

**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**

**March 24, 1998**

**CALL TO ORDER**

The Regular Meeting (Workshop) of the Sacramento City Council was called to order by Mayor Serna at 1:05 p.m. on the above date in the City Council Chamber located at 915 I Street.

**ROLL CALL**

**Present:** Councilmembers Cohn, Fargo, Hammond, Kerth, Waters, Steinberg, Yee and Mayor Serna

**Absent:** None

W1.0 - **WORKSHOP** -

W.1.1 **FEMA MAPPING**

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Gary Reents, Engineering Services Manager, and David Brent, Supervising Engineer, Utilities, presented the report.

Mr. Reents advised that floodplain management in Sacramento is in a period of significant change. As a flood-prone city, Sacramento's main defense against flooding is Folsom Dam and the levee system. Recent modifications to the projected flood flows on the American River and regulatory changes in the National Flood Insurance Program are again changing the way that Sacramento must manage the floodplain.

Prior to 1986, most of Sacramento was considered to have a minimum of 100-year protection from flooding. However, the floods of 1986 caused the Army Corps of Engineers to reevaluate the expected flows during a 100-year flood and ultimately decertify much of Sacramento's flood control system. This decertification would have also resulted in the Federal Emergency Management Agency (FEMA) mapping Sacramento into a very restrictive flood zone designation (AE Zone) that would have severely limited development and increased flood insurance rates in the City. In 1989, Congress passed legislation that designated a less restrictive flood zone in Sacramento, referred to as an A99 zone, which required flood insurance but did not restrict development.

In response to the 1986 floods, the Sacramento Area Flood Control Agency (SAFCA) was established to improve the flood control system for the Sacramento region. SAFCA's goal is to provide a minimum of 200-year level protection for the region. Since SAFCA's formation, several flood control projects have been completed and a 200-year level of flood protection in Natomas and parts of North Sacramento has been achieved. In South Sacramento, SAFCA has identified, and is in the process of securing Federal funding for a flood control project that will provide a 250-year level of flood protection. For the rest of the City, SAFCA is pursuing authorization of a project on the American River that will provide approximately 165-year flood protection.

Mr. Reents advised that floodplain restrictions go away if 100-year or greater flood protection is provided. As of now, Sacramento River Levee Stabilization, North Area Local Project, and Folsom Dam Reoperation are flood control projects that have been completed.

In February 1998, the Army Corps of Engineers revised the hydrology on the American River.

Flood control projects that are planned are:

- \* American River Levee Stabilization
- \* South Sacramento Stream Groups
- \* North Natomas Comprehensive Drainage Plan
- \* American River Project (maybe?)

Mayor Serna suggested that the tape of this Council meeting could be used as an educational tool for the public. The Mayor asked Mr. Reents to define the terminology of the zones, what is a 100 year flood, etc.

Mr. Reents explained that while a flood event has a 1% chance of happening each and every year, the average long-term expectation would be that a flood event would happen only once in every 100 years.

Dave Brent, Supervising Engineer, Utilities, continued the presentation of the report.

Mr. Brent discussed the National Flood Insurance Program, (NFIP) which was enacted by Congress in 1968 to enable people in flood-prone floodplain communities to purchase insurance. NFIP was established to reduce flood damage through community floodplain management programs and provide an insurance pool to underwriter losses due to floods.

The Federal Emergency Management Agency (FEMA) administers the NFIP. A Flood Insurance Rate Map is issued by FEMA which identifies areas of 100-year flood hazard - Special Flood Hazard Areas (SFHA). Flood insurance is required for structures within the SFHA.

The SFHA are determined through a detailed study called a Flood Insurance Study, performed by FEMA to determine floodplain boundaries, elevations, and other flood data. FIS assumes worst-case scenario, complete failure of levees at design freeboard. The freeboard is the space between the surface of the water and the top of the levee, Mr. Reents explained.

Mr. Reents noted that FEMA's approach is different than that of the Army Corps of Engineers. Mayor Serna questioned why there was no combined information from these agencies?

