

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

January 24, 1995

CALL TO ORDER

The Regular Meeting of the Sacramento City Council was called to order by Mayor Serna at 2:00 p.m. p.m. on the above date in the City Council Chamber located at 915 I Street.

ROLL CALL

Present: Councilmembers Cohn, Fargo, Kerth, Ortiz, Pannell, Steinberg, Waters, Yee and Mayor Serna

Absent: None

A motion was made by Councilman Pannell, seconded by Councilman Kerth, to waive the reading and adopt the Consent Calendar, Items 1.1 through 1.7, except for item 1.7. The motion carried with a 7-0 roll call vote, with Councilmembers Cohn and Fargo being absent.

Public Review Items - Informational Only

NONE

Sacramento Housing and Redevelopment

NONE

City Council

- 1.1 Consumnes River Boulevard - Franklin Boulevard to Center Parkway Project (PN:TB71) - approval of Program Supplement No. 007 in the amount of \$225,111. (D-7)
-

Adopted Resolution 95-027 executing agreement 95-024 approving Program Supplement No. 007 in the amount in the amount of \$225,111 for the Consumnes River Boulevard Franklin Boulevard to Center Parkway Project.

RESOLUTION NO. 95-027

RESOLUTION APPROVING PROGRAM SUPPLEMENT NO. 007
APPROPRIATING FUNDS FOR COSUMNES RIVER BOULEVARD
- FRANKLIN BOULEVARD TO CENTER PARKWAY PROJECT
(PN:TB71)

- 1.2 Overwidth pavement construction for River Grove located at 7550 Pocket Road (P91-204;JN:3412) - reimbursement agreement with L & P Land and Development, Incorporated. (D-7)
-

Adopted Resolution 95-028 approving reimbursement agreement 95-025 with L & P Land Development, Inc. for the overwidth pavement construction for River Grove located at 7550 Pocket Road.

RESOLUTION NO. 95-028

AUTHORIZING EXECUTION OF AN AGREEMENT FOR
REIMBURSEMENT FOR OVERWIDTH PAVEMENT
CONSTRUCTION FOR RIVER GROVE (P-91204; JN: 3412)

- 1.3 Elm Leaf Beetle control effort; suspend formal competitive bidding for the purchase of AVID encapsulated pesticide from Tree Technology Systems, Incorporated, in the amount of \$118,137.50, renewable through Fiscal Year 1996/97. (D-All) (requires two-thirds vote)
-

Adopted staff recommendations to suspend formal competitive bidding for the purchase of AVID encapsulated pesticide from Tree Technology Systems, Inc.

- 1.4 Appeal of Gerald Walston, Jr. from the decision of the Department of Public Works regarding vicious animal allegations. (D-3)
-

This item was received and filed.

- 1.5 Request for extension of the application period for the Retirement Hearing Commission due to insufficient applications received. (D-All)
-

Application period extended and continued to February 17, 1995

- 1.6 Parcel Map entitled "The Block bounded by 5th and 6th, and "H" and "I" Streets according to the plat or plan of the City of Sacramento and a portion of Parcel A, 120 P.M. 10" (P93-085) [Federal Courthouse] (D-1)
-

Adopted Resolution 95-029 approving Parcel Map entitled "the Block bounded by 5th and 6th, and "H" and "I" according to the plat or plan of the City of Sacramento and a portion of 120 P.M. 10" [Federal Courthouse]

RESOLUTION NO. 95-029

APPROVING PARCEL MAP ENTITLED "THE BLOCK BOUNDED BY 5TH AND 6TH, AND "H" AND "I" STREET ACCORDING TO THE PLAT OR PLAN OF THE CITY OF SACRAMENTO AND A PORTION OF PARCEL A, 120 P.M. 10" - (P-93085)

1.7 MOVED TO AFTERNOON STAFF REPORTS ITEM 4.3

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2.0 GENERAL COMMUNICATIONS/PRESENTATIONS

NONE

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3.0 PUBLIC HEARINGS (Afternoon Meeting)

