

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: May 17, 1994

MEETING TIME: 1:00 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.

Because the Committeemembers were in a Council executive session, the meeting was not called to order until 1:13 p.m. by Committee Chair Deborah Ortiz.

PRESENT: Committeemembers Ortiz, Kastanis and Steinberg*
ABSENT: Committeemember Pane
GUEST: Councilmember Fargo

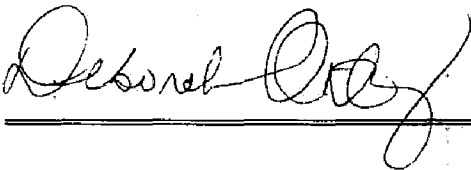
*Steinberg left the meeting at 1:35 p.m.

1.0 CONSENT CALENDAR (Items 1.1 through 1.4)

All items listed on the Consent Calendar are considered and acted upon by one motion. A member of the Committee or staff may request an item to be removed for separate consideration.

VOTING RECORD:

Moved: Kastanis
Seconded: Steinberg
Ayes: Kastanis, Steinberg, Ortiz
Absent: Pane



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2.0 STAFF REPORTS (Items 2.1 and 2.3 only; 2.3 postponed and 2.4 withdrawn)

2.1 Update on state budget matters and pending legislation.

RECOMMENDATION OF STAFF: For Committee information.

MINUTES:

Ken Emanuels, the City's Legislative Advocate, said that revisions to the budget are expected within the next week or ten days. At present there are no items in the State's revenue estimates and proposed budget which would significantly affect City revenue. Chair Ortiz summarized the budget process, saying that the budget is presented in January, and that there is a May revise which gives the City an assessment of where it stands and what is really out there in the way of State revenue sources. The revised budget then goes to the Legislature the first week in June.

Steinberg asked Mr. Emanuels about the Presley bill relating to the reception center for the Army Depot. Mr. Emanuels said it would be heard later today or tomorrow, and that he expects it to pass out of committee.

2.2 City policy regarding outdoor vending on private property.

RECOMMENDATION OF STAFF: Provide direction to staff.

COMMITTEE ACTION: Postponed.

MINUTES:

Because this item was requested by Committeemember Pane, who was not present at this meeting, it was agreed to postpone this item to a later date. (The item will be heard on July 19, 1994.)

2.3 Possible revision of City Council procedures for making certain unpaid costs special assessments upon the properties to which the costs are related, to be added to the real property tax bill.

RECOMMENDATION OF STAFF: Provide direction to staff.

COMMITTEE ACTION: Continue current process.

VOTING RECORD: Moved: Kastanis
Seconded: Ortiz
Ayes: Kastanis, Ortiz
Noes: Steinberg
Absent: Pane

ITEM CONTINUED ON FOLLOWING PAGE.

COUNCIL COMMITTEE MINUTES

2.3 ITEM CONTINUED FROM PREVIOUS PAGE.

MINUTES:

Margaret Freeman, Revenue Manager, presented this item to the Committee, noting that this was a request from Councilmember Fargo. She explained that a procedure could be established which would assign a hearing officer to hear protests against assessments for various unpaid costs related to real property, rather than having the full Council initially hear such protests. However, she pointed out that staff already makes an individual review of each protest and the City Council must finally hear each assessment protest, even if an independent hearing is provided.

Steinberg pointed out the problems with hearings before the Council, when it is late at night, the Council is harried, and a person is given only a few short minutes to have their protest heard. He said he feels that having an outside administrative hearing would be less prejudicial. It was noted that the cost of hiring an outside hearing officer is estimated at \$500.00 per protest.

Ortiz expressed her opinion that this is not a question of whether or not due process is currently provided, as the Council is ultimately the final decision-making body. She also noted that the proposed change in the protest procedure is not a guarantee that protests would not still go forward to Council. She therefore feels that this proposal would be a costly addition to the protest procedure as it now stands.

Kastanis moved to continue the current protest procedure and Ortiz seconded the motion. Steinberg dissented. No further action will be taken at this time.

*Committeemember Steinberg left at 1:35 p.m.

2.4 AB 2673 (Cortese) relating to water supply planning.

RECOMMENDATION OF STAFF: Support

COMMITTEE ACTION: Supported

VOTING RECORD: Moved: Kastanis
Seconded: Ortiz
Ayes: Kastanis, Ortiz
Absent: Steinberg, Pane

MINUTES:

Jim Sequeira, Director of Utilities, brought this bill before the Committee. He first passed out some information sheets on the bill's requirements and a copy of an article from the San Francisco Chronicle dated May 17, 1994 (copies attached).

ITEM CONTINUED ON FOLLOWING PAGE.

