SECTION
§38.13.164(A) TO ALLOW A DRIVEWAY 8 FEET IN
LENGTH ON THE SOUTHEAST CORNER OF 26TH STREET
AND THE G-H ALLEY, SACRAMENTO

* * * * *

4.0 STAFF REPORTS

None

5.0 S.H.R.A.

Public Hearing

- 5.1 "The Community That Cares" Grant, located at North Sacramento and Del Paso Heights: Individual Project Agreement; amendment to budget for authorized funding; Community Development Block Grant Public Hearing. (D-2)
-

A motion was made by Councilmember Kerth, seconded by Councilmember Fargo, to close the hearing and adopt Resolution No. 96-069 approving Agreement No. 96-024.

RESOLUTION NO. 96-069

INDIVIDUAL PROJECT AGREEMENT WITH SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY TO RECEIVE CDBG FUNDS FOR PROGRAM COORDINATOR; ALLOCATION OF ADDITIONAL FUNDS FOR SUCH POSITION; AND RELATED BUDGET AMENDMENTS

John Dangberg, Acting Director of Community Development Department, said this staff report recommends CDBG funding of \$24,000, approximately one-half of the required City match for hiring a staff for a Title V Delinquency Prevention Program known as "The Community that Cares - Growing Up Healthy by Choice Not Chance" program, a grant from the State of California, Office of Criminal Justice Planning (OCJP).

The total cost for each year of "The Community That Cares" grant is approximately \$156,000. Of this amount, \$107,589 will come from the grant funds through the County of Sacramento. The remaining \$47,828 would be the City's contribution. On January 16, 1996 City Council approved the allocation of one-half of that amount or \$23,914 from the Sacramento Metropolitan Cable Television Commission funds. City Council also directed that the remaining amount of \$24,000 be sought from CDBG funds.

Staff Report

- 5.2 Susan B. Anthony Schools Community Facility. (D-7,8)
-

A motion was made by Councilmember Pannell, seconded by Councilmember Waters, to adopt Resolution No. 96-070.

RESOLUTION NO. 96-070

SUSAN B. ANTHONY SCHOOL COMMUNITY FACILITY: 1991 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM STATEMENT AMENDMENT AND AGENCY BUDGET AMENDMENT

John Dangberg said this report recommends the installation and necessary modifications of a relocatable building on Susan B. Anthony School property, located at 9864 Detroit Boulevard in Meadowview for the purpose of providing a community facility for the Detroit Boulevard neighborhood.

In 1991 a special program, the Neighborhood Conservation Program, was initiated by SHRA to revitalize distressed neighborhoods through collaborative efforts with other agencies. The Detroit Boulevard Partnership participants desire a community facility to provide social, educational, and recreational services to the immediate community. The proposed facility would also be used for community meetings, as a Police Department outpost and office space for an eligibility worker provided under the Sacramento City USD Healthy Start Program, which offers integrated services facilitating increased utilization of existing services. The Healthy Start Program also promotes preventive services which will encourage students/families to become less dependent on assistance.

* * * * *

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

* * * * *

7.0 COUNCIL IDEAS AND QUESTIONS

7.1 Councilmember Pannell suggested that criteria be established to assure that various neighborhood association spokespersons do indeed speak for the majority of the people in those neighborhoods. Portland, OR has such criteria in place, and would provide a good model, he felt.

Mayor Serna assigned the issue to Law and Legislation and indicated it would be agendized at a later unspecified date.

* * * * *

8.0 Council recessed into Closed Session at 2:56 p.m.

8.1 Pursuant to Government Code Section 54956.9(a) for discussion of pending litigation in the matter of Anna Gomes vs. City of Sacramento, Sacramento Superior Court Case No. 541095

8.2 Pursuant to Government Code Section 54956.9(b) for discussion of matters relating to a significant exposure to litigation; one potential case.


8.3 Pursuant to Government Code Section 54956.9(c) for discussion of matters relating to initiation of litigation; one potential case

There being no further business to come before the City Council, the meeting was adjourned at the hour of 3:45 p.m.