3.1 Ordinance amending the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, fourth series, as amended, relating to Retail Uses in the C-4, M-1, M-1(S), M-2, and M-2(S) zones and declaring the Ordinance an Emergency Ordinance to take effect immediately. (M94-056) (Requires a two-thirds vote) (Continued from January 17, 1995, Item 10.4) (D-All)

Carol Shearly, Associate Planner, spoke about the Planning Commission's recommended approval of the proposed Zoning Ordinance Amendment to require a Special Permit for retail uses that are at least 40,000 square feet in building floor area per parcel in the following industrial zones; C-4, M-1, M-1(s), M-2, and M-2(S). Carol stated the Planning Commission instructed staff to modify the ordinance to allow for a streamlined process using the Zoning Administrator's Special Permit that would not create a significant impact. Furthermore, the Planning Commission wished to exempt pending projects that had submitted for a building permit prior to their action. The proposed Home Depot store at the corner of Folsom Boulevard and Power Inn Road was the only applicable pending project and had agreed to incorporate some measures into their project. Ms. Shearly recommended approval of the ordinance.

A motion was made by Councilman Yee, seconded by Councilwoman Fargo, to adopt the Emergency Ordinance amending the Comprehensive Zoning Ordinance relating to retail uses in the C-4, M-1, M-1(S) M-2 and M-2(S) zones and declaring the Ordinance an emergency Ordinance to take effect immediately. The motion carried with a 9-0 roll call vote.

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED, RELATING TO RETAIL USED IN THE C-4, M-1, M-1(S), M-2, AND M-2(S) ZONES AND DECLARING THE ORDINANCE AN EMERGENCY ORDINANCE TO TAKE EFFECT IMMEDIATELY

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4.0 STAFF REPORTS (Afternoon Meeting)

- 4.1 Neighborhood Traffic Management Program - establishment of Capital Improvement Project and appropriation of funds in an amount of \$100,000. (continued from January 17, 1995, Item 9.5) (D-All)

Michael Kashiwagi, Deputy Director of Public Works, spoke about the Department of Public Works' proposal of a citywide Neighborhood Traffic Management Program (NTMP). Proven effective in the cities of Portland, Phoenix and San Diego, the NTMP organizes and educates citizens and/or community groups so they could better address traffic concerns in their own neighborhoods and become actively involved in solving these problems. The NTMP would consist of three components: The Neighborhood Participation Component; The Neighborhood Education Component; The Neighborhood Traffic Management Tools Component. Mr Kashiwagi recommended approval of the project.

Mayor Serna commended the Public Works staff and neighborhood leaders and pointed out this was a paradigm change in government and allowed for the staff to work out the problems directly with the neighborhoods.

Councilman Cohn stated he was encouraged by the changes and asked how was a neighborhood was defined in terms of size.

Mr. Kashiwagi responded the size of a neighborhood had yet to be determined and will evolve within the next six months. The department's goal would be to address one neighborhood per district per year.

Mr. Cohn asked if Council would be allocating Capital Improvement Funds for Fiscal Year 1994/95 and would Council have the ability through the budget process to review funds for 1995/96.

Mr. Kashiwagi responded yes to both questions and said staff would come back within six months with the specifics.

Councilwoman Ortiz asked if \$150,000 per year was realistic to implement the program. Also, would this include mini studies.

Marty Hanneman, Manager, Traffic Engineering Division, stated that \$150,000 per year was an estimate, and if determined through the CIP process other projects were needed, separate CIP funds would be created for that project. This would not include mini studies.

Councilwoman Fargo asked what the grant would be used for and if there was a matching requirement.

Mr. Hanneman responded the grant would be used for staff time, the purchasing of a speed board, and to create the educational materials to develop the program. There would be no matching requirement.

Ms. Fargo asked why the department would require more staff and would this affect the implementing of speed bumps. Mr. Hanneman responded they could not complete their current investigations with the department's existing staff. This program would not affect the undulation program. The neighborhood Traffic Management Program would provide additional tools and traffic calming devices.

Ms. Fargo added the program should address pedestrians, cyclists, parking spaces for visibility, construction techniques for citizens to build their own speed bumps, and other various items to reduce costs. Furthermore, Ms. Fargo asked if this would slow down the Midtown Traffic Plan.

