

**RESOLUTION NO. 2013-0186**

Adopted by the Sacramento City Council

June 11, 2013

**ADOPTING ADDENDUM TO ENVIRONMENTAL IMPACT REPORT, RE-ADOPTING FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING MITIGATION MONITORING PLAN FOR THE P STREET SEWER IMPROVEMENTS 5<sup>TH</sup> TO 7<sup>TH</sup> STREET PROJECT**

**BACKGROUND**

- A. On June 11, 2013, the City Council conducted a public meeting and received and considered evidence concerning the P Street Sewer Improvements 5<sup>th</sup> to 7<sup>th</sup> Street Project.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

Section 1. The City Council finds as follows:

- A. On March 11, 1997, pursuant to the California Environmental Quality Act (Public Resources Code §21000 *et seq.* ("CEQA"), the CEQA Guidelines (14 California Code of Regulations §15000 *et seq.*), and the City of Sacramento environmental guidelines, the City Council certified an environmental impact report (EIR) and, having reviewed and considered the information contained in the EIR, adopted the findings of fact and statement of overriding considerations, adopted a mitigation monitoring plan, and approved the City of Sacramento Combined Sewer System Rehabilitation and Improvement Plan (Project).
- B. The P Street Sewer Improvements 5th to 7th Street Project (Project Modification) proposes to modify the previously approved Project by replacing deteriorated portions of the Combined Sewer System (CSS), add in-line storage to reduce flooding in the surrounding and upstream portions of the CSS, and continue the Downtown Sewer Upsizing Project, a major

component of the long-term CSS Improvement Program. This program is mandated by the City's National Pollution Discharge Elimination System permit, which regulates the City's operation of the CSS.

- C. The initial study on the Project Modification determined that the proposed changes to the original Project did not require the preparation of a subsequent EIR. An addendum to the previously certified EIR was then prepared to address the modification to the Project.

Section 2. The City Council has reviewed and considered the information contained in the previously certified EIR for the Project, the previously adopted findings of fact and statement of overriding considerations, the addendum, and all oral and documentary evidence received during the public meeting on the Project Modification. The City Council finds that the previously certified EIR and the addendum constitute an adequate, accurate, objective, and complete review of the proposed Project Modification and finds that no additional environmental review is required based on the reasons set forth below:

- A. No substantial changes are proposed by the Project Modification that will require major revisions of the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- B. No substantial changes have occurred with respect to the circumstances under which the Project Modification will be undertaken which will require major revisions to the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- C. No new information of substantial importance has been found that shows any of the following:
  - 1. The Project Modification will have one or more significant effects not discussed in the previously certified EIR;

2. Significant effects previously examined will be substantially more severe than shown in the previously certified EIR;
3. Mitigation measures previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the Project Modification; or
4. Mitigation measures which are considerably different from those analyzed in the previously certified EIR would substantially reduce one or more significant effects on the environment.

Section 3. Based on its review of the previously certified EIR for the Project, the previously adopted findings of fact and statement of overriding considerations, the addendum, and all oral and documentary evidence received during the public meeting on the Project Modification, the City Council finds that the EIR and addendum reflect the City Council's independent judgment and analysis, adopts the addendum for the Project Modification, and readopts the findings of fact and statement of overriding considerations.

Section 4. The mitigation monitoring plan for the Project is adopted for the Project Modification, and the mitigation measures shall be implemented and monitored as set forth in the plan, based on the following findings of fact:

- A. The mitigation monitoring plan has been adopted and implemented as part of the Project;
- B. The addendum to the EIR does not include any new mitigation measures, and has not eliminated or modified any of the mitigation measures included in the mitigation monitoring plan;
- C. The mitigation monitoring plan meets the requirements of CEQA Section 21081.6 and the CEQA Guidelines section 15091.

Section 5. Upon approval of the Project Modification, the City Manager shall file or cause to be filed a Notice of Determination with the Sacramento County Clerk and, if the project requires a discretionary approval from

any state agency, with the State Office of Planning and Research, pursuant to section 21152(a) of the Public Resources Code and the State EIR Guidelines adopted pursuant thereto.

Section 6. Pursuant to Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.

Section 7. Exhibit A is made a part of this Resolution.

**Table of Contents:**

Exhibit A: Resolution No. 97-123, including Findings of Fact and Statement of Overriding Considerations and Mitigation Monitoring Plan

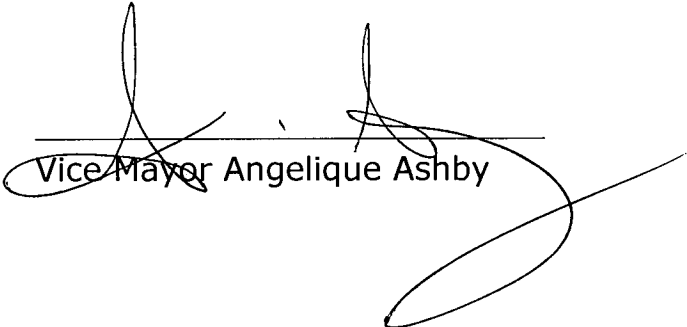
Adopted by the City of Sacramento City Council on June 11, 2013 by the following vote:

Ayes: Councilmembers Ashby, Cohn, Fong, Hansen, McCarty, Pannell, Schenirer, Warren and Mayor Johnson

