

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

AUGUST 7, 1997

CALL TO ORDER

The Regular Meeting of the Sacramento City Council was called to order by Mayor Serna at 7:10 p.m. on the above date in the City Council Chamber located at 915 I Street.

ROLL CALL

Present: Council members Cohn, Fargo, Hammond, Kerth, 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 Proclamation declaring August 11 - 15, 1997 as Breast-Feeding Awareness Week

The proclamation was presented by Mayor Serna.

10.0 PUBLIC HEARINGS

10.1 Railyards Tentative Map Unit #1 Rezone, located at the terminus of 6th and H Streets: (D-1) (PFP'd 5/20/97, item 1.3; continued from 5/27/97, item 10.2 [staff]) (P96-004)

- A. approve the Mitigation Monitoring Plan;
- B. approve a rezone of 6± partially developed acres from Heavy Industrial Special Planning District (Hazardous Materials) (M-2 SPD{T}) to Central Business District Special Planning District (Hazardous Materials) (C-3 SPD{T}).

A motion was made by Councilwoman Fargo, seconded by Councilman Kerth to continue this item to November 13, 1997 at 7:00 p.m. The motion carried with a 9-0 vote.

10.2 Natomas Basin Habitat Conservation Plan: (D-1) (Continued from 7/29/97, item 10.1)

- A. Ratifying the Negative Declaration
 - B. Ordinance amending Title 84 (Development in North Natomas), Section 84.04 of the Sacramento City Code relating to the Mitigation of Development Impacts on North Natomas Plant and Animal Species and Habitat and declaring the ordinance to be an Emergency Ordinance to become effective immediately upon its adoption. (requires two-thirds vote)
 - C. Adopt the Habitat Conservation Plan and authorize the City Manager to execute implementation agreements with the United States Fish and Wildlife Service and California Department of Fish and Game for said Plan
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Terry Moore, Special Projects Manager, stated that on December 3, 1996, pursuant to Resolution of the Council, the City Manager applied to the United States Fish and Wildlife Service and the California Department of Fish and Game to take permits incidental to development in the City areas of the Natomas Basin. Attached to the application were copies of the Natomas Basin Habitat Conservation Plan and the Implementation agreement for said Plan.

Mr. Moore said after rigorous review and revisions by the Fish and Wildlife Service as well as the department of Fish and Game, and comments by the public, consensus was reached on the content of the two documents. The documents were then returned to the City for CEQA review and for presentation to the City Council. If approved by Council as recommended, the Fish and Wildlife Service and Fish and Game would then issue incidental take permits to the City.

Mr. Moore said the City was in the process of applying for permits so that the land could be developed.

Mr. Moore continued that adoption of the Plan would satisfy the mitigation requirements of the Supplemental EIR for the North Natomas Community Plan Update. Adoption would also satisfy the City's obligation relative to the Corps of Engineers' condition on the SAFCA Local Project permit.

Mr. Moore spoke of other policy issues. He said staff would continue to work with North Natomas residents, and would request Fish and Game to deal with the Swainson's Hawk.

Mr. Moore called Council's attention to Exhibit B, on page 5 of the report, which listed major changes to the Plan as a result of public and agency comments. These included: removal of the mitigation fee cap; clarification of the monitoring provisions; allowance of modifications to the administration of the Plan; 9000 acre comprehensive review; Conservancy activities being open to public review; clarification of the species covered by the proposed permits; and discussion of conservation measures.

Mr. Moore spoke about the formation of a conservancy board.

Councilwoman Fargo asked if the other counties showed disinterest, could Sacramento have more representatives.

Mr. Moore replied yes, that could be done by amending the by-laws.

Ms. Fargo asked if there was a cap on operation and maintenance costs;

Mr. Moore replied yes, there was.

Councilman Steinberg asked if the City had the authority to ensure that the department of Fish and Game carried out the Swainson's Hawk project.

Mr. Moore replied he thought the City did have authority.

Mr. Steinberg asked if this plan included the North Natomas Community Plan or would supplant it.

Rich Archibald, Deputy City Attorney, replied the Natomas Plan was broad in scope; this plan would not supplant it.

Ms. Fargo asked who would be overseeing RD 1000 to insure that they were complying with the Plan in regards to the canals.

Mr. Moore replied that the department of Fish and Game would be the regulatory agency.

Mr. Steinberg asked if anyone had done an analysis to determine if the set-aside acreage for the habitat would be sufficient.

Mr. Moore replied that the area would also be protected by the County's General Plan.