Mr. Hanneman responded this was a separate program and would not affect the Midtown Traffic Plan.

Councilman Waters asked how staff would determine which district would be first.

Mr. Kashiwagi responded the neighborhoods would help make the determination.

Councilman Steinberg asked how the Police Department would be involved in responding to minor traffic accidents.

Mayor Serna responded that should be a budget discussion and addressed with Council's concerns in the upcoming budget discussions.

Councilman Pannell spoke about a Safety Grant Program providing funding for Police Officers to check speeders in various communities.

Mr. Kashiwagi responded he was not aware of a Safety Grant Program Grant, however, the speed board had been implemented to bring up the awareness of drivers' speed and to alert drivers of the possibility of police patrolling the area.

Mr. Pannell stated he would like to see more Police Officers in the neighborhoods patrolling traffic.

Mr. Waters stated the Police Department was going to reactivate the Traffic Division on a smaller scale and felt that would help.

Dale Kooyman, neighborhood citizen, spoke about the benefits of the program and stated statistics on children, pedestrians, cyclists and handicapped people relating to vehicle deaths, and urged the Council's support of the program.

Jim Hastings, neighborhood citizen, spoke about our City becoming proactive with solutions to becoming an urban center.

Sandi Morris, neighborhood citizen, urged the Council's support for the program.

Mayor Serna spoke about his concerns in the midtown area relating to diagonal parking and ongoing development.

Mr. Kashiwagi responded this program would not solve the midtown area concerns and staff would have to take each situation on a case by case basis.

A motion was made by Councilwoman Fargo, seconded by Councilman Cohn, to amend the 1994-99 Capital Improvement Program by establishing the Neighborhood Traffic Management program. The motion carried with a 9-0 roll call vote.

RESOLUTION NO. 95-030

RESOLUTION AMENDING THE 1994-99 CAPITAL
IMPROVEMENT PROGRAM BY ESTABLISHING THE
NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM

- 4.2 Recycle-Eze - authorization for publicity for manufacturers of products that increase the convenience of recycling and establish a policy not to subsidize or endorse the purchase of recycling carts from a specific manufacturer for the City's Curbside Recycling Program. (D-All)

Gary Vandorst, Solid Waste Division, spoke about a Recycle-Eze Program working directly with the Sacramento County Solid Waste Department to develop a public information brochure detailing various consumer products, and promoting the convenience of recycling. He also spoke about establishing a policy not to endorse the purchase of carts by a specific manufacturer for the City's curbside recycling program.

Councilman Yee asked how publicity would be authorized for manufacturers without giving the perception of an endorsement.

Mr. Vandorst responded staff would identify a catalog listing without endorsing the use of one specific product.

Mr. Yee asked what would happen if there was only one product available.

Mr. Vandorst responded there were many products available.

Mr. Yee asked what type of standards would the City establish in order to avoid a potential problem of endorsing one product.

Mr. Vandorst responded staff was asking Council to establish a policy of not endorsing a specific product and would work with the City Attorney's Office before any brochures were mailed with City utility bills.

Bill Carnozza, Assistant City Attorney, responded the City would have to take a close look at the criteria and develop legal standards.

Councilwoman Ortiz said it was a good proposal to develop a policy on this issue.

Councilman Waters spoke about the City becoming an advertiser and was not in support of the program.

Councilman Steinberg spoke about the City being in support of economic development in our community when it serves the City's best interests.

Reina Schwartz, Solid Waste Manager, responded the department was working with Recycle-Eze and their market research staff to help identify other container manufacturers.

Councilman Cohn spoke about City staff reporting back about other cities such as San Jose and their successful recycling program.

Mr. Waters spoke about the brochure in the City utility bills used for information only and not to include any specifics.

A motion was made by Councilwoman Ortiz, seconded by Councilwoman Fargo, to establish a policy not to subsidize or endorse the purchase of recycling carts from a specific manufacturer for the City's Curbside Recycling Program. The motion failed with a 4-5 roll call vote, with Councilmembers Pannell, Waters, Yee, Serna and Steinberg voting no. Under Ideas and Questions item 6.1, Councilman Steinberg changed his vote from a no to a yes therefore changing the motion to a 5-4 roll call vote to adopt the Recycle-Eze Program Resolution.

