

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

May 13, 2003

The Regular Meeting of the Sacramento City Council was called to order by Mayor Fargo at 7:09 p.m. on the above date in the City Council Chamber located at 730 I Street.

ROLL CALL All present

PLEDGE OF ALLEGIANCE led by Council Member Cohn

10.0 SPECIAL PRESENTATIONS/GENERAL COMMUNICATIONS

10.1 Invitation to the Pacific Rim Festival

Mayor Fargo made the presentation.

10.2 Presentation of Proclamation for "Provider Appreciation Day"
[Jones/Pannell]

Mayor Fargo made the presentation.

10.3 Introduction of the Spring 2003 City Planning Academy

Julie Sontag, Associate Planner, described the program and introduced the class of 33 members. Three class members spoke, Kathleen Agnew, Rich Ciraulo, and Keith Herron.

11.0 PUBLIC HEARINGS

11.1 Various actions related to the Natomas Basin Habitat Conservation Plan, located in North and South Natomas (D-1)
[item continued from 5-8-03, item 11.2]

- A. Certify the NBHCP Environmental Impact Report (EIR) prepared as part of a combined Environmental Impact Report / Environmental Impact Statement (EIR/EIS) pursuant to the CEQA and the National Environmental

Protection Act (NEPA) for the proposed project which includes the approval of the NBHCP and execution of the Implementation Agreement;

- B. Adopt the Findings of Fact and Statement of Overriding Considerations related to the EIR/EIS prepared for the NBHCP;
- C. Adopt the Mitigation Monitoring Plan (MMP) related to the NBHCP;
- D. Adopt the revised final NBHCP;
- E. Authorize execution of the Implementation Agreement for the NBHCP;
- F. Authorize the City Manager to apply for modifications to the State (CDFG) Section 2081 Permit for incidental take authorizations of State-listed species, in the event such modifications are deemed necessary.

Carol Shearly, Natomas Manager, stated that in August 2000, Judge David Levy determined that the City's Federal Incidental Take Permit was invalid. Since then the City has been working with US Fish and Wildlife Service and the California Department of Fish and Game and other potential permittees to revise the Natomas Basin Habitat Conservation Plan (NBHCP) to support a regional approach to conservation planning. Sutter County, Reclamation District 1000, and Natomas Central Mutual Water District participated in the process. Sacramento County declined to take part.

A combined Environmental Impact Report / Environmental Impact Statement (EIR/EIS) and Implementation Agreement were completed. Significant features of the NBHCP and the EIR/EIS and the clarifications made after public comment include the following:

- Vernal Pool Species
- Connectivity
- Swainson's Hawk Foraging Habitat
- Fee Study
- Exchange of Mitigation Lands
- Conservation Easements
- Future Listing of Covered Species
- Monitoring Activities
- Mitigation Ratio
- Swainson's Hawk Impacts
- Relationship of the Joint Vision to the NBHCP and EIR/EIS

Currently, developers in North and South Natomas pay a Habitat Conservation Fee of \$11,962 per gross acre of development. A Fee Study was completed by Economic and Planning Systems (EPS)

to calculate the cost of implementing the revised NBHCP. The fee projected in the study was \$10,027 per gross acre of development. Prior to issuance of any grading permits relying on the new incidental take permit, the Conservancy and the City will establish a revised fee.

Tom Friery, City Treasurer, explained how important the Incidental Take Permit is to the City, property owners, the City's general fund, and bond holders. The City's ability to sell bonds and service bond debt would be compromised by any hold up of this plan.

Ms Shearly discussed the issues in the supplement to the staff report. Numerous letters from the public, government agencies, and plaintiffs were submitted too late to include in the staff report itself.

Public Testimony:

Barbara Graichen, of the Valley View Acres Community Association and the North Natomas Community Association spoke against the plan because the .5 to 1 ratio is not enough. It should be a 1 to 1 ratio.

Andy Sawyer, of ECOS spoke against the plan because it does not take into account the areas not zoned for development that will be developed and because the ratio should be 1 to 1 or 2 to 1. He suggested the use of eminent domain.

Ms. Shearly confirmed that eminent domain can only be used adjacent to City limits and would increase the cost.

Judith Lamare, President of Friends for the Swainson's Hawk, spoke against the plan and asked that land outside the jurisdiction not be acquired.

Carolyn Baker, of Sacramento Open Space, spoke against the plan.

Bruce Kennedy spoke against the plan, saying it was not very different from the one Judge Levy rejected.

Ms. Shearly stated that it was a very different plan and that many biologists have been involved with its development.

Mary Elizabeth spoke against the plan and urged the Council to delay approval. She suggested buffer lands and described problems with Sutter County's waste disposal system.

Ms. Shearly explained that "Area B" in Sutter County can be no more than 20% and is subject to numerous restrictions. The provision is a "pressure release" for land costs.