Mr. Brent defined flood ways as a channel of a water course and the adjacent land that must be reserved in order to discharge the 100-year flood without increasing the water surface more than one foot. The

regulatory flood ways in Sacramento are along the American River and Dry Creek. AH and AO zones are defined as a SFHA with flooding between 1 to 3 feet. A99 Zone is a SFHA with a flood control project close to completion. An X Zone applies to areas which are outside the 100-year floodplain. "Substantial Improvements" is defined as improvements greater than 50% of Market Value. An AE Zone is a flood zone in which the base flood elevation is known; AE is a restrictive zone, and requires flood insurance.

Mr. Brent defined more key terms: a Community Rating System (CRS) is a voluntary program under the NFIP that recognizes a community's efforts to reduce flood losses. It reduces flood insurance premiums for property owners from 5 to 45%. Mr. Brent advised that Sacramento's CRS rating is the top in the country. AR insurance premiums will be 20% less. Substantial Improvements, again, are improvements to structures greater than 50% of market value.

Mr. Brent advised that the City's Floodplain Management Program includes several components, and is implemented by several departments. These are: Floodplain Managers/Utilities; Building Requirements/Development Services; Planning Requirements/Planning Services; Map Revisions and Maintenance/Utilities; Map Information/Utilities; Comprehensive Flood Management Plan/Utilities; Public Education/Utilities; Flood Control Coordination/Utilities.

Councilmember Hammond asked for an explanation regarding the definition of "substantial market improvements" as greater than 50% of the market value; she asked whether the whole structure must always be raised by one to three feet? Mr. Brent responded that that was true in an AE zone, but did not apply in an AR zone.

Councilmember Kerth advised that a constituent wanted to rebuild a detached garage; regarding a permit for improvement, Mr. Kerth asked whether the permit would apply to the whole property or just the individual building? Mr. Brent thought the garage would be exempt for that, if it were not an occupied structure. Mr. Kerth asked who makes the final decision? Mr. Reents and Mr. Brent replied that we do, as Floodplain Management.

Mr. Reents discussed FEMA regulations, advising that we become part of the NFIP so our constituents can buy flood insurance from the pool. FEMA doesn't directly regulate land-use decisions or other decisions; what they do is act in a review capacity. What happens is that they expect the City to comply. They perform audits every so often and review the claims that have been filed. At some point, FEMA can refuse to pay the claims if they believe the rules were not complied with, therefore we must do everything by the rules. There is a lot of responsibility placed on the City to make those interpretations. FEMA can put a municipality on probation from the entire program.

Mr. Kerth observed that there appeared to be a consistency problem. If there is a non-conforming use on the property, the building can burn to the ground, but that doesn't mean that it has been devalued by 50%. If it is the decision of the Attorney's office that the ground is still there, the building must go back. Mr. Kerth asked whether we would be applying that same standard with floodplain management?

Mr. Brent advised that FEMA's regulations say that either the tax-assessed value or an appraised value may be taken. If cost exceeds 50% of the assessed value, the appraised value could be based on pre-disaster basis. Mr. Reents noted that there is another definition in FEMA regulations which allows some exceptions, if it is a hardship case.

Councilmember Cohn commented that one FEMA remedy is that they can refuse to pay an insurance claim; claims are settled claim-by-claim. As to a developed/undeveloped designation, FEMA would make that identification. Mr. Cohn asked if there had been any interpretation issues regarding the 50% of assessed value question? Mr. Brent responded that there was one levee improvement case, which has now been settled.

Mayor Serna established with Mr. Brent that if too many variances were granted, Sacramento could be placed on probation with FEMA and excluded from the whole program. Once dropped out of the program, flood insurance would be unavailable; in order to be dropped, consistent non-compliance must be shown, especially too many variances.

Mr. Brent referred to the organization chart in the white binder under the divider "Floodplain Management Program", discussing the structure of the program.

Mr. Reents advised that revisions of the FIRMS (Flood Rate Insurance Maps) due to flood control improvement projects or changes in hydrology must be filed with FEMA. When there is a major zone revision, FEMA will reprint a FIRM, meanwhile a Summary of Map Actions to document previous Letters of Map Change (LOMCs) will assist in maintaining the FIRM. Even if there major changes in the City, the FIRMS would probably not be reissued.