RESOLUTION NO. 95-031

RESOLUTION TO AUTHORIZE PUBLICITY FOR MANUFACTURES OF PRODUCTS THAT INCREASE THE CONVENIENCE OF RECYCLING AND ESTABLISH A POLICY NOT TO SUBSIDIZE OR ENDORSE THE PURCHASE OF RECYCLING CARTS FROM A SPECIFIC MANUFACTURER FOR THE CITY'S CURBSIDE RECYCLING PROGRAM

4.3 MOVED FROM AFTERNOON CONSENT CALENDAR, ITEM 1.7

South Sacramento Streams Group Feasibility Study cost sharing agreement (PN:WC87) with SAFCA and the County of Sacramento committing the City to share up to forty percent (40%) of the non-federal cost; would include Morrison, Unionhouse, Florin and Elder Creeks within the City limits. (D-4,6,7,8)

Gary Reents, Department of Utilities, spoke about levee improvements along Morrison, Unionhouse, Florin, and Elder Creeks within the City limits. The levees currently provide less than a 100-year level of flood protection. The estimated cost of the Feasibility Study was \$2,800,000 with non-Federal sponsors required to pay 50 % of the cost or approximately \$1,400,000. This would be spread over a three year period and would be proposed to be divided among the City, County, and SAFCA. The City's contribution would be approximately 40% of the local share, \$560,000 total or \$188,000 per year.

Councilman Waters asked why the cost of the study was so high.

Mr. Reents responded the results of the study were conducted by the Corps of Engineers and were based on their estimate.

Councilwoman Fargo asked who would be responsible for payment if Sacramento Area Flood Control Agency (SAFCA) doesn't accept the project.

Mr. Reents responded the City and County would be responsible for payment should SAFCA decide not to go ahead with the project. He added the Corps of Engineers would not go ahead without SAFCA's approval.

Ms. Fargo asked how far the City was from the start of the project construction and what about the "just do it" approach.

Mr. Reents responded the City was 2 years from construction if the Corps of Engineers was not involved, otherwise 4 years from construction. He felt SAFCA was the most prepared for the project and was in support of their expertise.

Bill Edgar, City Manager, discussed working on the feasibility studies and receiving Council's approval as needed. He said staff could work on a reimbursement basis.

Mr. Reents responded they would come back to Council with that approach.

Paul Devereaux, Chief Engineer of SAFCA, spoke about the need to repair the Beach Lake Levee and moving ahead on the Federal process. This would be under construction in 1996.

Councilman Yee spoke about the high cost of the project. Mr. Yee felt the City could not go ahead with a project of this size without the non-Federal sponsors picking up their 50% of the cost.

Ms. Fargo asked if the funds in the amount of \$38,000 would cover our local share of the cost for the first year.

Mr. Reents responded yes it would cover the costs and there was \$150,000 in the existing Capital Improvement Budget (CIP). During the budget process the Utilities Department would request the additional \$188,000 per year.

A motion was made by Councilman Yee, seconded by Councilman Waters, to adopt Resolution 95-032 to transfer funds in the amount of \$38,000 from the Storm Drainage Base CIP Reserve to the Sacramento Streams Study. The motion carried with a 9-0 roll-call vote.

RESOLUTION NO. 95-032

RESOLUTION TRANSFERRING FUNDS IN THE AMOUNT OF
\$38,000 FROM THE STORM DRAINAGE BASE CIP RESERVE
(PN:WE71) TO THE SOUTH SACRAMENTO STREAMS STUDY
(PN:WC87)

5.0 S.H.R.A.

NONE

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6.0 ITEMS NOT AGENDIZED

A. Citizens Addressing Council or Agency on Matters not on the Agenda

(A Three minute time limit is imposed on speakers addressing the Council under this heading)

NONE

B. Council Ideas and Questions

B.1 Councilman Steinberg changed his vote on Item 4.2 from a No to Yes. He supports the City and County developing an information brochure on recycling.