Noes: None

Abstain: None

Absent: None

  
Vice Mayor Angelique Ashby

Attest:

  
Shirley Concolino, City Clerk

**RESOLUTION NO. 97-123**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

**MAR 11 1997**

ON DATE OF \_\_\_\_\_

**CERTIFICATION OF THE COMBINED SEWER SYSTEM ENVIRONMENTAL  
IMPACT REPORT, ADOPTION OF THE FINDINGS OF FACT AND  
STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTION OF THE  
MITIGATION MONITORING PLAN (PN: XM41), TRANSFER FUNDS, AND  
ADOPTION OF SPECIFICATIONS AND AWARD OF PROCUREMENT  
CONTRACTS FOR SUMP 1/1A, PIONEER RESERVOIR PROJECT (PN: XM23)**

The City Council the City of Sacramento does hereby find, determine, and resolve as follows:

1. The City Council finds that the Final Environmental Impact Report (herein FEIR) for the proposed Combined Sewer System Rehabilitation and Improvement Plan which consists of the Draft Environmental Impact Report and Final Environmental Impact Report, has been completed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Sacramento Local Environmental Procedures.
2. The City Council certifies that the FEIR was prepared, published, circulated and reviewed in accordance with the requirements of CEQA, the State CEQA Guidelines, and the Sacramento Local Environmental Procedures, and constitutes an adequate, accurate, objective, and complete Final Environmental Impact Report in accordance with the requirements of CEQA, the State CEQA Guidelines, and the Sacramento Local Environmental Procedures.
3. The City Council certifies that the FEIR has been presented to it and that the City Council has reviewed it and considered the information contained therein prior to acting on the proposed project.

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FOR CITY CLERK USE ONLY

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4. The City Council hereby adopts the attached Findings of Fact and Statement of Overriding Considerations and a Mitigation Monitoring Plan to require all reasonably feasible mitigation measures be implemented.

5. Funds in the amount of \$400,000 are transferred from the Combined Sewer System Reserve to the Sump 1/1A, Pioneer Reservoir Project as follows:

414-500-XD42-4414:	(\$100,000)
414-500-XM23-4630:	\$100,000

425-500-XD42-4414:	(\$300,000)
425-500-XM23-4630:	\$300,000

6. Adoption of Specifications and Award of:

A. Bid No. 1733, Engine Powered Standby Generator, the total amount of \$196,937.87 to Tenco Tractor, Inc.

B. Bid No. 1734, Electrical Switchgear, Motor Control Center, and Variable Frequency Drive Equipment, in the total amount of \$190,863.16 to Platt Electric Supply, Inc.

MAYOR

ATTEST:

CITY CLERK

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RESOLUTION NO. 97-123

DATE ADOPTED: MAR 11 1997

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<b>CITY OF SACRAMENTO</b>	<b>SEWER</b>
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**COMBINED SEWER SYS RESERVE**

PROJECT#:	XD42
FY Initiated:	94/95

Location  
City Wide

Council District:  
 Citywide  
 1  
 2  
 3  
 4  
 5  
 6  
 7  
 8

Neighborhood Area:  
 Citywide  
 NA1  
 NA2  
 NA3  
 NA4

Planning Area:  
 N/A  
 Citywide  
 PA1  
 PA2  
 PA3  
 PA4  
 PA5  
 PA6  
 PA7  
 PA8  
 PA9  
 PA10  
 PA11

**Project Description**  
Reserve to accumulate resources for the combined sewer system rehabilitation.

**Project Objectives**  
To accumulate funding from current resources in excess of operations and capital improvement requirements in order to minimize future rate increases for the combined sewer system rehabilitation.

**Existing Situation**  
The City faces substantial outlays in future years for capital improvement construction on the combined sewer system. Appropriations for that construction are now being accumulated in this project.

**Operating Budget Impact**  
None

Amendol	Fund Source	Budget through 6/96	Estimated Balance 6/96	Five Year Funding				
				1996-97	1997-98	1998-99	1999-00	2000-01
	Sewer	1,747,423	1,747,423	0	0	0	0	0
	Drainage	9,708,591	9,708,591	0	0	0	0	0
07/02/96	Drainage	0	0	-210,000	0	0	0	0
07/02/96	Sewer	0	0	-70,000	0	0	0	0
07/02/96	Sewer	0	0	-200,000	0	0	0	0
07/02/96	Drainage	0	0	-600,000	0	0	0	0
07/02/96	Sewer	0	0	-68,487	0	0	0	0
07/02/96	Drainage	0	0	-205,459	0	0	0	0
08/13/96	Drainage	0	0	-45,000	0	0	0	0
08/13/96	Sewer	0	0	-15,000	0	0	0	0
07/12/96	Sewer	0	0	-27,500	0	0	0	0
07/12/96	Drainage	0	0	-82,500	0	0	0	0
07/12/96	Drainage	0	0	-15,000	0	0	0	0
08/22/96	Sewer	0	0	-6,250	0	0	0	0
08/22/96	Drainage	0	0	-18,750	0	0	0	0
08/24/96	Sewer	0	0	-44,750	0	0	0	0
09/24/96	Drainage	0	0	-134,250	0	0	0	0
1/28/97	Sewer	0	0	-303,625	0	0	0	0
1/28/97	Drainage	0	0	-910,875	0	0	0	0
2/04/97	Sewer	0	0	-260,000	0	0	0	0
2/04/97	Drainage	0	0	-780,000	0	0	0	0
2/04/97	Sewer	0	0	-125,000	0	0	0	0
2/04/97	Drainage	0	0	-375,000	0	0	0	0
2/18/97	Sewer	0	0	-60,000	0	0	0	0



