

COUNCIL COMMITTEE MINUTES

Concurrent Special Committee Meetings of the Sacramento City Council, Redevelopment Agency of the City of Sacramento, Housing Authority of the City of Sacramento and the Parking Authority of the City of Sacramento.

COMMITTEE NAME: LAW AND LEGISLATION

MEETING DATE: MARCH 20, 1991

MEETING TIME: 3:00 p.m.

LOCATION: **915 I STREET, 2ND FLOOR, COUNCIL CHAMBER**

I HEREBY CALL Special Meetings of the Sacramento City Council, Redevelopment Agency of the City of Sacramento, Housing Authority of the City of Sacramento, and Parking Authority of the City of Sacramento to be conducted concurrently with the Council committee meetings listed below, which are incorporated herein by reference. The Special Meetings are called to permit Members who are not on the listed committees to attend the meetings and participate in the discussions. In the event five (5) or more members of the City Council are present at a Committee meeting, only those items listed on the agenda can be acted on or discussed.

The meeting was called to order at 3:05 p.m. by Chair Lynn Robie.

PRESENT: Committeemembers Robie and Serna.

ABSENT: Committeemembers Chinn and Pane.

1. **Legislative update by Ken Emanuels, the City's Legislative Advocate, including the City's opposition to SB 229 (Boatwright) and SB 1168 (Marks) relating to water matters.**

Recommendation of Staff: File

MINUTES:

Ken Emanuels, the City's Legislative Advocate, discussed the status of the two bills, SB 229 and SB 1168. He said that SB 229 requires metering of new water connections throughout the state. He said that this bill has been put over for two weeks and will come before the Senate Agriculture and Water Committee on Tuesday, April 2nd. He noted that there will likely be three "no" votes and 6-7 certain votes for this bill, and that this bill does not affect existing residences.

Mr. Emanuels then went on to say that there are two other measures which affect existing residences. SB 1168 (Marks), affects existing residences as well as all new construction. Similar bills have been defeated in the past, but attitudes have changed

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3. SB 8 (Robbins) relating to public documents for depository libraries.

Recommendation of Staff: Recommend support

Committee Action: Supported

Voting Record: Moved: Serna
Seconded: Robie
Ayes: Serna, Robie
Absent: Chinn, Pane

MINUTES:

Diane Balter, Deputy City Attorney, explained that no one from the Library was able to attend the meeting today. She said the Library has come before this Committee in the past with their request for opposition to federal legislation which would require the Library to pay the cost of certain government publications. This bill, which the Library requests the City support, would provide one copy of all state and local documents to each library without charge. Serna moved to support SB 8 (Robbins) and Robie concurred.

4. Report back from the Sacramento Environmental Commission relating to leaf blowers.

Recommendation of Staff: File

MINUTES:

Ken Stuart, Chief of the County Environmental Management Department, gave the Committee a report back from the City-County Environmental Commission on the issue of leaf blowers. He explained that the Commission, at its March 11 meeting, did go along with the Law and Legislation Committee's recommendation that the issue of leaf blowers be taken as a separate matter, rather than have it handled as part of the Commission's general review of the City-County noise ordinance. The Commission agreed to consider the environmental as well as the noise impacts of leaf blowers. He told the Committee that a subcommittee has been formed to look into this matter, consisting of Jack McGurk, Muriel Strand, and Dr. Floyd Cothran, an allergist, and that a public hearing has been set for April 8th at 6:30 p.m. in the City Council Chambers for public testimony. He said the subcommittee hopes to be able to bring back its recommendations to the full Environmental Commission by April 22, permitting a recommendation from the Commission to the Law and Legislation Committee by the end of May.

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4. ITEM CONTINUED FROM PREVIOUS PAGE.

Mr. Stuart stated his staff has been in contact with the City's business license section to discuss the possibility of some sort of requirement that commercial users of leaf blowers must post the name of the business on their trucks, so that if there are complaints they can be traced to the source. He said business owners could also be required to sign a statement that they recognize they may have to restrict their hours, etc. He noted there is also the problem of who would regulate enforcement if there is not a total ban, and that these and other problems will be discussed at the next hearing on April 8th. He also brought out the fact that the City Parks and Community Services Department is exempt from the City's noise ordinance, but that the majority of complaints relating to leaf blower noise involves commercial machines used in residential/commercial neighborhoods.

Committeemember Serna, who was not at the last meeting due to surgery, wanted to be certain the issue of leaf blowers was really a major concern. There was considerable discussion. Bob Thomas, Director of Parks and Community Services, briefly outlined his comments from the last meeting relating to the additional manpower that would be needed if leaf blowers were totally banned. There was discussion, also, regarding the testimony given at the last meeting relating to the environmental and noise problems associated with these leaf blowers.