Submitted


Valerie A. Burrowes, City Clerk

Approved


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

FEBRUARY 13, 1996

CALL TO ORDER

The Regular Meeting of the Sacramento City Council was called to order by Mayor Serna at 7:08 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 Barbara G. Graichen for her years of service and dedication to the preservation of parks, recreation, and open space.

The resolution was presented by Mayor Serna. Jim Bracchini, chair of the Citizens Advisory Committee, and Councilwoman Fargo thanked Ms. Graichen for her commitment and service.

- 9.2 Proclamation declaring the week of February 12-18, 1996 as "Kindness Week".

The proclamation was presented by Mayor Serna. The Council was presented with guardian angel pins by the owners of the Angels and Treasures boutique located in the Howe 'Bout Arden shopping center.

- 9.3 Proclamation honoring Dr. Patricia Samuelson for her outstanding contributions and commitment to public health.

The proclamation was presented to Dr. Samuelson by Mayor Serna.

10.0 PUBLIC HEARINGS

- 10.1 Appeal of the City Planning Commission decision approving: (A) Special Permit to allow 83% office use for an existing non-conforming office building; and (B) Variance to waive 33 of the required 68 parking spaces for a 27,880± office building with 5,720± sq. ft. of warehouse in the R Street Corridor, Heavy Commercial (C-4) zone, for property located at 1719 24th Street. (Planning Commission 10/26/95) (D-3)
-

A motion was made by Councilmember Cohn, seconded by Councilmember Fargo, to continue this hearing to February 27, 1996. The motion carried with a 9-0 roll call vote.

11.0 STAFF REPORTS

- 11.1 Naming of the Recreation Trails Project, located in North and South Natomas, and the North area of Sacramento, the *Walter S. Ueda Parkway*. (D-1,2) (Citizens' Advisory Committee for Parks and Recreation 10/19/95)
-

Vic Edmiston, Park & Recreation Manager, thanked Council members Kerth and Fargo for their support of this recommendation.

Michelle Rudek, Associate Landscape Architect, spoke of the many contributions of Mr. Ueda. She said the naming of the Recreation Trails Project in Mr. Ueda's memory was strongly endorsed by City employees as well as surrounding recreation and park district personnel. She introduced Barbara Graichen, who presented a series of slides of the trails, the parkway and the park.

Roy Imai, County Parks and Recreation, stated that the County staff was very supportive of naming the parkway in Mr. Ueda's honor.

James Bracchini, chair of the Citizens Advisory Committee, informed the Council that his committee voted unanimously to name the parkway after Mr. Ueda.

Mayor Serna stated that Walt Ueda had been a valued member of the city staff and the community.

A motion was made by Councilmember Fargo, seconded by Councilmember Kerth, to adopt Resolution 96-071 naming the parkway after Mr. Ueda. The motion carried with a 9-0 roll call vote.

RESOLUTION NO. 96-071

RESOLUTION NAMING THE RECREATION TRAILS PROJECT
THE WALTER S. UEDA PARKWAY

- 11.2 Power Center Policy [provided for public review 2/6/96, item 1.1] (D-All)
-

Carol Shearly, Associate Planner, stated that Council had directed staff to prepare a policy related to power centers in response to the Natomas Community Association and East Sacramento Improvement Association's requests for Council to adopt policy related to such centers.

Ms. Shearly said the scope of the work used to formulate the Power Center

Policy included three steps: (1) research, (2) preparation of recommendation, and (3) public hearing process. A team of technical advisors led by Planning staff gathered information and research for the policy. The team included staff representatives from City Planning, Public Works, Economic Development, Sacramento Housing and Redevelopment Agency, Regional Transit, and Air Quality Management District. The scope of work was presented to the Planning Commission on September 21, 1995, and to the Council on October 27, 1995.

