

MINUTES

OF THE

SACRAMENTO CITY COUNCIL
REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO
HOUSING AUTHORITY OF THE CITY OF SACRAMENTO
ECONOMIC DEVELOPMENT COMMISSION
SACRAMENTO CITY FINANCING AUTHORITY

REGULAR MEETING

JULY 21, 1998

CALL TO ORDER

The Regular Meeting of the Sacramento City Council was called to order by Vice-Mayor Cohn at 7:00 p.m. on the above date in the City Council chamber located at 915 I Street.

ROLL CALL

Present: Councilmembers Hammond, Kerth, Pannell, Steinberg, Water, Yee and Vice Mayor Cohn

Absent: Councilmember Fargo and Mayor Serna

PLEDGE OF ALLEGIANCE was led by members of Boy Scout Troop #50, from the Sacramento Buddhist Church, working on their Citizenship in the Community merit badge (D-4,7)

9.0 SPECIAL PRESENTATIONS/GENERAL COMMUNICATIONS

9.1 Midtown Business Association report. (D-3)

Dick Skelton, President of the Midtown Business Association, reported on the key projects accomplished in the past year:

- Three Community Forums on Homelessness
- Midtown Graffiti Clean-ups
- Community Breakfast to fund NPO Office Furnishings
- Sidewalk Gardens Project
- Business Watch Seminars

This information was received and filed

10.0 PUBLIC HEARINGS

10.1 Delinquent charges - Special assessment liens upon the properties to which the costs are related. (D-All)

- A. Open a public hearing to confirm, reject or modify the delinquency lien hearing reports; and
- B. Close the public hearing, confirm the unpaid costs and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the properties as follows:
 1. Adopt resolution placing liens on the properties for unpaid Utility Services charges;

2. Adopt resolution placing liens on the properties for unpaid costs for Weed Abatement performed; and
 3. Adopt resolution placing liens on the properties for unpaid costs for Sidewalk Repairs performed.
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Bill Spencer, Enforcement & Collections Supervisor, stated that all the property owners had been notified of the delinquent charges, of the City's intent to place a property lien, and of their right to have a hearing. There were 9596 notices mailed out and there were 42 protests. The protests resulted in 4 hearings. The total liens were \$5.6 million.

There were no requests from the public to speak.

A motion was made by Councilwomen Hammond and seconded by Councilman Steinberg to close the hearing and adopt the Resolutions. The motion passed 5-0 with Councilmembers Fargo, Kerth, and Waters, and Mayor Serna absent.

RESOLUTION NO. 98-368

RESOLUTION DECLARING DELINQUENT WATER, SEWER, REGIONAL SEWER, GARBAGE, GARDEN REFUSE, AND STORM DRAINAGE SERVICE FEES LIENS ON PROPERTIES TO WHICH SUCH SERVICES WERE FURNISHED.

RESOLUTION NO. 98-369

RESOLUTION DETERMINING THE REASONABLE COSTS FOR WEED ABATEMENT WORK FOR 1997 AS SHOWN ON LISTS PREVIOUSLY SUBMITTED IN ACCORDANCE WITH CHAPTER 13, SECTION 39500 ET SEQ OF THE CALIFORNIA GOVERNMENT CODE AND PLACING LIENS ON THE PROPERTIES BY THE CITY FOR THE COSTS THEREOF

RESOLUTION NO. 98-370

RESOLUTION DETERMINING THE REASONABLE COSTS FOR SIDEWALK REPAIR WORK PERFORMED AS SHOWN ON EXHIBIT A AND PLACING LIENS ON THE PROPERTIES FOR THE COSTS THEREOF

- 10.2 *Arena Corporate Center (P98-033)* - Rezone and PUD Guidelines Amendment located at the northwest corner of Stadium Boulevard and the East Drain. (APN:225-0070-057, 064, 070, and 073) [PFP'd 6/30/98, item 1.5] (D-1)
 - A. Ratify the Tiered Negative Declaration;
 - B. Approve the Rezone of three parcels, totaling 7.0 acres, from Limited Commercial (C-1-PUD) to Employment Center - 40 employees per net acre (EC-40-PUD) by adopting the attached ordinance; and

- C. Approve the PUD Guidelines Amendment to add residential guidelines to the Arena Corporate Center PUD by adopting the attached resolution.
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Carol Shearly, Associate Planner, stated that the applicant was requesting 2 entitlements. One was a rezone of 7.0 acres to Employment Center-40 employees, and the other was to add multifamily Planned Unit Development (PUD) standards. The standards are of high quality.