Mayor Serna asked what effect this would have on people wanting to build? Mr. Reents stated that they don't want to reprint the maps. The determination as to what zone the applicant is in is in effect the moment the applicant receives the letter.

Mr. Brent discussed the advantage of digitized maps to educate the public, saying these maps are able to be kept up to date better. He stressed that the Comprehensive Flood Management Plan was helpful in getting us a good flood rating in the CRS (Community Rating System). Mr. Brent advised that some information was available to the public by calling 264-5061; while the information is unofficial, it gives the caller an educated opinion as to the zone in which the property is located.

Mr. Brent advised that there are 55,000 flood insurance policies in Sacramento, covering 31% of the structures. The City's CRS score qualifies for a 20% reduction in flood insurance rates. This reduction does not apply to A99, but will apply to AR.

Long-term goals are to coordinate with SAFCA on Flood Control Projects, improve the CRS rating, digitize FIRMS, update the Comprehensive Flood Management Plan, and increase the number of Flood Insurance Policies.

Councilmember Yee asked what the difference in the insurance rates was between a \$100,000 structure in an AR zone vs. An X Zone? Mr. Brent responded that the premium was \$281 (\$267) in an AR zone; in an AE Zone, the premium was \$590 (\$472). Currently in A99 zone, must get the insurance before July 6, 1998 in order to keep the lower price. If a property is in the X Zone, Mr. Brent advised that it remains in the X Zone.

\*\*\*\*Council broke from 2:00 p.m. until 2:10 p.m.

Mr. Brent continued the presentation by discussing the AR Zone Regulations, as to impacts, implementation strategy, and outstanding issues. He defined an AR Zone as a special flood hazard area where the flood control system no longer provides base flood protection, but a restoration plan is in place; this is temporary (up to 10 years).

AR Zone in Sacramento is mostly in the Pocket area, Delta Shores, and Meadowview; this is due to an underlying flood zone, or flooding from a source other than the Sacramento River (Morrison Creek). The AR Zone does not apply in Natomas and many other parts of North Sacramento. It does apply in large areas south and smaller areas north of the American River.

AR regulations require the City to define "developed" areas. Per definition in the regulations, staff has submitted a "developed" area map to FEMA showing all areas within the AR Zone as developed.

Councilmember Yee asked how the differences between AR and AE are broken out?

Paul Devereaux, SAFCA, responded that was related to assessment districts in the AR Zones, or zones within zones could be carved out. Mr. Yee asked if that meant that if there were a levee failure in the south county levees or the streams, the overflow would not reach the Central District? Mr. Devereaux replied that was correct.

Mr. Waters asked whether the Pocket area would still be subject to flooding from the American River, once Beach Lake is brought up to standard? Mr. Brent responded that it would, because it is still in the AR Zone.

Mr. Brent commented that one question we'll be asking FEMA is related to an improvement project that was along the Sacramento river levees; the floodplain shown on the map assumes a failure of that levee. Mr. Waters asked whether there was a map in existence which shows what part of the City would flood if the American River levee failed? Mr. Brent advised that we don't have a model run as to what would occur if only one of the rivers flooded; the maps assume failure of levees for both rivers.

Mayor Serna stressed the importance of informing Pocket residents that they would need to get flood insurance prior to July 6, 1998. Mr. Brent referred to the Developed Areas Map (white binder) noting that developed areas are only an issue within the AR Zone. Mayor Serna asked about North Natomas, noting that there was an adopted Community Plan there, so it is not as if the community won't be developed.

Mr. Reents advised that the basic FEMA definition of developed area is "contiguous area, 75% of parcels in a developed area have to have structures on them".