According to Ms. Shearly, the goal of the policy was to recommend location guidelines for power centers in the City so as to optimize the benefits and minimize the negative impacts of these retail centers on the City, its existing and future retailers, and its residents. To accomplish this goal, the team conducted research and analysis on existing City policy, policies of other jurisdictions, economic impacts of power centers on existing regional, community and neighborhood commercial centers, and environmental impacts. A recommended policy was prepared by Planning staff to reflect the conclusions of the research.

Ms. Shearly spoke of the three sections of the policy: (1) the policy itself, (2) the background information, and (3) the attachments. She said the policy included three general topics: general land use planning; locating power centers and big box retail uses in the Downtown and Redevelopment Areas; and other criteria for power centers, such as circulation, transit and access issues. The background information included: issues that drove the policy formation; adopted City commercial goals and policies; and historical perspective and future trends in retailing.

Ms. Shearly said that the draft policy was released for public review and comment during the November 16, 1995 Planning Commission meeting. The policy was then heard by the Commission on November 30, 1995, January 11, 1996, and January 25, 1996. On January 25, 1996, the Commission voted to recommend adoption of the Power Center Policy and forward it to the Council.

During the hearings, Ms. Shearly said the following major issues were discussed: (1) the need to update the retail sector major study; (2) the effect of proposed outlying regional commercial centers on downtown viability; (3) the need to restrict theater development in outlying areas until downtown theaters were established; (4) concern about project specific economic impact analysis; and (5) concern about performance bond or other similar agreements.

Councilman Waters recommended that instead of requiring a performance bond between the City and the business owner or requiring the business owner to pay the cost of tearing the building down and returning the lot to its original condition if the big box retailer relocated, that the building be given to the City to be relet.

Mayor Serna recommended that instead of the performance bond, that the City just lien the building.

Councilman Yee said that he had concern with the performance bond issue and asked where the idea had come from.

Ms. Shearly replied that the idea originated in the Planning department.

Sam Jackson, City Attorney, informed the Council that Rich Archibald,

Deputy City Attorney, had stated that requiring a performance bond appeared to be legal, but Council would have to approve of it conceptually.

Mr. Yee reiterated that he had concerns about this requirement, adding that the decision would be very subjective.

Bill Farley, Economic Development Manager, stated that there was great variance among outside vendors' economic impact studies on power centers. Therefore, he recommended that the impact studies be done in-house. He said his staff would perform a range of impacts in order to assist Council in its decisions related to power centers.

Councilwoman Fargo said that she had concerns in several areas. She said power centers did not create new customers, but took customers away from existing businesses. Also, power centers were in direct contrast to the City's goals of mixed use development and neighborhood centers.

Ms. Fargo asked how this policy would affect proposed power centers; Ms. Shearly replied that the Power Center Policy would govern any future power center projects.

Ms. Fargo said she saw no discussion of the health of the City's current retail centers; Ms. Shearly replied that this was discussed in the retail sector of the study, as outlined on page 2.

Ms. Fargo asked if staff felt the proposed policy would protect existing retail. Ms. Shearly replied that was the intention.

Ms. Fargo asked about the possibility of dedicating a portion of the City's power center sales tax to revitalizing the local retail centers.

Mr. Farley replied it would be difficult to identify sales tax or to take the cream off the top.

Ms. Fargo asked about how the City would coordinate land use with the County. Ms. Shearly replied the County's Chief Executive, Bob Thomas, agreed with the critical need for the City and County to work together.

Mr. Farley added that the City and County had looked at a sales tax sharing program.

Ms. Fargo asked if there had been any discussion by the Downtown Partnership of placing a power center downtown; to which Ms. Shearly replied that she believed the Partnership would support a center in the downtown grid.

Mr. Farley said that every power center application coming into the region would be evaluated on a case-by-case basis.

Councilman Steinberg asked how long could one expect the power center trend to last.

Mr. Farley replied that was unknown, but that the City had to keep its eye on all retailing.

Mr. Steinberg added that the City needed to maintain a healthy, urban core and to use this trend to benefit the urban areas in the City.

Councilman Pannell asked if the County Planning Department agreed with this policy.

Ms. Shearly replied that they had read it, but did not know if they would adopt it. However, the City would coordinate the process with the County.