Ms. Shearly reported back on the issues raised at the last Council Meeting. The issues included parks and open space, security and management, the multifamily concept, the east drain fencing, and the bike trail. The issues have been resolved and the applicant will construct the bike trail.

The Planning Commission and staff recommend approval.

A motion was made by Councilwoman Hammond and seconded by Councilman Waters to approve the Resolution. The motion passed 6-0 with Councilmembers Fargo, and Kerth, and Mayor Serna absent.

RESOLUTION NO. 98-371

A RESOLUTION TO AMEND THE PLANNED UNIT DEVELOPMENT (PUD) GUIDELINES TO INCLUDE MULTI-FAMILY RESIDENTIAL DEVELOPMENT GUIDELINES IN THE ARENA CORPORATE CENTER PUD LOCATED AT THE NORTHWEST CORNER OF STADIUM BOULEVARD AND TRUXEL ROAD

ORDINANCE NO. 98-028

AN ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE ON. 2550, FOURTH SERIES, AS AMENDED, BY REMOVING PROPERTIES LOCATED AT THE NORTHWEST CORNER OF STADIUM BOULEVARD AND THE EAST DRAIN WITHIN THE ARENA CORPORATE CENTER PUD IN THE NORTH NATOMAS COMMUNITY PLAN AREA FROM THE LIMITED COMMERCIAL-PLANNED UNIT DEVELOPMENT (C-1-PUD) ZONE AND PLACING THE SAME IN THE EMPLOYMENT CENTER-40 (40 EMPLOYEES PER NET ACRES)-PUD ZONE OR MORE RESTRICTIVE ZONES

- 10.3 *Calvary Christian Center School (P97-087)* - located at 3201 Del Paso Boulevard in North Sacramento APN: 252-0302-005. [PFP'd 5/12/98, item 1.8] (Continued from 6/23/98, item 10.1 [appellant]) (D-2)
- A. Rezone of a 3.36 acre site from Hospital (H) zone to Single Family Residential (R-1) zone.
 - B. Appeal of Planning Commission Approval.
 - 1. Negative Declaration
 - 2. Mitigation Monitoring Plan

3. Special Permit to convert an existing medical facility structure into a school on 3.36 acre site in the Single Family Residential (R-1) zone in North Sacramento.
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Scot Mende, Senior Planner, gave a quick summary of the issues. On April 16, 1998 the Planning Commission recommended approval of rezoning so that a school could move into a vacant hospital building. An appeal of the process was begun because a group, Friends of Haggenwood, do not want the school. Their appeal challenged the negative declaration and requested a rezone back to hospital. Letters and an acoustic challenge were received by staff late on July 20th and July 21st. Staff did not have time to review the documents and requested a continuance for 2 weeks.

Councilman Kerth asked if it would be appropriate to hear the other issues, possibly make an intent motion, and get a report back on the sound issue.

Bill Carnazzo, Assistant City Attorney, stated that once opened, the hearing should not be closed until all the issues are resolved. To make a motion, the hearing would have to be closed.

Councilwoman Hammond stated that she was tired of the delays.

Fred Buder, Planning Division, stated that normal procedure would be to provide a written response to the very technical issues raised.

Councilman Kerth asked that the item be heard even if the action had to be postponed. He explained that the Council is not the final body of decision. If the Council's actions are not done correctly, the issue can be challenged in the courts.

Taiwo Jaiyeoba, Assistant Planner, showed maps of the site. The proposed school will have 300 students with extended child care. There will also be an adult Bible School.

Friends of Hagginwood have opposed the school project on the following grounds:

- The application for the Special Permit was not authorized by the property owner.
- The applicant has a previous history of non-compliance with City codes and regulations.
- The environmental documentation was inadequate. They believe the noise and the frequency of the vehicle trips will have an adverse impact on the residences.

Public Testimony:

John Adamo, representing Friends of Hagginwood, stated that the allegation that Friends of Hagginwood delayed the process is untrue. He raised the following issues:

- That the legal close of the Public Comment Period was the 21st not the 20th of July
- That there are noise, traffic, and flooding adverse impacts that have not been mitigated
- That no rezone application was ever filed, or rezone fee paid
- Since the Special Permit is conditioned on the rezone, the Council cannot approve the Special Permit without a rezone application.