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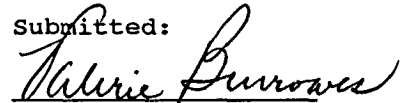
7.0 Recessed into Closed Session at 3:40 p.m.

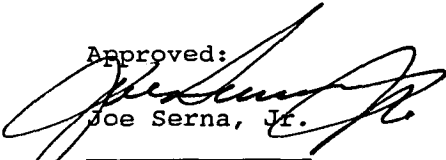
7.1 Pursuant to Government Code Section 54956.8, for the purpose of discussion of acquisition of real property from Dean F. Unger, Trustee of the Dean F. Unger, AIA Inc. Profit Sharing Plan, located at the Northwest corner of Duluth Avenue and West Stockton Boulevard.

7.2 Pursuant to Government Code Section 54956.9(a), for matters pertaining to Groza vs. City of Sacramento, Sacramento County Superior Court No. 375858

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ADJOURNMENT at the hour of 4:30 p.m.

Submitted:

Valerie A. Burrowes

Approved:

Joe Serna, Jr.

MINUTES

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REGULAR MEETING

JANUARY 24, 1995

CALL TO ORDER

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

ROLL CALL

Present: Councilmembers Cohn, Fargo, Kerth, Ortiz, Pannell, Steinberg,
Waters, Yee and Mayor Serna

Absent: None

PLEDGE OF ALLEGIANCE was led by Mayor Serna

8.0 SPECIAL PRESENTATIONS/GENERAL COMMUNICATIONS

8.1 Resolution from Police Department commending citizens Lisa Campbell and Lucille Contreras Holguin.

The resolutions were presented by Mayor Serna and Chief Venegas.

8.2 Resolution recognizing Edison Hicks for starting the Youth Basketball League-South with the help of community volunteers Mike Carter, Carl Roper and Charlene Sweeting.

The resolutions were presented by Mayor Serna.

9.0 STAFF REPORTS (EVENING)

9.1 Needle exchange informational report from County Office of Health and Human Services. [oral report] (continued from January 17, 1995, Item 9.7) (D-All)

Dr. Robert Caulk, Director of the Sacramento County Health and Human Service Department, spoke on the needle exchange program for Sacramento

County. Dr. Caulk stated that of the approximately 1,800 cases of AIDS in Sacramento County, 15% were IDU related. He added that data on needle exchange programs showed good results. The programs were based on the public health concept that in order to reduce the spread of a disease one removes the means of transmission. This is put in practice through the removal of contaminated needles and syringes.

Dr. Caulk said that the Needle Exchange Program was part of a coordinated set of public health strategies such as education, counseling, outreach, and drug treatment to reduce HIV transmission.

Councilwoman Ortiz thanked Dr. Caulk for appearing before the Council to discuss the program.

10.0 PUBLIC HEARINGS

- 10.1 Modification to the Stockton Boulevard Business Improvement Area (BIA); Ordinance amending Section 23.12.902 of the Sacramento City Code relating to area established for the Stockton Boulevard BIA. (D-5,6) (PFP'd January 17, 1995, Item 1.13) (continued from January 17, 1995, Item 9.1)
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Margaret Freeman, Revenue Manager, stated that staff proposed expansion of the Stockton Boulevard Business Improvement Area to bring cohesiveness to the area. According to the Parking and Business Improvement Area Law if there is not a majority protest (50% of more of the assessments to be levied), then Council may approve the modification of the Business Area as proposed by staff.

Ms. Freeman stated that she had received no protests on this issue.

A motion was made by Councilman Steinberg, seconded by Councilwoman Ortiz, to close the hearing, adopt staff's recommendations and adopt Ordinance 95-006 approving the expansion. The motion carried with a 9-0 roll call vote.

