

RESOLUTION NO. 2005-108

ADOPTED BY THE SACRAMENTO CITY COUNCIL
ON DATE OF FEB 22 2005

**RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT EACH PHASE OF
THE LOAN AWARDED TO THE CITY OF SACRAMENTO BY THE STATE
DEPARTMENT OF BOATING AND WATERWAYS**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

WHEREAS, The State Department of Boating and Waterways provides loans to public entities for the renovation of small craft harbor facilities; and

WHEREAS, the City of Sacramento is desirous of renovating the south basin of the Sacramento Marina to meet the needs of the boating public and submitted a loan application for consideration by the State Department of Boating and Waterways; and

WHEREAS, The State Department of Boating and Waterways conducted a feasibility study and determined the City's proposal to renovate the south basin docks to be financially feasible and awarded the first phase of the loan in an amount of \$850,000.00; and

WHEREAS; Phase II (\$5,150,000) is available for acceptance and Phase III (\$500,000) will become available in fiscal year 2005/2006 upon approval of the State budget;

WHEREAS; The City of Sacramento requires additional \$450,000 and is desirous of applying for a second loan from the State Department of Boating and Waterways or securing a forth phase of the existing loan from the State Department of Boating and Waterways to complete the project;

WHEREAS, the Environmental Coordinator has prepared a Mitigated Negative Declaration for the above identified project;

WHEREAS, this project Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis;

Based upon the record as a whole, including the Initial Study and in the City Council's exercise of its independent judgment, there is no substantial evidence, either

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individually limited or cumulatively considerable, that the project will have a significant effect on the environment;

WHEREAS, the proposed Mitigated Negative Declaration finds that the proposed project will not have a significant effect on the environment provided that mitigation measures are added to the above identified project;

WHEREAS, the Environmental Coordinator has prepared a Mitigation Monitoring Plan for ensuring compliance and implementation of the mitigation measures as prescribed in the Initial Study for the above identified project; and

WHEREAS, in accordance with Section 21081.6 of the California Public Resources Code, the City of Sacramento requires that a Mitigation Monitoring Plan be developed for implementing mitigation measures as identified in the Initial Study for the project;

NOW, THEREFORE BE IT RESOLVED that the City Council:

1. Amend the Fee and Charge Report to reflect increased annual berth rental fee adjustments by a minimum of 6% (six percent) or the Consumer Price Index, whichever is greater and thereafter a minimum 3% annual berth rental fee increase or the Consumer Price Index, whichever is greater;
2. Based on the information presented to it and upon all information in the public record, and in compliance with Public resource Code Section 21080(b)(8), the City Council finds that the increased fees are for the purpose of meeting operational needs and obtaining funds for capital projects necessary to maintain services at the Sacramento Marina.
3. Amend the Fee and Charge Report to add a \$500 Lien Fee per incident to cover the cost of processing a lien against a vessel due to non payment of berth rental fees.
4. Based on the information presented to it and upon all information in the public record, and in compliance with Public resource Code Section 21080(b)(8), the City Council finds that the additional fees are to cover the costs incurred to recover outstanding fees owing to the City in the form of filing a vessel lien.
5. Authorizes the increase in State loan funding from \$6.2 million to \$6.5 million to be drawn down in three phases.

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6. Authorizes the City Manager to accept the loan as each phase becomes available and hereby authorizes the City Manager to execute the loan documents and accept such loan for the aforesaid purpose;
7. Authorize a Loan Application to the State Department of Boating and Waterways in an amount not to exceed \$450,000 to fund the increased project costs bringing the total loan funds to \$6.95 million;
8. The Mitigated Negative Declaration be ratified;
9. Mitigation Reporting Plan for the Marina South Basin Improvements Project (CIP #IA66) be adopted as shown in Exhibit A; and,
10. Increase the expense and revenue budgets for capital project IA66 (Sacramento Marina—South Basin Dock Replacement) by \$850,000 to reflect receipt of the first phase of the State loan draw and adjust the budget for future loan draws as they become available;

HEATHER FARGO

MAYOR

ATTEST:

SHIRLEY CONCOLINO

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Exhibit A

Marina South Basin Improvements Project Mitigation Reporting Plan

In January 1989, Assembly Bill 3180 went into effect requiring the City to monitor all mitigation measures included in this Negative Declaration. For this project, mitigation reporting will be preformed by the City of Sacramento Department of Convention, Culture and Leisure in accordance with the monitoring and reporting program developed by the City to implement AB 3180.