Public Testimony:

Judith LaMar, representing the Environmental Community, distributed a list of their proposed amendments to the Plan. She said the Plan was still not adequate for the hawk or the snake.

Tom Whitney, reiterated Ms. LaMar's testimony, and said he wanted to see the City involved with both the snake and hawk habitat plans.

Mayor Serna asked Ms. LaMar if the Council adopted the Plan, would she litigate.

Ms. LaMar replied she would not, but could not speak for other environmentalists.

James Estep spoke about the Swainson's Hawk, and the inadequate analysis done on the hawk's habitat. He said this Plan would endanger the species.

Michel Sellors, from the Audubon Society, read a prepared statement from his supervisor, stating that the mitigation was inadequate for the Swainson's Hawk.

Alta Tura also spoke about the inadequacy of the negative declaration. He said the hawk and snake were not properly mitigated.

Mike Brodsky, a neighbor on the Garden Highway, stated that the habitat should be ensured of protection before the Plan was adopted.

Hal Cribbs, a biologist, stated there was no net loss for either the snake or the hawk.

Councilman Cohn replied that he would like to hear from an independent wildlife biologist on this subject.

Bill Edgar, City Manager, stated that the approval by the department of Fish and Game meant this Plan met State and Federal standards.

Cameron Doyel asked Mr. Moore what model he used for converting rice lands to marsh.

Mr. Moore replied that example was supplied to him by the department of Fish and Game.

Mr. Doyle stated that the Plan didn't even attempt to address no net loss. He said the Plan was not comprehensive but piece-meal.

Gregory Thatch, representing Schmacker Developing, said this Plan had been submitted for public review in November, 1994, and the Council had received a great deal of testimony, to date. He said the management strategy was adaptive, which would allow the plan to be changed. He argued that the department of Fish and Game was there to protect the area.

Phil Angelides stated that this had been a very long public process, and it was time to put the Plan in place. He stressed that timing was critical, as this year's building season was within days of being lost.

Councilman Waters stated that staff had indicated that a one week delay wouldn't make a difference.

Mr. Angelides replied that he disagreed with staff.

Ms. Fargo stated that she wanted to continue the item until next Tuesday.

Mr. Cohn said a five day delay didn't seem unreasonable.

Councilman Pannell asked staff if they were comfortable with their proposal.

Mr. Moore replied that staff felt the proposal was about as good as it could be. Individual concerns could always be addressed.

A motion was made by Councilman Pannell, seconded by Councilman Yee to close the hearing and to adopt Resolutions 97-458, 97-459, Ordinance 97-046 and Agreements 97-130 and 97-131 related to the Plan.

A substitute motion was made by Councilwoman Fargo, seconded by Councilwoman Hammond to continue this issue to August 12, 1997. The motion failed with a 4-5 roll call vote, with Council members Kerth, Pannell, Waters, Yee and Mayor Serna voting no.

Ms. Fargo asked Mr. Pannell if she could make three amendments to his motion: to direct the City Manager to clarify that the cap had been raised; for the City to request from the department of Fish and Game a recovery plan for the Swainson's hawk; and to clarify that the mitigation measures from the 1994 EIR were still in effect.

Mr. Pannell replied that he would accept the first two amendments.

The original motion, as amended, carried with a 9-0 roll call vote.

RESOLUTION 97-458

RESOLUTION RATIFYING THE NEGATIVE DECLARATION FOR THE
NATOMAS BASIN HABITAT CONSERVATION PLAN (NBHCP)

ORDINANCE 97-046

AN ORDINANCE AMENDING TITLE 84, CHAPTER 84.04
AND ADDING TITLE 84, CHAPTER 84.06 OF THE
SACRAMENTO CITY CODE RELATING TO THE MITIGATION
OF DEVELOPMENT IMPACTS ON NORTH AND SOUTH NATOMAS
PLANT AND ANIMAL SPECIES AND HABITAT AND DECLARING
THE ORDINANCE TO BE AN EMERGENCY ORDINANCE TO
BECOME EFFECTIVE IMMEDIATELY UPON ITS ADOPTION

RESOLUTION 97-459

A RESOLUTION ESTABLISHING THE AMOUNT
OF THE HABITAT CONSERVATION FEE

11.0 STAFF REPORTS

NOTE: ITEMS 11.1 AND 11.2 WERE HEARD TOGETHER

11.1 Power Inn Transportation Management Association and project status report. (D-6)

11.2 Southeast Area Transportation (SEAT) Study (PN:TS06), the study area is roughly bounded by Highway 50 on the north, the City limits on the south, the 65th Street Expressway on the west, and Watt Avenue on the east - approve consultant services agreement with Fehr and Peers Associates, Incorporated, in the amount of \$210,000. (D-6)

Fran Halbakken, Transportation and Engineering Planning Division Manager, spoke about the southeast portion of the City of Sacramento. She said development in this area was generally lower density and industrial in nature. The mixed-use Granite Park Project was in the earliest phase of development.