**1996-2001 CAPITAL IMPROVEMENT PROGRAM**

Exhibit A  
Resolution No. 97-123 and Mitigation Monitoring Plan

CITY OF SACRAMENTO			SEWER					
2/18/97	Drainage	0	0	-180,000	0	0	0	0
3/11/97	Sewer	0	0	-100,000	0	0	0	0
3/11/97	Drainage	0	0	-300,000	0	0	0	0
2/11/97	Drainage	0	0	10,000,000	0	0	0	0
<b>TOTAL</b>		<b>11,458,014</b>	<b>11,458,014</b>	<b>4,862,554</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>



**1996-2001 CAPITAL IMPROVEMENT PROGRAM**

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**CITY OF SACRAMENTO**

**SEWER**

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**COMBINED SEWER SYS RESERVE**

Project #: XD42

**Additional Project Comments**

Transferred to XD41: Sewer - 70,000; Drainage - 210,000  
Transferred to XM23: Sewer - 200,000; Drainage - 600,000  
Transferred to TM61: Sewer - 68,847; Drainage - 205,459  
Transferred to XM04: Sewer - 27,500; Drainage - 82,500  
Transferred to XM05: Sewer - 15,000; Drainage - 45,000  
Transferred to WC61: Sewer - 0; Drainage - 15,000  
Transferred to XD43: Sewer - 6,250; Drainage - 18,750 8/22/96  
Transferred to XM07: Sewer - 44,750; Drainage - 134,250, 9/24/96  
Transferred to XD91: Sewer - 303,625; Drainage - 910,875; approved 1/28/97  
Transferred to XM23: Sewer - 49,234; Drainage - 147,703, 1/14/97  
Transferred to XM24: Sewer - 260,000; Drainage - 780,000, approved 2/4/97  
Transferred to XD41: Sewer - 125,000; Drainage - 375,000 approved 2/4/97  
Transferred to XM23: Sewer - 60,000; Drainage - 180,000; approved 2/18/97  
Transferred from fund balance: Drainage - 10,000,000; approved 2/11/97 (midyear review)  
Transferred to XM23: Sewer - 100,000; Drainage - 300,000; approved 3/11/97



**1996-2001 CAPITAL IMPROVEMENT PROGRAM**

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**CITY OF SACRAMENTO**

**SEWER**

**SUMP 1/1A, PIONEER RESERV**

PROJECT#:	XM23
FY Initiated:	96/97

Location  
Sump 1/1a, Pioneer Reservoir, U & Front St.

Council District:  
 Citywide  1  2  3  4  5  6  7  8

Neighborhood Area:  
 Citywide  NA1  NA2  NA3  NA4

Planning Area:  
 N/A  Citywide  PA1  PA2  PA3  PA4  PA5  PA6  PA7  PA8  PA9  PA10  PA11

**Project Description**  
 Provide engineering design services for rehabilitation and improvement of Sump 1, Sump 1A, and Pioneer Reservoir. Design will include the construction of a model of the pumping station to determine the optimum size of the pumps.

**Project Objectives**  
 To complete rehabilitation and improvements to address outflows from the combined sewer system.

**Existing Situation**  
 In June 1990 the Regional Water Quality Control Board issued a Cease and Desist Order requiring the City to eliminate outflows from the Combined Sewer System. A preliminary design report recommended specific rehabilitation and improvement items for Sump 1/1A and Pioneer Reservoir.

**Operating Budget Impact**  
 None

Amended	Fund Source	Budget through 6/96	Estimated Balance 6/96	Five Year Funding				
				1996-97	1997-98	1998-99	1999-00	2000-01
07/02/97	Sewer	0	0	200,000	0	0	0	0
07/02/97	Drainage	0	0	600,000	0	0	0	0
02/18/97	Sewer	0	0	60,000	0	0	0	0
02/18/97	Drainage	0	0	180,000	0	0	0	0
01/14/97	Sewer	0	0	49,234	0	0	0	0
01/14/97	Drainage	0	0	147,703	0	0	0	0
03/11/97	Sewer	0	0	100,000	0	0	0	0
03/11/97	Drainage	0	0	300,000	0	0	0	0
	<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>1,636,937</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>



**1996-2001 CAPITAL IMPROVEMENT PROGRAM**

Attachment 1

**CEQA STATEMENT OF FINDINGS OF FACT  
AND  
STATEMENT OF OVERRIDING CONSIDERATIONS**

**FOR**

**COMBINED SEWER SYSTEM EIR (XD41)**  
(State Clearinghouse Number 96082013)

Prepared By:

City of Sacramento Planning Services Division,  
Environmental Section  
March 11, 1997

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**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACRAMENTO  
CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE  
PROPOSED COMBINED SEWER SYSTEM PROJECT**

The City Council of the City of Sacramento does hereby find, determine, and resolve as follows:

**I. CEQA FINDINGS**

1. The City Council finds that the Environmental Impact Report for the Proposed Combined Sewer System Project (herein EIR) which consists of the Draft Environmental Impact Report and Final EIR Response to Comments have been completed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures.
2. The City Council certifies that the EIR was prepared, published, circulated and reviewed in accordance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures, and constitutes an adequate, accurate, objective and complete Final Environmental Impact Report in accordance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures.
3. The City Council certifies that the EIR has been presented to it and that the City Council has reviewed it and considered the information contained therein prior to acting on the proposed project.
4. The City Council hereby adopts the attached Findings of Fact and Statement of Overriding Considerations and a Mitigation Monitoring Program to require all feasible mitigation measures be implemented.