This Mitigation Reporting Plan is being prepared by the Planning and Building, Environmental Planning Services, 1231 I Street, Suite 300, Sacramento, CA 95814, (916) 264-5375, pursuant to the California Environmental Quality Guidelines, Section 21081.

The Department of Convention, Culture and Leisure will submit its completed Reporting Plan to the Environmental Planning Services for inclusion in the annual report to the City Council.

Project Number: CIP #IA66

Project Name: Marina South Basin Improvements Project

Project Location: The project is located in Miller Park between the Southern Pacific railroad tracks and the Sacramento River. The Assessor's Parcel Number (APN) is 009-0020-003.

Project Description: The City of Sacramento, Department of Convention, Culture and Leisure, is proposing to replace 263 existing slips in the South Basin with 171 new slips. The existing marina is deteriorating and needs to include slips that accommodate larger boats. The proposed new improvements also include upgrading the existing utilities, installing a new pumpout, constructing a new restroom at the marina store, replacing the existing marina store with a new one, and constructing new ADA accessible gangways. In addition to the improvements at the South Basin, 92 of the 25-foot slips in the North Basin would be replaced.

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**MITIGATION REPORTING PROGRAM CHECKLIST FOR THE MARINA SOUTH BASIN IMPROVEMENTS
NEGATIVE DECLARATION (CIP# IA66)**

Mitigation Measure	Reporting Milestone	Reporting/Responsible Party	VERIFICATION OF COMPLIANCE		Remarks
			Initials	Date	
WATER					
WR-1: The banks shall be stabilized using non-vegetative material such as a vegetable gum-based liquid that will bind the soil initial and break down within a few years. If the project engineers determine that more aggressive erosion control treatments are needed, geotextile mats, excelsior blankets, or other soil stabilization products will be used.	Before and during construction	Dept. of Convention, Culture and Leisure & Contractor			
WR-2: Construction Best Management Practices (BMPs) shall be implemented during construction. These BMPs could include, but are not limited to, removing, storing, protecting, and reapplying the topsoil to facilitate re-vegetation and use of a biodegradable erosion blanket to stabilize stream banks. Sites that have been disturbed during construction shall be restored to pre-construction conditions on completion of construction activities.	Before and during construction	Dept. of Convention, Culture & Leisure & Contractor			
WR-3: Shrubs, debris or soils that are inadvertently deposited below the ordinary high-water mark of drainages shall be removed in a manner that minimizes disturbance of the drainage bed and bank.	Before and during construction	Dept. of Convention, Culture & Leisure & Contractor			

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Mitigation Measure	Reporting Milestone	Reporting/Responsible Party	VERIFICATION OF COMPLIANCE	
			Initials	Date
WR-4: In non-pavement areas, any vegetation covered or removed during construction (including slope protection) shall be replanted following construction.	After construction	Dept. of Convention, Culture & Leisure & Contractor		
WR-5: The appropriate permits shall be obtained for maintenance dredging. All requirements within the permits shall be followed.	After construction	Dept. of Convention, Culture & Leisure & Contractor		

Mitigation Measure	Reporting Milestone	Reporting/Responsible Party	VERIFICATION OF COMPLIANCE	
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BIOLOGICAL RESOURCES