ORDINANCE NO. 95-006

AN ORDINANCE AMENDING SECTION 23.12.902 OF THE
SACRAMENTO CITY CODE RELATING TO EXPANSION OF
THE STOCKTON BOULEVARD BUSINESS IMPROVEMENT AREA

- 10.2 Modification to the Franklin Boulevard Business Improvement Area (BIA); Ordinance amending Section 23.09.741 of the Sacramento City Code relating to area established for the Franklin Boulevard BIA. (D-5,6) (PFP'd January 17, 1994, Item 1.14) (continued from January 17, 1995, Item 9.2)
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Margaret Freeman, Revenue Manager, related that staff was recommending expansion of the Franklin Boulevard Business Improvement Area for purposes of cohesiveness. She stated that she had received one verbal protest and one letter in support of the expansion.

A motion was made by Councilwoman Ortiz, seconded by Councilman Kerth, to close the hearing, adopt staff's recommendations and adopt Ordinance 95-007 related to the expansion. The motion carried with a 8-0 roll call vote, with Councilman Steinberg being absent.

AN ORDINANCE AMENDING SECTION 23.09.741 OF THE
SACRAMENTO CITY CODE RELATING TO EXPANSION OF
THE FRANKLIN BOULEVARD BUSINESS IMPROVEMENT AREA

- 10.3 Willowcreek Assessment District #94-03, located within the South Natomas Community Plan area, includes 43 parcels of undeveloped land, just west of the Natomas Main Drainage Canal, south of Interstate 80. Public Hearing #1: take public testimony and close meeting; final Public Hearing for Council action will be held on January 31, 1995. (D-1)

Gary Alm, Special Districts Manager, stated that the formation of the Willowcreek Assessment District was being requested by property owners within the proposed boundaries. He said that the proposed district was comprised of 330 acres and would cost approximately \$1.6 million to form. Mr. Alm added that the purpose of this meeting was to receive public testimony.

Roger Miller, an attorney representing Jane Duvall, property owner at 1861 Garden Highway, said his client was entitled to 60% more than what she was being offered for her property. He argued that the EIR was very old, and said that he had received no notice of this hearing even though he had represented Ms. Duvall for more than 4 years. He stated that he protested the formation of the district.

Councilwoman Fargo asked if the City Attorney could meet with Mr. Miller or his client to resolve the issue prior to the next hearing.

Bill Carnazzo, Assistant City Attorney, replied that he would be happy to meet with Mr. Miller.

A motion was made by Councilman Pannell, seconded by Councilman Yee, to close the hearing. The motion carried with a 9-0 roll call vote.

- 10.4 UCD Medical Center located at 2315 Stockton Boulevard - requests to approve, pursuant to Public Resources Code Section 21661.5, the proposed plans for temporary and permanent helipad sites, and a new helicopter refueling and maintenance facility. (M94-008) (D-5)

Gary Stonehouse, Development Service General Manager, stated that Planning staff recommended Council adopt a Resolution approving the proposed plans for temporary and permanent facilities associated with the relocation of the University of California Medical Center (UCDMC) Heliport. He added that the recommendation was based on the commitment that UCDMC would fully implement the noise related mitigation measures and the additional City imposed conditions recommended by staff and the Planning Commission.

Barbara Wendt, Senior Planner, stated that UCDMC was proposing to construct a twelve-story addition to the existing hospital. The addition was known as Tower II. The project would require the relocation of the Life Flight Helicopter from its current location on the proposed Tower II site. An interim Helipad would be used for 3.5 years while Tower II was being constructed. The interim Helipad would be located on the existing parking structure, west of the main hospital complex. A refueling/maintenance site would be located on-grade in the south central

portion of the UCDMC campus at the southern end of Parking lot 17. Once the Tower II project was completed, the Life Flight Helipad would be permanently located on top of the Tower II addition.

Ms. Wendt directed Council to Exhibit B on page 18 of the staff report which showed a map of the campus and the proposed project.

Ms. Wendt stated that the current location received an average of 2-3 flights a day. She said that the primary issue was the noise impact to the adjacent neighborhoods.

Ms. Wendt discussed noise measurement standards and the report's contour maps showing anticipated project noise, using two types of noise measurement standards.

Ms. Wendt stated that staff had met with UCDMC officials and had agreed to 8 of the 11 Planning Commission conditions.