**II. PROCEDURAL FINDINGS**

1. The City of Sacramento caused an Environmental Impact Report ("EIR") on the Project to be prepared pursuant to the California Environmental Quality Act, Public Resources Code, Section 21000 et seq. (CEQA), the CEQA Guidelines, Code of California Regulations, Title XIV, Section 15000 et seq., and the City of Sacramento environmental guidelines.
2. A Notice of Preparation of the draft EIR was filed with the Office of Planning and Research on August 6, 1996.
3. A Notice of Completion (NOC) and copies of the draft EIR were distributed to the State Clearinghouse on November 8, 1996, to those public agencies which have jurisdiction by law with respect to the Project and to other interested parties and agencies. The comments of such persons and agencies were sought.
4. An official forty-five (45) day public review period for the Draft EIR was established by the State Clearinghouse. It began on November 8, 1996 and ended on December 23, 1997.
5. A Letter of Availability was distributed to all responsible and trustee agencies and interested groups, organizations, and individuals on November 8, 1996. The Letter of Availability stated that the City of Sacramento had completed the Draft EIR and that copies were available at the City of Sacramento,

## Resolution No. 97-123 and Mitigation Monitoring Plan

- Department of Planning and Development, Environmental Services Division, 1231 I Street, Sacramento, California 95814. The letter also indicated that the official forty-five day public review period for the Draft EIR would end on December 23, 1996.
6. Following closure of the public comment period, the Draft EIR was supplemented to incorporate comments received and the City's responses to said comments.
  7. Following notice duly and regularly given as required by law, and all interested parties expressing a desire to comment thereon or object thereto having been heard, the EIR and comments and responses thereto having been considered, the City Council makes the following determinations:
    - A. The EIR consists of the Draft EIR and Final EIR Responses to Comments.
    - B. The EIR was prepared and completed in compliance with CEQA.
  8. The following information is incorporated by reference and made part of the record supporting these findings:
    - A. The Draft EIR and Final EIR and all documents relied upon or incorporated by reference including:
      - City of Sacramento General Plan, City of Sacramento, January, 1988
      - Draft Environmental Impact Report City of Sacramento General Plan Update, City of Sacramento, March, 1987
      - Land Use Planning Policy Within the 100-Year Floodplain in the City and County of Sacramento Final EIR (M89-054), City of Sacramento, February 6, 1990
      - Findings of Fact/Statement of Overriding Considerations for the Land Use Planning Policy Within the 100-Year Floodplain in the City and County of Sacramento, City of Sacramento, February 6, 1990
      - Findings of Fact and Statement of Overriding Considerations for the Adoption of the Sacramento General Plan Update, City of Sacramento, 1988
      - Central City Community Plan, City of Sacramento, May 15, 1980.
      - Design and Procedures Manual and Improvement Standards, City of Sacramento, Department of Public Works, September 1, 1990.
      - Zoning Ordinance, City of Sacramento, Revised July 1994.
    - B. The Mitigation Monitoring Plan dated March 1997.
    - C. Testimony, documentary evidence and all correspondence submitted or delivered to the City in connection with the City Council hearing on this project and associated EIR.

Exhibit A  
Resolution No. 97-123 and Mitigation Monitoring Plan

- D. All staff reports, memoranda, maps, letters, minutes of meetings and other documents relied upon or prepared by City staff relating to the project including but not limited to City of Sacramento General Plan and the draft and final Environmental Impact Report for the City of Sacramento General Plan Update.

**FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING  
THE ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED COMBINED SEWER  
SYSTEM.**

The Environmental Impact Report prepared in compliance with the California Environmental Quality Act, evaluates the potentially significant and significant adverse environmental impacts which could result from adoption of the project or alternatives to the project.

Because the EIR indicates the implementation of the project (or project alternatives) would result in certain unavoidable adverse impacts, the City is required under CEQA, and the State and City guidelines adopted pursuant thereto, to make certain findings with respect to these impacts. The required findings appear in the following sections of this document. This document lists all identified potentially significant and significant impacts of the project. Each of the potentially significant or significant impacts found to be unavoidable is considered acceptable by the City Council based on a determination that the benefits of the project (listed in the Statement of Overriding Considerations, section VII) outweigh the risks of the potentially significant environmental effects of the project.

**I. IMPACTS AND MITIGATION MEASURES**

**A. SIGNIFICANT IMPACTS WHICH CAN BE AVOIDED**

Finding - As authorized by Public Resources Code Section 21081 and Title 14, California Code of Regulations, Sections 15091, 15092, and 15093, the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental impacts listed below, as identified in the EIR.

These findings are supported by substantial evidence in the record of proceedings before the City as stated below.