Bob Thomas gave a brief run-down on the cities his staff contacted. He said that the City of Irvine restricts hours and bans use on Sundays and holidays; Piedmont banned private use of leaf blowers but allowed for government use; Pasadena restricted hours; Berkeley, Belvedere and Beverly Hills have totally banned leaf blowers as of late 1990, so no data on impact yet available. Mr. Thomas said he is not opposed to looking into these blowers regarding noise and emissions, but that he just wants it to be reasonable. He explained that more companies are now developing equipment that is quieter and less hazardous. He concluded by saying that there needs to be time to adjust, or it will cripple the park system, and that (1) there ought to be a date certain; (2) there should be a restriction on hours of use; (3) there should be education; and (4) there should be certification requirements.

Deputy City Attorney Balter pointed out that a bill has been introduced, AB 926 (Moore) which would prohibit the sale in California of leaf blowers with noise levels above 65 decibels at 80 feet.

At this time Deputy City Attorney Balter presented AB 1305 (copy attached) relating to banning the sale of tobacco from vending machines where persons under the age of 18 are allowed. The Committee asked Ken Emanuels, the City's Legislative Advocate, to watch this bill and bring it up at a future Committee meeting. Serna requested that when this comes before the Committee he would like a list of its opponents and proponents.

COMMITTEE ACTION SHEET

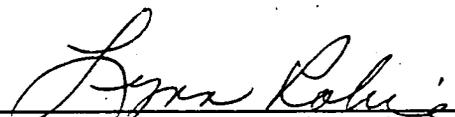
Betty Turner of the Sacramento Lung Association explained to the Committee that there has been introduced at the Legislature a group of bills being called the "HACK" package (Halt Access to Cigarettes by Kids), and that it is the most comprehensive legislative initiative to date on this issue. She said it does not preempt local ordinances. She went on to say that the City of Auburn passed a smoking ordinance which is almost identical to the City of Sacramento's ordinance, with a 4-1 vote. She said this ordinance will become operative in six months and restaurants will be entirely smoke-free.

There was discussion about the vending machine ordinance that was previously before the Committee but had been tabled. Robie and Serna agreed to discuss bringing the City's vending machine ordinance back to Committee.

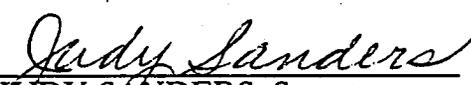
Committeemember Serna mentioned SB 631 (Johnson) relating to the Yolo Port Authority, which the City Manager is following up on. The Committee asked that Ken Emanuels contact Walt Slipe, City Manager, with regard to this legislation.

The meeting was adjourned at 3:52 p.m.

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LYNN ROBIE, Committee Chair

ATTEST:


JUDY SANDERS, Secretary

ASSEMBLY BILL

No. 1305

**Introduced by Assembly Members Lempert, Becerra,
Felando, Friedman, Gotch, Margolin, and Sher
(Coauthors: Senators Boatwright and Watson)**

March 6, 1991

An act to add Section 308.7 to the Penal Code, relating to tobacco products.

LEGISLATIVE COUNSEL'S DIGEST

AB 1305, as introduced, Lempert. Tobacco products: distribution from vending machines.

Existing law makes the distribution or furnishing of tobacco products to minors a misdemeanor.

This bill, in addition and with limited exceptions, would make it a public offense, punishable by a fine of up to \$1,000 for any person, firm, or corporation to sell or distribute tobacco products from a vending machine, as defined.

Because the bill would create a crime, it would constitute a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 308.7 is added to the Penal Code,
2 to read:

3 308.7. Any person, firm, or corporation which sells or
4 distributes tobacco products from a vending machine, as
5 defined in Section 17571 of the Business and Professions
6 Code, shall be guilty of a public offense, punishable by a
7 fine of up to one thousand dollars (\$1,000).

8 This section shall not apply in areas where persons
9 under the age of 18 years are prohibited.

10 SEC. 2. No reimbursement is required by this act
11 pursuant to Section 6 of Article XIII B of the California
12 Constitution because the only costs which may be
13 incurred by a local agency or school district will be
14 incurred because this act creates a new crime or
15 infraction, changes the definition of a crime or infraction,
16 changes the penalty for a crime or infraction, or
17 eliminates a crime or infraction. Notwithstanding Section
18 17580 of the Government Code, unless otherwise
19 specified in this act, the provisions of this act shall become
20 operative on the same date that the act takes effect
21 pursuant to the California Constitution.