Councilman Waters asked if the rezone fee had been paid.

Mr. Jaiyeoba stated that no rezone was filed on the project application. The rezone action did go through the Planning Commission. The applicant is willing to submit a rezone as requested by the community residents.

Roy Grimes, of Children Tomorrow, said that the real issue was about children. He supported the school.

Mary Tappel, local resident supported the school.

James De La Vergne, representing the property owner, stated that the use permit and the rezone should be vested. The owner does not want the rezone without the project.

Kyla Azuino stated that, in her effort to make a positive difference in the community, Calvary Christian was the only group to help her. She supported the school.

Brenda Dixon deferred her time to Pastor Gondreaux.

Eddie Pickett, of Calvary Christian, supported the school.

Phillip Goudeaux, Pastor of Calvary Christian, stated that the purpose was to do a good thing for the community. The church never applied for a rezone because it was not needed. The community requested the rezone and the church is willing to comply.

Councilman Kerth stated that one concern of the neighbors was having Bible College students off the site by 9:30. He asked Pastor Goudeaux if that were possible, and also if the Pastor wanted the Council to take a vote that night.

Pastor Goudeaux agreed that faculty and staff could be gone by 9:30. On the other issue, he answered that he would like a vote that night.

In response to Councilman Yee's comments, Mr. Carnazzo stated that since challenges had been submitted, it would be better to allow staff time to make an analysis of the issues before any action was taken.

Pastor Goudeaux reluctantly agreed to a 2 week delay after a discussion of the legal issues.

Regina Virgen, teacher; Brad Davis, the Attorney representing the church; and Ted Kopecko, of MGA Architects; spoke in support of the school.

Mr. Adamo stated that there were two steps of the process. The first step is to weigh the evidence and decide if the environmental documentation was correct. Only after completion of the first step, should the second step of approving the special permit be considered.

Councilman Cohn reported that the City's noise consultants were now present and requested that they make a report.

Patrick Angel, and Brant Jorgenson of Environmental Consultants Associates, described how the original noise study had been done and reviewed the results. They stated that they had reviewed the appellants

letter contesting their noise study, and felt that the issues raised did not affect their conclusions. They affirmed that the two mitigation measures, the wall and the dual pane windows, would ensure compliance with the City's Noise Ordinance and General Plan.

Councilman Kerth asked if there were any alternatives to doing a rezone that night.

Rob Sandman, of the City's Attorneys Office, stated that if the applicant would agree, the City could rezone later. The rezone could be tied to the special permit, so there would not be a school in a hospital zone.

Pastor Goudeaux and Mr. Davis agreed to this condition.

At 9:35 there was a recess taken on this issue so that staff could review all the new information. During the recess Item 13 and Item 14 were heard.

At 10:09 the issue was resumed.

Mr. Mende stated that staff had reviewed all the materials submitted on the 20th and 21st and were prepared to address the issues raised:

- The hours of operation of the Bible College would change to 9:30 p.m. for all students and faculty (condition D6).
- The rezone would be a condition (D38) of the special permit.
- The noticing issue of 20 versus 21 days is not pertinent because all the documents have been reviewed.
- Staff agreed that there are 5 mitigation issues.
- The site is not in the 100 year flood plain.
- This type of wall is sometimes required by the Zoning Ordinance and is not considered an aesthetic problem

Mr. Angel stated that he had reviewed the additional material pertinent to the noise study and did not find anything that would change their conclusions.

Teresa Arnald, of Public Works-traffic division, discussed the traffic issues raised:

- She agreed there was an error concerning a drive way. D14 will be changed from a one way driveway to a two way driveway to solve the discrepancy.
- She did not think the number of cars turning on to Diggs Park Drive would be a problem. But if it does become a problem, the City can put in a left turn lane.
- The safety of children at the drop-off and the pick up area has been studied by the police, and safeguards have been included.
- The challenge stated that the traffic study was not adequate; but it does meet City standards.

Mr. Adamo's rebuttal included the following points:

- The acoustics analysis by Steve Pettijohn, of Acoustics and Vibrations Group (AVG) cannot be discounted. He is an expert the City uses.
- Noise measurements made by Environmental Consultants Associates (ECA) were inadequate and flawed.
- As long as there is a disagreement between experts, ECA and AVG, the Council cannot ratify the negative declaration.