**1. Cultural Resources (7.4-1 Subsurface Prehistoric Resources (Phase 1))**

**a. Significant Impact**

1. Implementation of Phase 1 of the CSS Plan could result in the discovery of unknown subsurface prehistoric resources or portions of known prehistoric resources during project excavation. Although the likelihood for the occurrence of subsurface resources is quite low, the possibility for such a discovery does exist. Cultural resources exposed during construction, excavation, or related project activities could be damaged, destroyed, or removed from their cultural context.

b. Facts in Support of Finding

The significant effect listed above will be reduced to a less than significant level with the following mitigation measure:

Mitigation Measure 7.4-1

1. An archeological monitor shall be retained to oversee any subsurface work occurring in the immediate vicinity of the six recorded prehistoric sites. A confidential map with the locations of these sites will be on file with the Project Manager or other appropriate individual, who will arrange to have the monitor present for the areas deemed sensitive. The areas monitored as well as the remainder of the construction shall be subject to the conditions below.

In the event of the discovery of any subsurface archeological artifact, feature or deposit during construction activities, work within 100 feet of the find shall be halted, and an archeologist will be contacted for an in-field evaluation.

If the resource is determined to be significant, an appropriate plan for resource preservation or site excavation must be developed and implemented.

If bone is found that appears to be human, work within 100 feet of the find shall be halted, and the Sacramento County Coroner must be contacted. If the remains are determined to be of Native American origin, the Coroner shall notify the Native American Heritage Commission (NAHC). The NAHC shall determine the "most likely descendant", who will work to develop a plan for the area of the finding. Construction work shall remain halted in the vicinity of the discovery until the plan can be implemented.

2. Cultural Resources (7.4-6 Subsurface Prehistoric Resources (Phase 2))

a. Significant Impact:

1. Implementation of Phase 2 could result in the discovery of unknown subsurface prehistoric resources or portions of the known prehistoric resources during project excavation for underground storage facilities at UCDCM, UPR or other sites not identified. Although the likelihood for the occurrence of subsurface resources is quite low, the possibility for such a discovery does exist. Cultural resources exposed during construction, excavation, or other related project activities could be damaged, destroyed, or removed from their cultural context.



b. Facts in Support of Finding

The significant effect listed above will be reduced to a less than significant level with the following mitigation measures:

1. Implement Mitigation Measure 7.4-1.

B. SIGNIFICANT IMPACTS WHICH CANNOT BE AVOIDED

Finding - The City finds that, where feasible, changes or alterations have been required in, or incorporated into, the Project which reduce the significant environmental impacts listed below as identified in the EIR. However, specific economic, social, or other considerations make infeasible mitigation measures or project alternatives to reduce the following impacts to a less-than-significant level. This finding is supported by evidence in the record of the proceeding before the City including the draft and final EIR prepared for this project and the General Plan for the City of Sacramento and the associated EIR.

1. Cultural Resources (7.4-5 Historic Structure--Sewers (Phase 1 and Phase 2))

a. Significant Impact

1. Implementation of Phase 1 would result in the replacement of the sewer system for public health and safety reasons (see Project Description, page 4-17 and 4-27). Since the sewers are between 80 and 100 years old, exceeding the 45 year criterion established by the SHPO, they are potentially eligible for the National Register of Historic Places under criterion A, as they "are associated with events that have made a significant contribution to the broad patterns of our history," so that replacement of the sewers would be considered a significant impact. The oldest sewers are located in the downtown area and most of the City's original sewers were constructed of brick. As mentioned earlier, the achievements of the nineteenth century created sewer systems that are still in use today in downtown Sacramento. The invention of large glazed drains, brick sewers and cast iron pipes made possible the conveyance and disposal of sewage. Similarly, under CEQA and California Register criteria, these resources could be considered an important resource under criterion C, as potentially the last surviving example of their kind.

b. Facts in Support of Finding

The impacts will be reduced to the extent feasible with the following mitigation measures identified in the EIR and incorporated into the Project. The mitigation measures will reduce the magnitude of the impacts, but would not make the impacts less than significant.

1. The City of Sacramento shall document the history of the construction of the sewer system, and record the physical extent, condition and appearance of the extant portions of the early system to determine its historical significance.

2. Cultural Resources (7.4-8 Cumulative Loss of Cultural Resources)

a. Significant Impact

1. As urban development increases throughout the Sacramento General Plan Update (SGPU) Area, prehistoric sites and artifacts may be unearthed and damaged or destroyed. Historical sites and structures may be destroyed to make room for new development. Even if cultural resources are adequately recorded, removal and/or destruction from their place of origin reduces their value as resources. As stated above, the extent of cultural resources in the project area is not fully known, and damage or destruction of such resources can be mitigated on a project-specific basis. However, any loss of cultural resources associated with the proposed project would contribute to a region-wide impact that cannot be remedied.

b. Facts in Support of Finding

The impacts will be reduced to the extent feasible with the following mitigation measures identified in the EIR and incorporated into the Project. The mitigation measures will reduce the magnitude of the impacts, but would not make the impacts less than significant.

1. Implement Mitigation Measure 7.4-1.

3. Water Quality (7.2-5 Cumulative mercury loading in Sacramento River (Phase 1 and Phase 2))

a. Significant Impact

1. Mercury levels and sources in the Sacramento River Watershed have been under study by a number of researchers in recent years. This research has indicated that primary sources of mercury into the Sacramento River include inorganic mercury deposits introduced through gold mining activities in the upper watershed, natural mercury (cinnabar) deposits in the Coast Ranges, mercury in sediments trapped behind dams, mercury in sediments in the stream and river bottoms, and atmospheric deposition. Discharges associated with urban development (e.g., upstream wastewater treatment plants and

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stormwater runoff) also contribute to mercury levels in the Sacramento River.