Mr. Pannell inquired if staff had spoken to West Sacramento.

Mr. Farley responded that he had spoken to West Sacramento on some economic issues, adding that some sub-markets might be a threat to the City, and some might not be.

Mr. Pannell stated that he did not believe that it was government's role to fool with free enterprise. He added if the City were to forbid something in its jurisdiction, businesses would go elsewhere. He said he could not support a bonding issue.

Ms. Shearly said the goal of the policy was to locate power centers so that they optimized the benefits and minimized the bad points.

Councilman Cohn commended staff for taking on a difficult issue and developing good criteria guidelines. He said it was an excellent first step.

Mayor Serna said that he had problems with the performance bond requirements, and felt they should be deleted.

Councilman Waters agreed with Mayor Serna.

Public Testimony:

Ed Cox said he was concerned with the future traffic patterns.

Tom Bright said that he objected to the City's interference with business.

Tim Taron, representing AKT developers, said that he had concerns about the power center policy, but understood that each project would be judged on a case-by-case basis. He recommended against performance bonds, and said the economic studies needed to be done by staff.

Kim Kuenlin, from ESIA, said the City needed to protect its established retail, but should not put discount centers under a microscope.

Ben Firschein, Neighborhood Alliance, spoke in support of the policy and thanked Carol Shearly for her work.

Tom Carroll, Sacramento Downtown Partnership, said he agreed that free enterprise was good, but stressed that the Partnership needed Council's continued support for the downtown.

Councilman Waters stated that he supported the downtown area but not at the expense of other areas of the City. He added that short term commitments to downtown were fine, but indefinite commitments were not.

Councilman Cohn recommended deleting the performance bond, having staff do the economic analysis, and not adopting the next steps part as outlined on page 22, section G.

A motion was made by Councilmember Cohn, seconded by Councilmember Waters, to adopt Resolution 96-072, as amended, related to the Power Center Policy. The motion carried with a 7-2 roll call vote, with Councilmembers Kerth and Pannell voting no.

RESOLUTION NO. 96-072

A RESOLUTION ESTABLISHING POWER CENTER AND BIG
BOX RETAIL POLICY FOR THE CITY OF SACRAMENTO

- 11.3 Addition of Chapter 61.17 to Title 61 of the Sacramento City Code relating to graffiti. (Law and Legislative Committee 12/05/95) (PFP'd 2/6/96, item 1.13) (D-All)

Councilman Steinberg stated that prior to this item's presentation, he wanted to make a preliminary motion to sever those sections of the ordinance that dealt with regulatory actions. Those sections would be brought back to Council within 30 days. The sections included: Title 61.17.1707, sections a and b and Title 61.17.1701, sections c through f. The motion was seconded by Councilman Cohn and passed with a 8-0 roll call vote with Councilman Waters abstaining.

Jane Christensen, Police Department, said that the proposed ordinance would establish graffiti removal procedures as well as terms under which the City could recover the costs of said abatement from both responsible parties and/or minors. The intent of the ordinance was to provide a means through which the City could eradicate graffiti in a timely and cost effective manner, thereby minimizing the blight which detracts from the quality of life in the City neighborhoods.

Ms. Christensen said the ordinance was patterned after the City of Modesto and was brought forward at the request of Councilmen Cohn and Steinberg.

Bill Edgar, City Manager, introduced a video of graffiti taggers in action in the tunnel leading to Old Sacramento.

Councilman Cohn said this ordinance would give the City another tool for enforcement, and would send a message to both the minors and the parents that they would be held responsible for their actions. He thanked staff for their work in drafting the ordinance.

Councilwoman Ortiz spoke in support of the ordinance and asked who the "other competent person" referred to in the ordinance.

Sam Jackson, City Attorney, replied it referred to someone with valid evidence or personal knowledge.

Councilwoman Fargo asked how more of the graffiti taggers could be apprehended.