Mr. Brent discussed the impacts of the AR Zone:

On Construction:

- \* New residential = elevate 3 feet above adjacent grade
- \* New commercial = elevate or flood proof to 3 feet
- \* No elevation requirements required for substantial improvements
- \* More stringent of dual flood zones apply

On Insurance Rates:

- \* Insured prior to July 6, 1998 = no impact
- \* Insured after July 6, 1998 = higher rates
- \* Insurance coverage goes with the property if sold and insurance is kept current

Mr. Brent outlined the Action Plan:

- \* Implement AR Zone by July 6, 1998
- \* Revise City's FPM Ordinance
- \* Identify Developed/Undeveloped Areas
- \* Conduct Public Outreach
- \* Work with FEMA and Army Corps to revise maps before July 6, 1998

Councilmember Steinberg questioned the position that the whole City is a developed area, which even under the AR zone would allow development with some of the modifications (the 3 ft. elevation requirement); he asked what the restrictions would be on undeveloped areas within the AR zone if FEMA disagrees? How would that affect undeveloped areas? Mr. Brent responded if FEMA disagrees, likely areas would be Granite Park, Centrage, and Delta Shores. In an undeveloped area, if the flooding is greater than 5 feet, then structures would have to be built above that elevation. If less than 5 feet, would go to 3 feet.

Mr. Steinberg discussed public safety, noting that continued development of the City is desired, but he asked whether it has been evaluated as to how the AR Zone would impact development? As we maximize our flexibility to build, can we ensure the safety of people in the AR Zone construction? Mr. Reents advised that the City is working on flood protection by addressing such issues as emergency response, mapped risks, development of rescue/evacuation plans, all of which make us safer than most communities.

Mr. Steinberg asked whether FEMA would consider our preparedness when approving our version of the map? Mr. Reents responded that they did not, yet the CRS gives Sacramento the highest rating in the nation, based on our preparedness. FEMA says Sacramento is doing more toward safety than most, thus we get a 20% reduction in premiums. City Manager Edgar commented that there is no argument that we are living in an unsafe flood plain area, but we must look at the balance.

Councilmember Fargo emphasized that as we look at maps, considering zones and flood insurance rates, we must stay focused on how to increase the flood protection level. Ms. Fargo commented that our main effort should not be on how do we get out of these restrictions or get around the regulations, but on how we increase the level of protection. While we are working toward that end, we must keep people safe through insurance programs and evacuation procedures, etc.

Mr. Reents advised of the outstanding issues with the AR Zone:

- \* Inaccuracy of FIRM
  - Based on outdated FIS
  - FIRM includes flooding from Sacramento River
  - Doesn't include South Sacramento floodplain
  - Must be modified to show Natomas and North Sacramento as "X" zones

Mr. Reents advised that staff asked FEMA to revise and update maps. FEMA advised that maps would be revised in July, 1998.

- \* FEMA regulations allow local agencies to certify levees
  - In Sacramento FEMA is not allowing local certification, except by the Army Corps of Engineers
  - Staff is not clear why we are not allowed to certify - based on freeboard requirements

Mayor Serna asked whether staff had posed that question to FEMA and the Corps in terms of their statistical models of levee certification? Mr. Reents replied that staff had discussed that with both sides; he suggested that perhaps Mr. Devereaux might be able to shed some light on that. Put diplomatically, Mr. Reents advised that each organization operates independently, according to its own procedures. Mayor Serna commented that Sacramento wants to comply, but needs a unified guide or plan. The Mayor asked why not coordinated? Why is everything south of the Sacramento River in the AR Zone? Mr. Reents responded that FEMA says it will only rely on recommendation by the Corps. The Corps stated that it was doing things their way and were not sure why they were being dragged into this in terms of certification for FEMA.

Mayor Serna asked how the City Council could improve this situation? There are different responses regarding the regulations and the business approach. Mayor Serna commented that we want to comply, because we want our people to be safe; he asked if we could approach FEMA and the Corps, to see if we could get a solid, coordinated answer?

Councilmember Fargo commented that the inconsistency is historic; they need to be advised what the impacts are because of the lack of coordination between the two agencies, that they create problems for people concerning insurance and other issues. Mr. Reents commented that the FIRM maps and other maps are not coordinated.