Future urban development within the Sacramento River Watershed could continue to contribute to mercury levels in the Sacramento River. This would continue to adversely affect receiving water quality and limit the River's ability to support its designated beneficial uses, which include municipal, agriculture, recreation, and fish and wildlife habitat.

As described in Impact 7.2-4, mercury-related impacts associated with implementation of the proposed project or its alternatives were found to be less than significant because mercury exceedances occur under existing conditions. It was also determined that none of the alternatives could independently nor in combination achieve an overall reduction in mercury levels in the Sacramento River such that the water quality objective would no longer be exceeded, given the diffuse and varied nature of the sources of mercury in the Sacramento River Watershed.

Regional efforts to address Sacramento River water quality problems include the establishment of the Sacramento River Toxic Pollutant Control Program (Program). A work plan was submitted by the SRCSD to the EPA and was approved in September 1996. The plan describes a regional approach to identifying the causes, effects, and extent of pollution within the Sacramento River, and to formulate an implementable program to prevent, reduce, and eliminate the pollution. Mercury was specifically identified in the work plan as one of several pollutants that would be studied and managed under the program.<sup>1</sup> A number of key federal and State and local public agencies (including the City of Sacramento), private businesses and industries, water districts, and agricultural stakeholders are participating in the Program through establishment of a Coordinated Resource Management and Planning (CRMP) Group. The CRMP Group will address major policy-level issues regarding water quality management in the Sacramento River basin.

As stated above, the CSS would be required to comply with any WDRs issued by the CVRWQCB and the joint NPDES Municipal Stormwater Permit (in the case of the Sewer Separation Alternative), thus ensuring that the CSS's contribution to mercury in the Sacramento River would not increase nor exacerbate the mercury problem. Regulatory requirements similar to those applicable to the

CSS also apply to many other jurisdictions and operations within the Sacramento River Watershed.

Even with implementation of specific mercury-control measures, if any, that could be developed by the City or by the Sacramento River Toxic Pollutant Control Program, the City cannot guarantee that other sources of mercury associated with existing or planned development in other areas in the Sacramento River Watershed would not increase or continue to contribute to mercury levels in the Sacramento River because compliance falls within other jurisdictions to enforce and monitor.

b. Facts in Support of Finding

There are no feasible mitigation measures that will reduce the magnitude of the impacts described above.

**II. ALTERNATIVES**

CEQA mandates that every EIR evaluate a no-project alternative. Alternatives provide a basis of comparison to the Proposed Project in terms of beneficial, significant, and unavoidable impacts. This comparative analysis is used to determine the most feasible for implementation.

**1. No Project Alternative**

The No Project Alternative does not include the outflow, local flood or CSO control improvements identified in the CSS Improvement and Rehabilitation Plan, dated July 1995. Under this alternative, the CSS would remain as presently functioning. Any changes to the CSS are purely rehabilitative in nature and consist solely of the rehabilitation items identified in the CSS Plan. This alternative will be the baseline by which the proposed project and other alternatives are measured. It is assumed that implementation of this alternative would result in a permanent CDO and may cause a moratorium on new development within the CSS service area and possibly major fines.

**Finding**

- A. Selection of the "No-Project" Alternative would not meet the following project objectives:
1. Reduce or eliminate outflows that are considered a possible threat to public health.
  2. Reduce and improve the quality of the CSS overflows to the Sacramento River where they are considered a potential threat to the beneficial uses of the receiving waters and the "fishable/swimming" goals of the Federal Clean Water Act.
  3. Comply with the requirements of the U.S. Environmental Protection Agency's (EPA) "Combined System Overflow Control Policy", "Nine Minimum Controls", the National Pollution Discharge Elimination System (NPDES) Permit, and the Clean Water Act.
  4. Reduce neighborhood street flooding problems where it is economically feasible to do so.
- B. Selection of the "No-Project" Alternative would result in a reinstatement of the Cease and Desist Order from the Regional Water Quality Control Board.
- C. Selection of the "No-Project" alternative would not attain the Sacramento General Plan's goals and policies related to improving the overall quality of life in Sacramento.

Exhibit A  
Resolution No. 97-123 and Mitigation Monitoring Plan

- D. Selection of the "No-Project" Alternative would not fulfill Policy 11 of the General Plan related to the provision of adequate public services in existing developed areas.
- E. Selection of the "No Project" Alternative would not fulfill a mitigation measure in the City's General Plan EIR which requires the reconstruction of local drainage facilities.

2. Sewer Separation Alternative (Alternative B)

This alternative would include the construction of a new sanitary sewer system in the CSS service area and conversion of the existing CSS pipelines to a storm drainage system conveying only storm water runoff. It should be noted that the new sanitary sewer system does not meet the project objective of providing an improved level of local flood control for the existing CSS area. The Separate Sanitary Sewer Alternative includes only a minor flood control upgrade beyond the capacity of the existing system. The existing system provides flood control to a 2-year event in most areas. Under this alternative, CSOs are reduced or eliminated and flood control is slightly improved by removing the sewage portion of flow from the conveyance system. This alternative also reduces outflows.

Finding

- A. Selection of the Sewer Separation Alternative would not involve major capacity upgrades to the existing CSS pipelines; therefore, flood control is only slightly improved over the existing system.
- B. Selection of the Sewer Separation Alternative would result in all stormwater being discharged to the Sacramento River without disinfection.

