

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

NOVEMBER 18, 1997

CALL TO ORDER

The Regular Meeting of the Sacramento City Council was called to order by Mayor Serna at 7:04 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 Presentation by Old Sacramento Schoolhouse Museum Association Board (D-1)

Virginia Mueller, a member of the Old Sacramento Schoolhouse Museum Association Board, presented the Council with a momentum from her organization. She thanked the various PTA's and docents who were successful in keeping the Museum open to the public.

10.0 PUBLIC HEARINGS

10.1 Natomas Garden Retail Center Gas Station, located on the northwest corner of San Juan Road and Northgate Boulevard: (P97-001) (D-1)

- A. Negative Declaration;
 - B. Mitigation Monitoring Plan
APPEAL OF PLANNING COMMISSION APPROVAL
 - C. Special Permit to construct a 5,220 sq. ft. Gas station canopy with a 2,796 sq. Ft. convenience store on 1.14 vacant acres in the Shopping Center Planned Unit Development (SC-PUD) zone in South Natomas. APN: 237-0010-070;
 - D. Special Permit to operate a 24-hour convenience store and Gas station within 500 feet of a residential use;
 - E. Special Permit to sell beer and wine for off-site consumption
 - F. Variance to exceed the number of maximum allowable attached signs from four to eight
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Taiwo Jaiyeoba, Assistant Planner, stated that the proposed project is located at the northwest corner of Northgate and San Juan in the Natomas Gardens Retail Shopping Center. On January 7, 1997, the applicant submitted an application with amendments to the building footprint and traffic driveways; a special permit to construct a gas station and convenience store; a special permit to operate the convenience store for 24 hours and to sell beer and wine; lot line adjustments between two existing parcels on the site; and a variance to exceed the maximum number of allowable signs.

Mr. Jaiyeoba said staff recommended denial of the amendments and special permits, but on September 11, 1997, the Planning Commission made a motion of intent to approve the entitlements subject to staff amendments to the recommendations and conditions. On September 25, 1997, the Planning Commission unanimously approved the entitlements for construction of a gas station and convenience store at the location.

According to Mr. Jaiyeoba, the Gardenland-Northgate Neighborhood Association was appealing the decision of the Planning Commission, specifically the special permit to allow the gas station, convenience store, the sale of beer and wine for off-site consumption and the sign variance.

Lynne Ohlson, Licensing Coordinator for the Police Department, said her department was recommending denial of the project, as this particular intersection has three establishments that sell beer and wine, and one of the establishments has been very problematic.

Councilwoman Hammond asked why there were so many liquor licenses in this area.

Ms. Ohlson replied that many of the licenses existed prior to 1979. Since the new ordinance was adopted limiting liquor licenses, none have been issued for this area.

Councilman Pannell inquired if any AM/PM markets had been closed down by the City.

Ms. Ohlson replied that her department had investigated some of them, but none had been closed down.

Mr. Pannell asked if any undercover task force work had been done in this area to determine if liquor was being sold to minors. Ms. Ohlson replied she did not know.

Mr. Pannell asked the number of AM/PM markets in the City with liquor licenses; Ms. Ohlson replied she did not know.

Councilman Waters asked Ms. Ohlson to elaborate on the liquor store in the neighborhood that was under investigation and might be in jeopardy of losing its license.

Ms. Ohlson replied that liquor store was in the K-Mart shopping center, directly behind this site.

Mr. Waters asked when the ABC would be making a decision on pulling this license, so that AM/PM would have an opportunity to buy it.

Ms. Ohlson replied that could be a year or longer away.

Mr. Waters asked why the AM/PM market at 29th and J Streets had so many calls for service.

Ms. Ohlson replied because alcohol was sold.

Councilwoman Fargo asked if the issue with the proposed project was the special permit for 24 hour operation or the liquor license.

Ms. Ohlson replied the issue was the liquor license.