COUNCIL COMMITTEE MINUTES

2.4 ITEM CONTINUED FROM PREVIOUS PAGE.

Randy Kanowski of East Bay Municipal Utility District responded to questions regarding why some groups are opposed to this bill. He explained that some groups feel this bill is an encroachment upon the land use authority of cities, but that the Sacramento Valley Division of the League of California Cities strongly disagrees with the statewide League's opposition.

Dominic Demari of the Agricultural Council expressed his support for this bill. He said it is hoped this bill will head off the possibility of a community having to decide between two entities which might need water.

John McCall, State Legislative Director of the Audubon Society, said that the environmental community is fully in support of this bill.

Kastanis moved to support AB 2673 and Ortiz seconded the motion.

2.5 AB 3754 (Caldera) relating to Business Improvement Districts.

RECOMMENDATION OF STAFF: Support

COMMITTEE ACTION: Supported

VOTING RECORD: Moved: Kastanis
Seconded: Ortiz
Ayes: Kastanis, Ortiz
Absent: Steinberg, Pane

MINUTES:

Gary Alm of Public Works brought this matter to the Committee. He explained that this is an update of the 1989 law which the City currently uses, but the proposed amendment would allow the assessment to be levied on the property owner rather than the business owner. He asked that the Committee approve this legislation subject to the proposed modifications as set forth in the staff report.

Robert Thomas, Deputy City Manager, said that this bill was brought before the Law and Legislation Committee when it was first introduced, and that City staff has worked closely with the authors of this bill ever since. He said he feels it is important for the City to support this concept for other cities that want to create a Business Improvement District similar to what Sacramento is working to create with the private sector. (It was noted that Sacramento, as a charter city, has the authority to impose an assessment on property owners without state legislation.) The proposed amendments to the legislation have been accepted by the Downtown District and will be introduced into the legislation.

ITEM CONTINUED ON FOLLOWING PAGE.

COUNCIL COMMITTEE MINUTES

2.5 ITEM CONTINUED FROM PREVIOUS PAGE.

John Lambeth, representing the Downtown Partnership, told the Committee that the amendments have been submitted to Assemblyman Caldera's office but have not been formally accepted, although he sees no problems with this.

Kastanis moved to support AB 3754 relating to Business Improvement Districts, and Ortiz seconded the motion.

2.6 An ordinance amending section 6.05.052 of the Sacramento City Code, to allow the keeping of domestic livestock in the rural estates zone bounded by Sotnip Road on the south, Sorento Road on the west, and East Levee Road on the north and east (generally known as Valley View Acres).

RECOMMENDATION OF STAFF: Support and forward to Council.

COMMITTEE ACTION: Forwarded to Council with no recommendation.

VOTING RECORD: Moved: Kastanis
Seconded: Ortiz
Ayes: Kastanis, Ortiz
Absent: Pane, Steinberg

MINUTES:

Jim McDonald of the Planning Department explained this proposed ordinance, and noted that it was approved by the Planning Commission on April 28, 1994. There was considerable discussion regarding livestock in certain rural areas within the City limits.

*Councilmember Fargo joined the meeting at this time.

Councilmember Heather Fargo explained that the reason for bringing this ordinance to the Council is because some of the properties in this area are allowed livestock but others are not, and since everyone has at least an acre of land it is conducive to keeping cows and horses. She also pointed out that many homeowners have horses illegally now. Ortiz expressed concern for lack of remedies for homeowners who move into the area with no livestock, but have neighbors on all sides with livestock which breed insects, smells, etc. It was agreed that the remedies for this would be with Animal Control.

Kastanis moved to forward this item to Council with no recommendation. Ortiz seconded this motion, and it will be forwarded to Council.

COUNCIL COMMITTEE MINUTES

2.7 **Local business enterprise and minority and women business enterprise contracting; affirmative action in contracting program and local/neighborhood hiring efforts.**

RECOMMENDATION OF STAFF: Support and forward to Council.

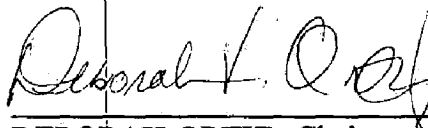
COMMITTEE ACTION: Supported and forwarded to Council.

VOTING RECORD: Moved: Kastanis
Seconded: Ortiz
Ayes: Kastanis, Ortiz
Absent: Pane, Steinberg

MINUTES:

John Malloy, Director of Housing and Redevelopment, stated that staff is prepared to take this item before the full Council in two weeks if that is the Committee's wish. Chair Ortiz asked if anyone was in the audience in opposition to these proposed policies, and there was not. Kastanis moved to support these programs and bring them to full Council with this recommendation; Ortiz seconded the motion. Chair Ortiz noted that anyone at this meeting in support of these programs will be given an opportunity to speak at the Council meeting on this item.