BR-1: No intensive new disturbances (e.g. heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities) or other projected related activities which may cause nest abandonment or forced fledging, should be initiated within ¼ mile (buffer zone) of an active nest between March 1 through September 15 or until August 15 if a Management Authorization or Biological Opinion is obtained for the project. The buffer zone should be increased to ½ mile in nesting areas away from urban development (i.e. in areas where disturbance [e.g., heavy	Prior to construction	Dept. of Convention, Culture and Leisure		
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Mitigation Measure	Reporting Milestone	Reporting/Responsible Party	VERIFICATION OF COMPLIANCE		
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<p>equipment operation associated with construction, use of cranes or draglines, new rock crushing activities] is not a normal occurrence during the nesting season). Nest trees should not be removed unless there is no feasible way of avoiding it. If a nest tree must be removed, a Management Authorization (including conditions to off-set the loss of the nest tree) must be obtained with the tree removal period specified in the Management Authorization, generally between October 1 through February 1. If construction or other project related activities which may cause nest abandonment or forced fledging are necessary within the buffer zone, monitoring of the nest site (funded by the project sponsor) by a qualified biologist (to determine if the nest is abandoned) should be required. If it is abandoned and if the nestlings are still alive, the project sponsor shall fund the recovery and hacking (controlled release of captive reared young) of the nestling(s). Routine disturbances such as agricultural activities, commuter traffic, and routine facility maintenance activities within 1/4 mile of an active nest should not be prohibited.</p> <p>BR-2: If construction occurred near the elderberry shrubs (eastern side of the project site), an elderberry shrub survey shall be conducted in the spring prior to construction. The survey shall be conducted to USFWS</p>	Prior to construction	Dept. of Convention, Culture and Leisure			

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Mitigation Measure	Reporting Milestone	Reporting/Responsible Party	VERIFICATION OF COMPLIANCE		
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<p>guidelines and protocols. No minimization measures are required for removal of elderberry plants with no stems measuring 1.0 inch or greater in diameter at ground level with no exit holes.</p> <p>BR-3: If elderberry shrubs with one or more stems measuring 1.0 inch or greater in diameter at ground level are found during the survey, the following measures shall be taken:</p> <p>BR-3(a): Elderberry shrubs shall be avoided whenever possible. Complete avoidance may be assumed with a 100-foot (or wider) buffer is established and maintained around elderberry shrubs. Firebreaks may not be included in the buffer zone.</p> <p>BR-3(c): Contractors shall be briefed on the need to avoid damaging the elderberry shrubs and the possible penalties for not complying with these requirements.</p> <p>BR-3(d): Signs shall be erected every 50 feet along the edge of the avoidance area with the following information: "This area is habitat for the Valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected under the Endangered Species Act of 1973, as amended. Violators are</p>	<p>Prior to, during, and after construction</p>	<p>Dept. of Convention, Culture and Leisure and Contractor</p>			

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<p>subject to prosecution, fines, and imprisonment." The signs should be clearly readable from a distance of 20 feet, and must be maintained for the duration of construction.</p> <p>BR-3(e): Any damage done to the buffer area must be restored during construction. Erosion control and re-vegetation with appropriate native plants shall be completed.</p> <p>BR-3(f): Buffer areas must continue to be protected after construction from adverse effects of the project. Measures such as fencing, signs, weeding, and trash removal are usually appropriate.</p> <p>BR-3(g): No insecticides, herbicides, fertilizers, or other chemicals that might harm the beetle or its host plant should be used in the buffer areas, or within 100 feet of any elderberry shrub with one or more stems measuring 1.0 inch or greater in diameter at ground level.</p> <p>BR-3(h): A written description of how the buffer areas are to be restored, protected, and maintained after construction is completed shall be provided.</p> <p>BR-3(i): Mowing of grasses/ground cover may occur from July through April to reduce fire hazard. No mowing should occur within five feet</p>				