Ron Carrera, Sector 4 Police Captain, replied that a curfew/graffiti program was being implemented throughout his sector and would start at the end of March. He credited volunteers, church groups, and businesses for the success of the program.

Alan Clark, Mick Ayres, and Kim Kuenlin spoke in support of the ordinance.

Lori Nelson, representing Sherwin Williams Company said that she looked forward to working with the City to help eradicate this problem.

A motion was made by Councilmember Cohn, seconded by Councilmember Steinberg, to adopt Ordinance 96-004, as amended, related to graffiti. The motion carried with a 9-0 roll call vote.

ORDINANCE NO. 96-004

AN ORDINANCE ADDING CHAPTER 61.17 TO TITLE 61 OF
THE SACRAMENTO CITY CODE RELATING TO GRAFFITI

11.4 Comprehensive Flood Management Plan. (D-All)

Gary Reents, Utility Department Engineering Services Manager, said that staff recommended Council ratify the Negative Declaration for the Comprehensive Flood Management Plan, adopt the Plan and remove restrictions on residential development in the Natomas Basin subject to completion of the North Area flood control project.

Mr. Reents briefly discussed the eight elements of the Plan which included: flood control project; emergency preparedness; flood emergency evacuation plans; protection of hazardous materials; protection of critical public facilities; residential/non-residential development guidelines; residual risk and flood insurance; and public education and awareness. He also summarized the revisions as outlined on Appendix A of the report.

Mr. Reents called Council's attention to the highlights of the plan outlined on page 3 of the report. They included an explanation of non-catastrophic versus catastrophic flood events; proposed residential/non-residential development guidelines provided for refuge areas for residents; flood insurance programs; and the public education and awareness program.

According to Mr. Reents, no comments were received from the public regarding the negative declaration. He said that staff had an amendment to the resolution: the word South Natomas should be removed from the title.

Councilwoman Fargo stated that it was most important that the community take the potential of flooding seriously. She encouraged City staff to work with SAFCA staff on public education. She said she was happy to see the building moratorium lifted from Natomas.

Councilman Kerth thanked staff for the report.

Councilman Cohn said this was a very important document. He asked when the final document would be ready. Mr. Reents replied as quickly as possible.

Joe Countryman and Tom Whitney commended staff on the report.

A motion was made by Councilmember Fargo, seconded by Councilmember Kerth, to adopt Resolution 96-073, as amended, related to the Comprehensive Flood Management Plan. The motion carried with a 9-0 roll call vote.

RESOLUTION RATIFYING THE COMPREHENSIVE FLOOD MANAGEMENT PLAN NEGATIVE DECLARATION, APPROVING THE COMPREHENSIVE FLOOD MANAGEMENT PLAN, AND ADOPTING FINDINGS RELATING TO THE SACRAMENTO URBAN LEVEE PROJECT AND PROVIDING FLOOD PLAIN RELATED CONDITIONS FOR ALLOWING RESIDENTIAL DEVELOPMENT IN NATOMAS TO PROCEED

12.0 S.H.R.A.

None

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

13.1 Federico Vuittonet complained about City police officers treating citizens of Hispanic descent disrespectfully.

14.0 COUNCIL IDEAS AND QUESTIONS

14.1 Mayor Serna made the following nominations: to the Ann Land Bertha Henshel Memorial Fund Commission - Valerie J. Reynoso and Doris Chandler; to the Sacramento Heritage Inc. Board of Directors - George Bramson, Kevin W. Pressey and Carol M. Roland Nawi.

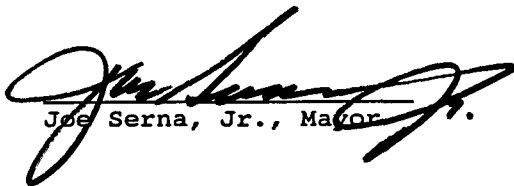
15.0 ANNOUNCEMENTS

ADJOURNMENT - There being no further business to come before the Council, the meeting was adjourned at 10:42 p.m.

Submitted


Valerie A. Burrowes, City Clerk

Approved


Joe Serna, Jr., Mayor