Ms. Fargo asked if it were an issue of over-concentration of liquor licenses in the vicinity. Ms. Ohlson replied that was correct.

Ms. Fargo asked Scott Mende, Senior Planner on the project, to share with the Council what the community wanted.

Mr. Mende stated that the neighbors did not want any more gas stations or alcohol sales.

Councilman Pannell asked about the conditions of approval. Mr. Mende said they were listed on pages 8-13 of the report.

Councilman Cohn said these conditions were similar to the ones imposed in his district.

Councilman Steinberg said there was a state law that defined over-concentration.

Ms. Ohlson replied it was passed in 1994, and the City adopted its ordinance in January, 1996. She added that a nexus existed between over-concentration of liquor sales locations and violent crimes.

Public Testimony:

Gil Ramirez, the appellant, stated that there were 8 gas stations along Northgate Boulevard within a 5 mile distance. He said he was a lifetime resident of Gardenland, and lived in Northgate. He had gathered 166 signatures of nearby residents who opposed the project.

Sandi Morris spoke against the project because of the sale of beer and wine. She said they didn't need to have more trouble along Northgate Boulevard. She showed Council a map of Northgate Boulevard and the locations of liquor-sale stores.

Mayor Serna asked Ms. Morris if she objected to the gas station or to the liquor sales. She responded she objected to both.

Councilman Kerth asked Ms. Morris how many bars were located in the area; she responded four.

Mayor Serna asked if there was a moratorium for grocery stores on this site.

Mr. Mende replied there was, for two years total. One year had already passed.

Councilwoman Fargo said she knew Ms. Morris' neighborhood group worked closely with the Police Department.

Ms. Morris replied they also worked closely with their POP officer. Recently the Police department made a sweep of the area and confiscated lots of drugs, and made several alcohol-related arrests.

Leonard William said what the neighborhood needed was a medical center on the site.

Don Firenze, the applicant, informed the Council that if they approved the project, ARCO would be willing to buy one of the troubled licenses, so this actually would be a benefit for the neighborhood.

Mr. Firenze argued that the calls for service at AM/PM markets were higher because they wanted the police to come and deal with any problem in their establishments.

Mr. Firenze said many of the neighbors were in favor of the project. ARCO had agreed to many of the conditions, and was pledging to hire 50% of its employees from the immediate neighborhood. ARCO even suggested to meeting quarterly with the neighborhood association to remedy any problems.

Mr. Steinberg suggested that ARCO wait until one of the other troubled licenses came up for sale before building the project.

Mayor Serna asked if AM/PM had any locations without beer and wine licenses; Mr. Firenze replied no.

Mayor Serna asked why ARCO had to have a liquor license; Mr. Firenze replied because they were a gas station and a mini grocery store.

Councilman Cohn asked what percentage of their total sales was for gasoline. Mr. Firenze replied 75%.

Mr. Cohn then asked what percentage of the grocery sales was for liquor. Mr. Firenze replied 3-5% of their revenue came from liquor sales.

John McNellic spoke in favor of the project, saying that the neighborhood would be getting a first-class gas station and would be able to retire a bad liquor license.

Mr. McNellic argued that this piece of property had a troubled history, and if this project were not approved, getting another good project for the site would be most difficult.

Kay Nichols, president of the Natomas Community Association, spoke in support of the project. She said although everyone was concerned about liquor sales, not one neighborhood police officer expressed any concern about this project.

Susan Meehan-Bargas, a 23-year resident of Northgate, said she favored the project, and said there was a troubled liquor license available. She said she had 500 signatures of support from people who lived in close proximity to the project and would be most affected by it.

Carol Olson and Cliff Adams also spoke in support of the project.

Tom Bright spoke against the project, saying this type of establishment targets the poor.