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of elderberry plant stems. Mowing must be done in a manner that avoids damaging plants (e.g., stripping away bark through careless use of mowing/trimming equipment).					
BR-4: A Section 7 consultation with National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) shall be initiated prior to the start of any construction activities. Consultation with Department of Fish and Game (DFG) shall be initiated concurrently with the Section 7 consultation.	Prior to construction	Dept. of Convention, Culture and Leisure and Contractor			
BR-5: A Biological Assessment (BA) shall be received from the USFWS and/or NMFS prior to the start of any construction activities. If the BA results in a formal Section 7 consultation, a Biological Opinion shall be received prior to the start of any construction activities.	Prior to construction	Dept. of Convention, Culture and Leisure and Contractor			
BR-6: All mitigation measures developed as a result of the consultations shall be followed.	Prior to construction	Dept. of Convention, Culture and Leisure and Contractor			
BR-7: A pre-construction survey shall be conducted at least two weeks prior to the start of construction activities.					
BR-8: Any special-status plants found during the pre-construction survey shall be avoided during construction by installing temporary fencing around the plants. No construction activities shall take place inside the temporary	Prior to construction	Dept. of Convention, Culture and Leisure and Contractor			

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fencing. The minimum distance needed to avoid the special-status plants shall be determined by the regulatory agencies (USFWS and DFG).					
BR-9: The contractor shall hire an International Society of Arboriculture (ISA) certified arborist to do any required pruning to trees within the project area for equipment clearance. The contractor shall contact the City Arborist (Dan Pskowski, 768-8604) for root inspection(s) for trenching activities within the dripline(s) of the trees.	Prior to and during construction	Dept. of Convention, Culture and Leisure and Contractor			
BR-10: If during excavation activities, tree roots greater than 2 inches in diameter are encountered, work shall stop immediately until an International Society of Arboriculture (ISA) certified arborist can perform an inspection. All roots shall be cut clean and the tree affected may require supplemental irrigation/fertilization and pruning as a result of the root cutting. The project sponsor will be responsible for any costs incurred.	During construction	Dept. of Convention, Culture and Leisure and Contractor			
BR-11: The contractor will be held liable for any damage to existing trees including trunk wounds, broken limbs, and the pouring of deleterious materials or concrete under the dripline of the tree. Damages will be assessed using <i>Guide to Plant Appraisal</i> (ninth edition) published by ISA. The contractor shall hire an	During construction	Dept. of Convention, Culture and Leisure and Contractor			

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ISA certified arborist to do the appraisal and submit a report for review by the City Arborist.					
BR-12: A formal wetland delineation of the project site shall be conducted prior to the start of any construction activities. The formal wetland delineation report shall be submitted to the U.S. Army Corps of Engineers for verification.	Prior to construction	Dept. of Convention, Culture and Leisure			
BR-13: After verification of the formal wetland delineation report, a permit application shall be prepared and submitted to the Corps for authorization to fill under a Nationwide Section 404 (Clean Water Act) and Section 10 (Federal Rivers and Harbors Act) prior to the start of any construction activities.	Prior to construction	Dept. of Convention, Culture and Leisure			
BR-14: A Streambed Alteration Notification (FG 2023) and Project Questionnaire form (FG 2024) shall be prepared and submitted to the California Department of Fish and Game in accordance to section 1601 of the Fish and Game Code prior to the start of any construction activities.	Prior to construction	Dept. of Convention, Culture and Leisure			
BR-15: An impacts assessment that identifies the volume of dredged or fill material that would be discharged into Waters of the U.S. and the construction of all structures and work (including pile driving) shall be completed prior to the start of any construction activities.	Prior to construction	Dept. of Convention, Culture and Leisure			

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BR-16: A Section 401 Water Quality Certification or waiver from the Regional Water Quality Control Board shall be obtained from the Regional Water Quality Control Board as a condition of the Section 404 permit prior to the start of any construction activities.	Prior to construction	Dept. of Convention, Culture and Leisure			

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CULTURAL					
CR-1: If subsurface archaeological or historical remains are discovered during construction, work in the area shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues.	During construction	Dept. of Convention, Culture and Leisure and Contractor			
CR-2: If human burials are encountered, all work in the area shall stop immediately and the Sacramento County Coroner's office shall be notified immediately. If the remains are determined to be Native American in origin, both the Native American Heritage Commission and any identified descendants must be notified and recommendations for treatment solicited (CEQA Section 15064.5); Health and Safety Code Section 7050.5; Public Resources Code Section 5097.94 and 5097.98.	During construction	Dept. of Convention, Culture and Leisure and Contractor			

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