**III. STATEMENT OF OVERRIDING CONSIDERATIONS**

Notwithstanding disclosure of the significant impacts and the accompanying mitigation, the City has determined pursuant to Section 15093 of the CEQA Guidelines that the benefits of the project as described in the EIR, and as conditioned by the Council, outweigh the adverse impacts, and the proposed project shall be approved.

With reference to the above findings and in recognition of those facts which are included in the record, the City has determined that the proposed project would contribute to environmental impacts which are considered significant and adverse, as disclosed in the EIR prepared for the proposed project.

The City has examined a range of reasonable alternatives to the project. Based on this examination, the City has determined that none of these alternatives meets the project objectives.

The City specifically finds, and therefore makes this Statement of Overriding Considerations, that all significant effects on the environment of the Proposed Project have been eliminated or substantially lessened where feasible. Furthermore, the City finds and determines has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the overriding considerations described below:

Exhibit A  
Resolution No. 97-123 and Mitigation Monitoring Plan

- A. Implementation of the Proposed Project will attain the following important objectives:
1. Reduce or eliminate outflows that are considered a possible threat to public health.
  2. Reduce and improve the quality of the CSS overflows to the Sacramento River where they are considered a potential threat to the beneficial uses of the receiving waters and the "fishable/swimming" goals of the Federal Clean Water Act.
  3. Comply with the requirements of the U.S. Environmental Protection Agency's (EPA) "Combined System Overflow Control Policy", "Nine Minimum Controls", the National Pollution Discharge Elimination System (NPDES) Permit, and the Clean Water Act.
  4. Reduce neighborhood street flooding problems where it is economically feasible to do so.
- B. Implementation of the Proposed Project would comply with the Regional Water Quality Control Board's requirements for rescinding the Cease and Desist Order.
- C. Implementation of the Proposed Project will attain the Sacramento General Plan's goals and policies related to improving the overall quality of life in Sacramento.
- D. Implementation of the Proposed Project will fulfill Policy 11 of the General Plan related to the provision of adequate public services in existing developed areas.
- E. Implementation of the Proposed Project will fulfill a mitigation measure in the City's General Plan EIR which requires the reconstruction of local drainage facilities.

Attachment 2

**MITIGATION MONITORING PLAN**  
**FOR**  
**COMBINED SEWER SYSTEM PROJECT**  
**ENVIRONMENTAL IMPACT REPORT**

**Prepared By:**  
**City of Sacramento Planning Services Division**

**Date:**  
**March 11, 1997**

**Adopted By:**  
**City of Sacramento City Council**

**Date:**

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**Attest:**

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**City Clerk**

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**CITY OF SACRAMENTO  
MITIGATION MONITORING PLAN**

This Mitigation Monitoring Plan (Plan) has been required by and prepared for the Department of Planning and Development, Environmental Services Division, 1231 I Street, Suite 300, Sacramento, CA 95814, (916) 264-7600, pursuant to CEQA Guidelines Section 21081.

**SECTION 1: PROJECT IDENTIFICATION**

Project Name and/or File Number: Combined Sewer System Project (XD41)

Applicant - Name: City of Sacramento  
Utilities Department

Address: 5770 Freeport Boulevard, Ste. 100  
Sacramento, CA 95822

**Project Location / Project Description:**

The CSS Rehabilitation and Improvement Plan is divided into two phases. Phase 1 includes specific modifications to existing Pump Station 1/1A, Pump Station 2, Pioneer Reservoir and rehabilitation and replacement of portions of the existing underground collection/piping system. Phase 2, while more programmatic in its definition, would involve designing and constructing a combination of facilities including underground storage structures, upsized sewers and sewer replacement. Rehabilitation and replacement of the CSS system would continue during Phase 2.

The primary objective of Phase 1 is to implement project-specific improvements and rehabilitation to the CSS that would assure operating reliability and reduce street flooding in the CSS service area. These improvements would be implemented over the first five years of the Plan. This initial phase involves the two existing Pump Stations (stations 1/1A, 2) since the Pumping Stations are responsible for pumping all CSS wastewater for treatment and disposal. Without the operating reliability of the Pumping Stations, the system could fail and result in flooding and severe outflows. However, increasing Pump Station capacities alone cannot address these issues. It is also necessary to modify Pioneer Reservoir, which would decrease the number and volume of CSOs to the Sacramento River. In addition, since the capacity of the system would be increased, the underground piping system must also be improved. Portions of the piping system are over 100 years old and have structural defects

including cracked pipes, corrosion, deteriorated and missing grout at pipe joints, and root intrusion that can clog sewers and limit hydraulic capacity.

The objective of Phase 2 is to design and construct facilities to alleviate flooding and outflows to local areas. At this time, the combination of facilities needed is unknown. Therefore, these components are evaluated at a more general, programmatic level than Phase 1.

## SECTION 2: GENERAL INFORMATION

The project as approved includes the mitigation measures adopted as part of the Findings of Fact for this Project. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the Environmental Impact Report (EIR) for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this Plan shall be funded by the project applicant.

## SECTION 3: MITIGATION MONITORING PLAN

This section describes all adopted mitigation measures, identifies the entity responsible for monitoring the implementation of the measures and the procedures for such monitoring. The measures are identified in accordance with their number in the associated Draft and Final EIR to allow easy reference to the impact discussion for which the mitigation measure has been developed.