Mayor Serna established with Mr. Brent that the ordinance returns for a full vote at the last meeting in May. Mayor Serna wanted the SAFCA position brought before the City Council for discussion and a vote.

Ms. Fargo commented that one reason we have a good designation of the CRS system is due to the good work of the staff; they are excellent representatives for the City, including the time spent in Washington, D.C.

For Council information; received and filed. Further direction provided to staff.

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**W2.0 CITIZENS ADDRESSING COUNCIL (MATTERS NOT ON AGENDA)**

**W2.1** Ricardo Ceballos, representing the Sacramento Coalition of Native American Sovereign Tribes (SACNAST) advised Council that SACNAST is an organization which, in the form of Talking Circles, provides services and counseling for young people, women, and elders to assist with various issues.

SACNAST's meetings were formerly held in facilities of the Council for Native Americans, but that option is no longer available. Mr. Ceballos sought advice from the City Council as to where the group might now hold its regular meetings.

Mayor Serna suggested that Mr. Ceballos meet with either Mike Hanamura in Neighborhood Services or Gina Montoya in the Mayor's office to discuss this issue.

Councilmember Kerth advised Mr. Ceballos that consultation with Mr. Hanamura would be helpful in identifying available space in local schools, community centers, and churches.

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### W3.0 COUNCIL IDEAS AND QUESTIONS

W3.1 Councilmember Steinberg requested a report back from the Cable Commission as to possible alternate uses for the Cable Reserve Fund, which could be as much as \$500,000 per year. Mr. Steinberg suggested that other youth projects, similar to the Boys and Girls Club in District 1, could be given a start. He envisioned a collaborative between the City and County.

W3.2 Councilmember Hammond asked City Attorney Jackson whether 1) the City has an ordinance which prevents people from wanting to answer the Census, and 2) can we remove any obstacle the City may have which would prevent people from responding honestly? Mr. Jackson responded that he would report back; he advised that an existing ordinance limits the number of people who may live together who are unrelated by blood.

Ms. Hammond reminded those present that the dress rehearsal for the Census is April 18, 1998.

W3.3 Councilmember Cohn expressed approval of Councilmember Steinberg's idea, but cautioned that the City must first learn the results of Measure I in the June election. Should that Measure fail, the City may need to utilize the Cable Reserve Fund to help mitigate the large cuts which would result; when Measure I passes, those funds could be used for the suggested youth programs.

W3.4 Councilmember Yee advised that the Cable Commission is currently looking at the projection of the surplus, which is at present unknown; the idea now is to return it to the parent entities. Mr. Steinberg again urged City/County collaboration.

W3.5 Mayor Serna requested a report back regarding asset seizure policies in drug-related cases, particularly real properties. The Mayor's concern was related to instances in which the alleged manufacture of drugs was occurring in apartment complexes; he asked whether the City could seize those asset properties, then give them to SHRA or other housing development groups for a nominal amount so they could be rehabilitated.

Mayor Serna also inquired as to the possibility of amending the REAP program, as it applies to code enforcement issues. Currently the tenants must petition the City; the Mayor asked if this could be amended so that the City could trigger the Rent Escrow Account Program (REAP)? City Attorney Jackson responded that the Mayor's second request was do-able; as to the first issue, State and Federal law dictates that the money must be returned to authorities for law enforcement purposes. Mr. Jackson agreed to report back.

Councilmember Hammond requested that this be extended to include not only apartments, but individual rental houses. Mayor Serna agreed that the City Attorney could consider that as an option.

W3.6 Councilmember Fargo advised that she had received a fax from Senator Barbara Boxer with the good news that Senator Boxer had written to the Acting Assistant Secretary of the Army, Head of the Corps of Engineers, John Zirsky, asking that SAFCA be included in the Water Resources Development Act of 1998.

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W4.0 RECESSED INTO CLOSED SESSION AT 3:15 P.M.

W4.1 Pursuant to Government Code Section 54956.9(b) for matters pertaining to threatened litigation: once potential case

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W5.0 ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 3:40 p.m.

Submitted

  
Valerie A. Burrowes, City Clerk

Approved

  
Joe Serna, Jr., Mayor