Dr. Glen Holstein, Botanist for the California Native Plant Society, opposed the plan and described the problems with noncontiguous parcels.

Jim Pachl, of the Sierra Club, spoke against the plan and urged that the land for open space be purchased now.

Mike Bradbury of the Swainson's Hawk Advisory Committee supported the plan and the .5 to 1 ratio.

Gregory Thatch, Attorney for the developer, supported the HCP. He stated that Judge Levy had approved most of the original plan, including the biological principles and the .5 to 1 ratio.

William Mellerup, of Lewis Operating Corporation spoke in support of the HCP.

Karen Diepenbrock of Tskopoulos, supported the plan, saying that the .5 to 1 ratio is based on sound biological principles. She stated that the Habitat Conservation Fee is a greater obstacle for commercial and retail development than residential because of their need to be competitive with other areas. She also asked that the original definition of Fisherman's Lake be retained.

Bob Thomas, City Manager, reviewed the history of the HCP. Judge Levy asked that about 10% of the plan be revised. This revision has taken 3 years and several million dollars to get this far. The other area jurisdictions developing land do not have a HCP and do not pay a mitigation fee. He stated that Council could (1) take action, or (2) wait 2 or 3 weeks, but there will probably be no new information in that time.

Mayor Fargo confirmed that the Swainson Hawk nesting trees are protected in the plan. She asked if City Code specifically protects all nesting areas, even outside Natomas. She also asked that staff make sure property owners are informed that the trees are protected.

Council Member Tretheway described the long process beginning with the North Natomas Community Plan. North Natomas is 60% graded and the ratio should not change for the last 40% of development. He moved the resolutions with the following additions:

1. Eliminate out of basin option for habitat .
2. Give the City the option to require the developer/property owners to dedicate land in lieu of a payment of a fee.
3. City will pro-actively protect the Swainson Hawk nesting sites with property owners.

Council Member Jones suggested a friendly amendment to require 50% of the land acquired as mitigation be in the basin of Sacramento County.

Council Member Tretheway declined the amendment because he did not know the percentage of available land in that area or the economic consequences of that restriction.

A motion was made Council Member Tretheway and seconded by Council Member Hammond to close the hearing and adopt the Resolutions as amended. The motion carried with a 8-0 voice vote with Council Member Jones abstaining .

RESOLUTION 2003-289

RESOLUTION MAKING FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT (EIR) PREPARED AS PART OF A COMBINED ENVIRONMENTAL IMPACT REPORT AND ENVIRONMENTAL IMPACT STATEMENT (EIR/EIS) AND ADOPTING A MITIGATION MONITORING PLAN FOR ADOPTION OF THE NATOMAS BASIN HABITAT CONSERVATION PLAN (NBHCP)

RESOLUTION 2003-290

RESOLUTION ADOPTING THE FINAL NATOMAS BASIN HABITAT CONSERVATION PLAN (NBHCP) AND APPROVING THE NBHCP IMPLEMENTATION AGREEMENT (IA) AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE IMPLEMENTATION AGREEMENT AND RELATED DOCUMENTS NECESSARY TO OBTAIN INCIDENTAL TAKE PERMITS FROM THE US FISH AND WILDLIFE SERVICE AND CALIFORNIA DEPARTMENT OF FISH AND GAME

12.0 **STAFF REPORTS**

12.1 FY2003/04 Proposed Budget. (D-All)

This item was continued to 5/20/03 at 2:00 p.m.

13.0 **SHRA**

None

14.0 **COUNCIL IDEAS AND QUESTIONS**

14.1 Council Member Pannell announced that the third and final meeting on the proposed 168 unit Sacramento Pine Apartment Complex to be located on the NE corner of Calvin and Franklin Boulevard will be held on Monday, May 17, 2003.

14.2 Council Member Pannell invited everyone to the Valley High/North Laguna needs assessment workshop for the new library on Tuesday, May 20, 2003 at 6351 Mack Road.

14.3 Council Member Cohn invited everyone to participate in an all day transit workshop on Saturday May 17, 2003 regarding the 16th Street Light Rail Station at 9:00 a.m. held at the North West corner of 15th and R.

14.4 Council Member Sheedy announced that there will be a "Passport to Summer Youth Fair" at Simms/Haggenwood Community Center on Saturday, May 17, 2003 from 10:00 a.m. to 2:00 p.m.

15.0 **CITIZENS ADDRESSING COUNCIL AGENCY OR AUTHORITIES BY PERSONAL APPEARANCE ON MATTERS NOT ON THE AGENDA**

None

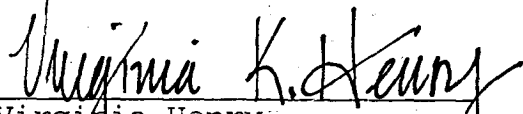
16.0 **ANNOUNCEMENTS**

None

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 11:17 p.m.

Submitted


Virginia Henry,
Interim City Clerk

Approved


Heather Fargo, Mayor