## CULTURAL RESOURCES

### *Mitigation*

#### **7.4-1 Subsurface Prehistoric Resources (Phase 1)**

*An archeological monitor shall be retained to oversee any subsurface work occurring in the immediate vicinity of the six recorded prehistoric sites. A confidential map with the locations of these sites will be on file with the Project Manager or other appropriate individual, who will arrange to have the monitor present for the areas deemed sensitive. The areas monitored as well as the remainder of the construction shall be subject to the conditions below.*

*In the event of the discovery of any subsurface archeological artifact, feature or deposit during construction activities, work within 100 feet of the find*

*shall be halted, and an archeologist will be contacted for an in-field evaluation.*

*If the resource is determined to be significant, an appropriate plan for resource preservation or site excavation must be developed and implemented.*

*If bone is found that appears to be human, work within 100 feet of the find shall be halted, and the Sacramento County Coroner must be contacted. If the remains are determined to be of Native American origin, the Coroner shall notify the Native American Heritage Commission (NAHC). The NAHC shall determine the "most likely descendant", who will work to develop a plan for the area of the finding. Construction work shall remain halted in the vicinity of the discovery until the plan can be implemented.*

***Entities Responsible for Ensuring Compliance:***

The City of Sacramento, Department of Planning and Development  
The City of Sacramento, Utilities Department

***Monitoring Program:***

If subsurface archaeological or historical remains (including unusual amounts of bones, stones, or shells) are discovered during excavation or construction at the site, work 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.

Site inspections by the Utilities Department shall watch for any potential archaeological resources during site visits. A City contact person shall be notified in case of an archaeological discovery. The Utilities Department shall attach this requirement to the approved construction plans and include this measure as a random inspection item on the Special Conditions Attachment.

***Mitigation***

**7.4-5 Historic Structure--Sewers (Phase 1 and Phase 2)**

*The City of Sacramento shall document the history of the construction of the sewer system, and record the physical extent, condition and appearance of the extant portions of the early system to determine its historical significance.*

***Entities Responsible for Ensuring Compliance:***

The City of Sacramento, Utilities Department  
The City of Sacramento, Planning and Development Department

***Monitoring Program:***

The City's Utilities Department is responsible for documenting the history of the construction of the brick sewer system. To date, the Utilities Department has developed a video of the underground brick sewer system as well as a written record of the system. This work has been conducted to comply with the State Section 106 Requirements. The final recordation of the brick sewer system, approved by the State Environmental Protection Agency, shall be filed with the City's Historic Preservation Officer in the Planning and Development Department.

Attachment 3

**BID TABULATION SHEET FOR BID NO. 1733-  
ENGINE POWERED STANDBY GENERATOR**

<u>Bidders</u>	<u>Terms</u>	<u>1% Local Tax Preference</u>	<u>5% M/WBE Preference</u>	<u>Total Bid (Includes Tax on Materials Only)</u>
Tenco Tractor, Inc.	Net - 30	N/A	No	<u>\$196,937.87<sup>(1)</sup></u>
Sierra Power Products	Net - 30	N/A	No	\$197,286.38 <sup>(1)</sup>

<sup>(1)</sup>Amount adjusted due to mathematical error.

Total Award of Contract To: Tenco Tractor, Inc.  
3850 Channel Drive  
West Sacramento, CA 95691

Original Estimated Cost: \$250,000.00

Using Department: Utilities

Total Bid Amount: \$196,937.87

Due Date: December 11, 1996

Total Amount of Contract: \$196,937.87 (Includes Tax on Materials Only)

<u>Total No. of Bids Solicited</u>	<u>No. of M/WBE Bids Solicited</u>	<u>No. of M/WBE Responses</u>	<u>Award to M/WBE Vendor?</u>
9	0	0	No

Resolution No. 97-123 and Mitigation Monitoring Plan

**BID TABULATION SHEET FOR  
 BID NO. 1734 - ELECTRICAL SWITCHGEAR, MOTOR CONTROL CENTER  
 AND VARIABLE FREQUENCY DRIVE EQUIPMENT**

Bidder	Item No.	Sub-Total	M/WBE	1% Local Tax Preference	Prompt Payment Discount	Net Bid
TESCO Controls	All	\$262,090.00	No	<\$2620.90>	1%/10	\$259,469.10
Universal Wholesale Elec.	All	\$201,102.00	No	No	N-30	\$201,102.00
Graybar Electric	All	\$254,515.00	No	<\$2545.15>	1.5%/20 <\$3817.73>	\$248,152.12
Platt Electric Supply	All	\$177,491.00	No	<\$1774.91>	2%/10	<u>\$175,716.09</u>
Shawnee Electric	All	\$268,090.00	No	No	.5%/20 <\$1340.45>	\$266,749.55

Attachment 4

Total Award of Contract To: Platt Electric Supply  
 1037 West North Market Blvd.  
 Sacramento, CA 95834

Original Estimated Cost: \$440,000.00

Using Department: Utilities

Total Net Bid Amount: \$175,716.09

Due Date: January 8, 1997

Total Amount of Contract: \$190,863.16 (Includes Tax on Materials Only)

Total No. of Bids Solicited	No. of M/WBE Bids Solicited	No. of M/WBE Responses	Award to M/WBE Vendor?
31	18	0	No