Ms. Fargo said this was a difficult issue. Her concern was to help fix Northgate Boulevard, and although she had no concern with ARCO or their operation, she felt there was an over-concentration of liquor-sales in the vicinity. She added that, for her, it was not an acceptable decision to grant the project with the hopes that ARCO would be able to buy another troubled license.

A motion was made by Councilwoman Fargo, seconded by Councilwoman Hammond to grant the appeal of the special permit for a liquor license.

Mr. Kerth said it was difficult to find a boulevard in the City that did not have problems. He felt a decision to add another alcohol premise would be wrong.

A substitute motion was made by Councilman Pannell, seconded by Councilman Cohn to adopt staff's recommendations with the condition that the applicant would buy one of the existing troubled liquor licenses.

Mr. Cohn said the cost of the license would be \$30,000 the first 24 months, and would increase \$15,000 each year.

Mr. Steinberg said he sympathized with ARCO, but still had a concern with the over-concentration of liquor licenses in the area. He felt if this license were approved, then over-concentration would become the norm rather than the exception.

Mr. Cohn argued that if the project were denied, there still would be the same number of liquor licenses. If the project were approved, the net effect would be positive, as ARCO would be buying a license from a bad license holder, and the vacant lot would be developed.

Ms. Fargo said she had a problem with the substitute motion, and felt liquor sales should be denied until ARCO could buy one of the troubled liquor licenses.

Mr. Pannell said the issue was the liquor license. The store would be bringing good economics to the area.

Mr. Waters spoke in support of the substitute motion saying the vacant lot would be developed, there would be local employment, and a future grocery store.

Mayor Serna said he would have to oppose the project because he did not approve of selling liquor at a gas station.

Mr. Mende inquired if ARCO purchased another liquor license, could they come back in less than a year for approval.

Ms. Fargo said ARCO could re-apply for the project in less than a year.

The roll was called on the substitute motion, which failed 4-5 with Council members Fargo, Hammond, Kerth, Steinberg and Serna voting no.

Mr. Mende stated his understanding of the amendments to the conditions of approval: that prior to any sale of liquor, ARCO had to purchase and retire an existing license from the Northgate Boulevard area. All other conditions would apply for this site.

Mr. Cohn stated that there was a positive benefit as the license being replaced currently had none of the conditions of this site.

Ms. Hammond stated that she was hoping the motion could be rescinded to approve the sale of liquor on the site only if ARCO bought two existing licenses from the Northgate Boulevard area and retired one permanently.

Mr. Waters asked Mr. Frieze if ARCO would build without a liquor license. Mr. Frieze replied no.

Mr. Steinberg suggested that Council needed to agendaize for future discussion the policy issue of reducing the number of liquor licenses in over-concentrated areas of the City.

A roll call vote was taken on the original motion, with amendments to the liquor license conditions and to deny the appeal on the permit to construct. The motion carried with a 8-1 vote, with Mayor Serna voting no.

- 10.2 Resolution of Necessity for the acquisition of real property interests in forty-three assessor parcels for the North Natomas Comprehensive Drainage Project (JN:4787), location of the project lies both to the east and west of I-5; and includes properties along the East, West and Main Drain (~~two thirds vote required~~). (D-1)
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Gary Reents, Utility Department, said the purpose of the hearing was to receive public testimony and take action on the Resolution of Necessity to acquire permanent easements and temporary construction easements required for construction of the North Natomas Drainage Project.

Mr. Reents said offers had been made to acquire the necessary temporary and permanent easements from the forty-three assessor parcels; however, no agreement was reached. A Resolution of Necessity to initiate eminent domain procedures, if necessary, was needed to ensure that the property acquisition process did not delay the project schedule. Staff would continue to meet with owners in continued efforts to reach settlement.

Public Testimony:

Shiro Takuno informed the Council that twice before he had property taken from him because of eminent domain. He urged the Council to consider the people who would be displaced. He said he had measured the distance that had been staked for the west drain widening, and it was wider than the stated 80 feet. He also expressed concern that material about this project had not been made available to residents.