Councilman Waters asked staff why they were not recommending the Planning Commission condition that construction be completed in 3 and 1/2 years.

Gary Stonehouse replied that staff did not want to treat the University differently from anyone else. He said this was an extraordinary measure, and if the University could not meet the deadline, the City would have to close down the interim site.

Councilman Kerth asked questions about noise levels.

Councilman Cohn asked how many homes were included in the ADSEL contour. Barbara Wendt replied that was an extensive area with many homes.

Mr. Cohn asked staff if they examined claims about other sites. Ms. Wendt replied that staff did not, but that the University had.

Mr. Cohn asked staff if they had pursued a penalty if the building could not be completed within 3 and 1/2 years. Ms. Wendt replied that staff had not pursued this issue.

Mayor Serna asked about recommendation #8 of the Planning Commission and its implication beyond the Medical Center. He specifically asked about ambulances and if this recommendation cause the City to receive all sorts of challenges.

Mr. Stonehouse replied that from staff's perspective, it would be applying a standard on the Medical Center that the City did not apply to anyone else.

Councilwoman Fargo asked if the noise ordinance mentioned helicopters to which Mr. Stonehouse replied that he was not familiar with the ordinance.

Ms. Fargo asked if the maintenance/refueling site was permanent. Mr. Stonehouse replied that it was.

Mr. Kerth stated that he felt a significant part of the City was in a 65 CNEL area, especially around McClellan Air Force Base and the Metro Airport.

Holly Smith, Environmental Division, stated that many areas of the City near airports, railways, and freeways were within a 60-65 CNEL zone.

Mr. Kerth asked what the CNEL standards were at the Exposition expansion. Mrs. Smith replied that project was evaluated by the noise ordinance standards and measured 95 SEL at the facility.

Mr. Kerth questioned the City's authority in this matter.

Richard Archibald, Deputy City Attorney, replied that the City did not have its usual land use authority. However, the Utility Code stated that City had to approve the Hospital's plans for construction. Therefore, the City had conditioning authority.

Mr. Archibald stated the City did not have the authority to impose M/WBE conditions, as the State had its own standards. The City also did not have the authority to enforce surety of fair market value for homes; this was for a judge and jury to decide. He added that in response to the issue of soundproofing homes beyond the 60-65 SEL, the City should have a policy, and not an ad hoc decision.

Councilman Steinberg asked what the City's authority would be to enforce a breach in the contract to complete the project within 3 and 1/2 years. Mr. Archibald replied if the agreement was voluntary, then the City could enforce it.

Councilman Cohn stated that he was looking for mitigation measures not penalties.

Mr. Archibald replied that the City could have the University agree to migration measures, but that the City did not have the authority under the Utility Code.

Councilman Pannell stated that he could not support the project if there was no agreement relating to time lines.

Public Testimony:

Jon Marshack stated that he was concerned with the neighborhood being maintained. He requested Council to reject the parking lot relocation, and to impose all of the Planning Commission conditions.

John Warner stated that a permanent heliport and flight path had a negative impact on his neighborhood. He added that the noise impact to the neighborhood would be incredible. He proposed utilizing parking lot number 3 and a small electric ambulance to transport patients once the helicopter had landed. He said the Medical Center rejected his proposal.

Carole Harper said she wanted assurance that the proposed heliport was temporary and that the neighborhood was compensated for noise increases. She recommended a binding, legal agreement with a bond.

Janet Vining said she felt the City had the authority to enforce additional conditions. She added that the EIR was seriously flawed.

Kerry Freeman spoke against the project.

Frank Loge stated the hospital would not go forward with the project unless it had City Council support. He said that the neighbors had already been permanently mitigated for the increase in noise by having double-paned windows installed.

Wille Worthy spoke in favor of the project.

Bruce Wagner, Chief of Medical Emergency Services for Sacramento County, urged Council support of this project.

W.B. Carbaugh, helicopter pilot for the CHP, said he strongly supported the University's plan for not transporting patients on electric carts after landing.

Chuck Starks, Vice President of the UCDMC Community Advisory Board spoke in support of the project.

Sharon Melbourg and Martin Raygoza spoke in support of the project.