- The traffic expert used by Friends of Haggenwood is licensed and Ms. Arnald is not. She has not answered the issues raised.
- The flood plain issues were not addressed.
- There has not been a substantive response to the concerns raised.

Dave Brent, of the Dept of Utilities, stated that the maps were changed on July 6th to show that this area is not in the flood plain.

Councilman Kerth stated that he believed the mitigations will address any impacts.

A motion was made by Councilman Kerth and seconded by Councilwomen Hammond to pass the resolution with amendments and to close the hearing. The motion passed 7-0 with a roll call vote with Councilwomen Fargo and Mayor Serna absent.

- 10.4 *Granite Regional Park Planned Unit Development (P96-009)* - located between Power Inn Road, Florin-Perkins Road, 14th Avenue, and Light Rail Transit/Jackson Highway. (D-6)
- A. Environmental Impact Report;
 - B. Mitigation Monitoring Plan;
 - C. General Plan Amendment on a 260± acre site removing 114.3± acres from Parks, Recreation and Open Space to Regional Commercial and Office (97.28± acres), Community/Neighborhood Commercial and Offices (15.3± acres), Heavy Commercial or Warehouse (1.7± acres) leaving 145± acres in Park, Recreation and Open Space;
 - D. Government Code 65402, consistency finding for the sale of City property;
 - E. Establish the Granite Regional Park Planned Unit Development Guidelines;
 - F. Establish the Granite Regional Park Planned Unit Development Schematic Plan;
 - G. Approve the allocation of Granite Regional Park PUD Land payments to Regional Park General for Park Improvements (PN: LK62);
 - H. Direct staff to proceed with the preparation of an amendment to the 1994 Development Agreement with Regional Park General concerning the development of Granite Regional Park PUD and Granite Regional Park;
 - I. Rezone from Heavy Industrial (M-2S) to Office Building PUD (OB-PUD) (91.22± acres), General Commercial PUD (C2-PUD) (6.06± acres), Shopping Center PUD (SC-PUD) (15.3± acres), Light Industrial PUD (M-1-PUD) (1.7± acres), leaving 145± acres) in Agriculture Open Space (AOS-PUD).
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Councilman Steinberg requested to continue this item to August 6, 1998.

11.0 **STAFF REPORTS**

None

12.0 **SHRA**

None

13.0 COUNCIL IDEAS AND QUESTIONS

- 13.1 Councilwoman Hammond announced that there would be a concert in Oak Park on Saturday, July 25th from 11 to 5.
- 13.2 Councilman Waters requested an update on his April 16th request related to the Immigration Office on J Street.
- 13.3 Councilman Waters congratulated Councilwoman Pannell on her recent election to the District 8 council seat and presented her with a box of Sees candies.
- 13.4 Councilman Cohn announced that there would be a "Pops in the Park" event at Sutters Fort, at 26th and L Streets, on Sunday, July 26th at 6:00 p.m.

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

- 14.1 David Coleman, Marcus, and Lee Pratt called to express their support for the Calvary Christen Center school.
- 14.2 Howard Stanford called to complain about the condition of the structure at 15th and Q Streets.
- 14.3 Mrs. Carr called in support of the Calvary Christen Center school.
- 14.4 Peter Martinez called to express opposition to the Calvary Christen Center school project. He said this was based on the unreliability of Eddie Pickett.
- 14.5 Norma Kee called to complain about U.C. Davis employees parking in her neighborhood. [53rd and Broadway].
- 15.6 Toby Holmes called to express his interest in bringing professional baseball to Sacramento.
- 15.7 Linda Driver called in support of the Calvary Christen Center school.
- 15.8 Janice called to complain about having to pay the entire day rate when parking in Lot A at 7th and L Streets early in the morning.
- 15.9 Dora Maize called in support of the Calvary Christen Center school.

15.0 ANNOUNCEMENTS

None

ADJOURNMENT

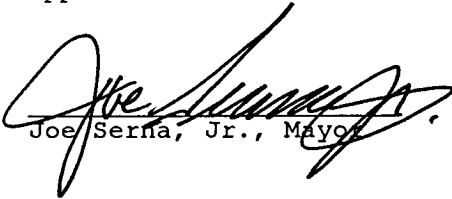
re being no further business ~~come~~ before the Council,
meeting was adjourned at 10:34.m.

Submitted



Valerie A. Burrowes, City Clerk

Approved



Joe Serina, Jr., Mayor

July 21, 1998 (e)