Mr. Reents replied that staff had mailed notices on October 31, 1997 about the proposed hearing. Additionally, this had been a long process with well attended meetings throughout. Concerning the right-of-way, he said the same amount of land was being taken from each side of the canal. Lastly, he said the Corps of Engineers was aware of the project.

Mayor Serna asked if Mr. Takuno's property had been appraised.

Gary Ransom, Real Property Agent, replied that the appraiser had given staff a value.

Councilman Pannell asked how people and acres were involved.

Mr. Ransom replied 8 residential properties were involved. All residents, except one, had signed. The number of feet needed for the project was 7,182 feet or .165 acres.

Tony Gallos, representing the property owners, said his clients were interested in pursuing the joining of easements for SMUD and the City.

Mr. Reents replied staff was having a meeting next Monday to discuss that issue, and would make every effort to reach an agreement.

Ms. Fargo asked if Mr. Takuna's property could be re-surveyed as Mr. Takuna disagreed with the measurements.

Mr. Reents replied that certainly could be done.

Ms. Fargo asked if the easement was of equal size on either side of the canal.

Mr. Reents replied that some erosion had occurred. The amount of additional right-of-way being required was the same.

Councilwoman Hammond stated that she was opposed to eminent domain except for public safety or health reasons and asked if that were the case here.

Mr. Reents replied that the project was for flood protection for current and future residents.

A motion was made by Councilwoman Fargo, seconded by Councilman Pannell to close the hearing and to adopt Resolution 97-643 and Agreement 97-198 related to this drainage project. The motion carried with a 9-0 roll call vote.

RESOLUTION 97-643

RESOLUTION OF NECESSITY FOR ACQUISITION OF PERMANENT EASEMENTS AND CORRESPONDING TEMPORARY CONSTRUCTION EASEMENTS FOR FORTY-THREE PARCELS FOR THE NORTH NATOMAS DRAINAGE PROJECT (JN:4787)

11.0 STAFF REPORTS

None

12.0 SHRA

None

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

13.1 Mark Johnson expressed concern about Council's involvement regarding child support issues; Mayor Serna remarked that this was a garnishment issue.

13.2 Harold Piqq advised that the railroad tracks along 18th Avenue, south of Sutterville Road, are very unsafe, due to subsiding.

Mayor Serna advised that the issue would be raised with Union Pacific Railroad.

13.3 Debra called in to inquire if Councilmember Fargo knew what would be replacing the Woolworth's store on K Street Mall? Ms. Fargo responded that that was unresolved at this time.

Debra asked Mayor Serna if he would be attending the Toy Run this year? The Mayor responded that he would check his calendar to see if that had been scheduled.

Debra inquired about locating another abandoned building to house the homeless. Councilmember Fargo suggested that Debra contact Cheryl Davis at Sacramento County Office of Human Assistance.

14.0 COUNCIL IDEAS AND QUESTIONS

14.1 Councilmember Cohn asked City Manager Edgar if the I Street Bridge could be painted prior to the upcoming Sesquicentennial Celebration; Mr. Edgar replied that he would determine if that could be accomplished.

14.2 Councilmember Fargo suggested that the on-ramps at Jibboom Street be included in the renovation.

15.0 ANNOUNCEMENTS

None

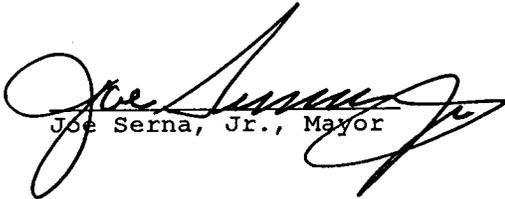
ADJOURNMENT

There being no further action to come before the Council, the meeting was adjourned at 10:04 p.m.

Submitted


Valerie A. Burfowes, City Clerk

Approved


Joe Serna, Jr., Mayor