Councilman Steinberg asked if the University would agree to a time line agreement. Mr. Loge replied that the University would welcome that kind of an agreement. He added that what the University would not agree to was an alternative site.

Mr. Steinberg asked if the 90-95 SEL noise levels were confined to the Med Center property. Jim Brennan, an acoustical consultant, replied those levels were confined within the campus. Only 3 homes were affected by the 90 SEL level.

Mr. Loge stated that the University would not change its flight pattern.

Carol Robinson, a nurse from UCDMC answered Councilman Kerth's questions on what happened after a patient was unloaded from the helicopter.

Councilman Pannell asked how many people UCDMC employed. Mr. Loge replied approximately 4,500, excluding physicians.

Mr. Pannell asked about the payroll. Mr. Loge replied it was in excess of \$280 million.

Mr. Loge added that life flight had been in existence for over 10 years and had never had a crash.

Mr. Pannell stated that he was completely supportive of the life flight program, and cited his own experience with it.

Councilwoman Fargo stated that she hoped the neighborhood and UCDMC would reach an agreement.

An intent motion was made by Councilman Cohn, seconded by Councilwoman Fargo to have UCDMC enter into an agreement with the City of Sacramento that guarantees that the interim Helipad will operate no more that 3 and 1/2 years. If UCDMC does not relocate the helipad to the Tower II site within 3 and 1/2 years, then UCDMC shall extend the specified mitigation to all residents within the 90 SEL zone to whom payments were not already made. If UCDMC does not relocate to the Tower II site within 4 years, then UCDMC shall pay an additional 5 percent of the amount already paid in mitigation to all residents within the 90 SEL zone for each month until the helipad is relocated. The motion carried with a 7-0 roll call vote, with Council members Ortiz and Yee abstaining.

11.0 CITIZENS ADDRESSING COUNCIL, AGENCY OR AUTHORITIES ON MATTERS NOT ON THE AGENDA

11.1 Makini Enakaya, president of AASA, described his organization, and said he looked forward to a speedy and just solution to the complaint filed on December 20, 1994.

11.2 Aubrey Stone, Coalition of African American Organizations, stated that he was disturbed that this complaint had become a public issue as it creates a difficult situation for those involved.

11.3 Efren Guttierrez, from the Chicano Consortium, said that he hoped this issue would be addressed in a fair fashion.

11.4 Reverend Shawn Duncan, St. Michael's Episcopal Church, spoke on behalf of Virginia Henry, a parishioner, and said he had great difficulty believing published allegations.

11.5 Fred Schuller stated that he was appalled by what he read in the paper. He said that he had conducted City business with Valerie and Virginia and considered them polite, courteous and efficient.

11.6 Mayor Serna stated that the City would deal with this issue objectively and fairly. He created a working group consisting of himself and Council members Waters, Cohn and Steinberg to select a consultant.

12.0 GENERAL COMMUNICATIONS

NONE

13.0 COUNCIL IDEAS AND QUESTIONS

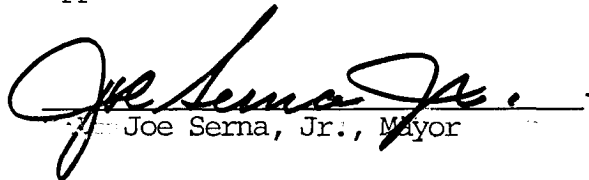
NONE

14.0 ANNOUNCEMENTS

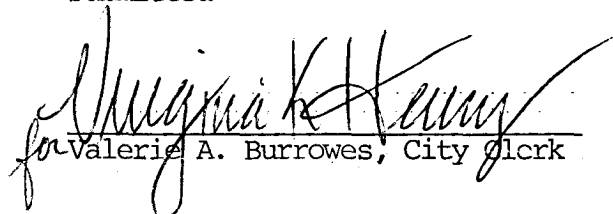
NONE

15.0 ADJOURNMENT - There being no further business to come before the Council, the meeting was adjourned at the hour of 10:40 p.m.

Approved


Joe Serna, Jr., Mayor

Submitted


Valerie A. Burrowes, City Clerk