According to Ms. Halbakken, traffic congestion had degraded to unacceptable levels at several roadways within the southeast area. The worst conditions occurred during the evening peak period, causing significant delays at the intersection of Folsom/Howe/Power Inn, at the freeway ramps, and the surrounding streets. In several locations, at-grade crossings of the Light Rail tracks caused congestion. Project traffic levels for the year 2020, showed that growth of the region would heavily impact the southeast Sacramento roadway system.

Ms. Halbakken said staff was preparing for proposed development and spoke of the transportation projects in progress in this area to include: grade separation of the light rail tracks on Power Inn Road; the Southeast Area Transportation Study (SEAT) which was studying the transportation needs for this area; Major Investment Study (MIS) for the Highway 50 corridor which was addressing the congestion problems; transit improvements; railroad crossing improvements; and the Power Inn Transportation Management Association (TMA), created to promote the economic development, environmental health, and livability of the community with improved transportation and air quality programs and services.

Councilman Steinberg said he appreciated the focus on this area of the City, and said it was warranted. He thanked the TMA for their work.

Mayor Serna also thanked TMA for their excellent work.

A motion was made by Councilman Steinberg, seconded by Councilman Yee to adopt Resolution 97-460 approving Agreement 97-132. The motion carried with a 9-0 roll call vote.

RESOLUTION 97-460

A RESOLUTION APPROVING A CONSULTANT SERVICES
AGREEMENT WITH FEHR & PEERS ASSOCIATES FOR THE
SOUTHEAST AREA TRANSPORTATION STUDY (PN:TS06)

- 11.3 U. S. 50 Corridor Major Investment Study (50 MIS), which includes the area surrounding the Highway 50 freeway corridor. (D-3,4, 5 & 6)

This item was withdrawn by staff.

12.0 **SHRA**

None

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**

14.1 Councilman Steinberg announced that the City had received a \$350,000 grant from the Office of Criminal Justice Planning to hire neighborhood police officers for Hiram Johnson High School and the surrounding neighborhood.

14.2 Councilman Kerth said the City's telephone line used for citizens reporting illegal dumping was not functioning correctly. He requested that it be repaired. This was referred to the City Manager.

Councilman Pannell requested a report back on the number of people receiving rewards related to this program.

14.3 Councilman Kerth announced that the Grant High School swimming pool would be opened on week-ends through August 24th.

14.4 Councilman Waters requested the City Manager to follow up on his previous request for a report back from the Police Chief concerning district NPO's.

14.5 Councilwoman Hammond announced that there would be a "Women In Wellness Walk" on Saturday, at 9:00 a.m. beginning at the Oak Park Community Center. Blood pressure tests would be taken starting at 8:30 a.m.

14.6 Councilman Pannell requested a report be agendized about the Meadowview Community Center Phase II. Val Burrowes, City Clerk said it had already been agendized.

14.7 Mayor Serna announced that McGeorge School of Law and other organizations would be honoring Sam Jackson, the City Attorney, for 30 years of community service, at a dinner on August 15, 1997 at the Raddison Hotel.

14.8 Mayor Serna said the telethon on Channel 3 last week raised more than \$45,000 for a memorial for County and City law enforcement officers.

14.9 Councilman Pannell recommended having a City Council resolution prepared to Sam Jackson, to thank him for his outstanding work as City Attorney.

14.10 Councilman Pannell announced that this year's City Hall barbeque would be on September 30th.

15.0 **ANNOUNCEMENTS**

None

ADJOURNMENT

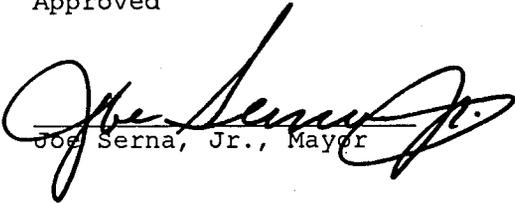
There being no further business to come before the Council, the meeting was adjourned at 10:05 in memory of Lois Wilkenson, retired Finance Department employee.

Submitted



Valerie A. Burrowes, City Clerk

Approved



Joe Serna, Jr., Mayor