The meeting was adjourned at 1:58 p.m.



DEBORAH ORTIZ, Chair

ATTEST:

JUDY SANDERS, Secretary

AB 2673 REQUIREMENTS

- **Specific Info re: Water Availability**
- **Referral of GP/Amendment to Water Agency When Area is Outside Service Area**
- **Water Supplier to Make Findings Re: Water Availability**
- **Provides Procedures if Water Supplier Cannot Provide Sufficient Water**

AB 2673 REQUIREMENTS

Hierarchy of Customers

- 1. Existing Customers in Service Area**
- 2. Future Customers Within Service Area**
- 3. Future Customers Outside Existing Service Area but Within Sphere of Influence**
- 4. Future Customers with New Development Outside Sphere of Influence.**

GOAL: Insure Needs Met for 1,2, & 3 Before Service to Category 4 is Approached

AB 2673

- **Prior to GP/amendment adoption proposed action referred to water purveyor that serves or likely to serve development.**
 - **If within service area then, 45 days to provide info on availability of supply.**
-
- **If outside service area but likely purveyor then,**
 - **Provide info on availability of supply.**
 - **Issue "findings of fact" that they can supply "hierarchy" of customers.**
 - **No response within 90 days from purveyor then C/C may adopt GP/Amendment.**

AB 2673 REQUIREMENTS

If water supplier's findings indicate they cannot meet outside needs then C/C shall not adopt GP/Amendment unless:

- 1. GP/Amendment is consistent w/findings of water supplier.**

OR

- 2. Water supply improvements (not part of water purveyor's system) will be available.**

No approval until improvements made!

San Francisco Chronicle

THE VOICE OF THE WEST

EDITORIALS

Planning for Growth In an Age of Drought

WITH ANOTHER year of drought bearing down on California, and with new projections of as many as 50 million more Californians by the year 2020, it is positively irresponsible for city and county planning officials to continue to ignore the question of water availability when making decisions about future development. The old planning philosophy of the

Water shortages have become a key reason cited by businesses for leaving California

past, which assumed that water supplies — like electricity or telephone service — could always expand to meet development needs, is downright nonsensical at a time when the state's finite water supply is actually shrinking and demand is exploding.

The price of such negligence is not just higher water bills. It is the prospect of severe shortages and economic disaster. A recent survey for the state Department of Commerce showed that a 30 percent cutback of normal water supplies to manufacturing industries in Alameda County could lead to 3,500 job losses and a \$500 million loss in productivity. In Santa Clara, the same scenario could cost 21,000 jobs and \$1.5 billion.

Those numbers and the likelihood of such cutbacks have become key reasons cited by manufacturers for taking expan-

sion plans — and jobs — to other states.

It would seem a simple enough matter to require that planning officials take water supplies into account when approving new developments, especially those outside existing water agency service areas. But a bill by Assemblyman Dominic Cortese, D-San Jose, that would require just such considerations has been met by a wall of opposition by the League of California Cities, which fears any loss of local powers, and the Building Industries Association, which supports unlimited development.

Assembly Bill 2873, which goes to the Ways and Means Committee tomorrow, emphatically does NOT give urban water agencies veto power over city or county planning decisions — as claimed by its opponents. But it does stipulate that local planners must at least consult with water agencies over the question of availability and then act to protect the supplies of existing customers before promising water that doesn't exist to new developments.

The bill is supported by a unique alliance of environmental and agricultural interests, both of which have paid heavily for drought-related cutbacks while urban planners continue in their profligate ways, especially in Southern California.

San Francisco, Oakland and other Northern California cities and counties should recognize that it is in their own interests to join the support for AB 2873 — at the risk of standing idly by while Northern California rivers are drained in a hopeless effort to fill the bottomless swimming pools of tomorrow's suburban sprawl.

5/17/94

AB 2673
ASSEMBLYMAN DOMINIC CORTESE

LIST OF PROPONENTS

CALIFORNIA MANUFACTURERS ASSOCIATION
CALIFORNIA FARM BUREAU FEDERATION
SIERRA CLUB OF CALIFORNIA
AGRICULTURAL COUNCIL OF CALIFORNIA
NATIONAL AUDUBON SOCIETY
PUBLIC OFFICIALS FOR WATER AND ENVIRONMENTAL REFORM
WESTERN GROWERS ASSOCIATION
LEAGUE OF CONSERVATION VOTERS
PLANNING AND CONSERVATION LEAGUE
UNITED ANGLERS OF CALIFORNIA
COMMUNITY ALLIANCE WITH FAMILY FARMERS
CALIFORNIA CATTLEMEN'S ASSOCIATION
PACIFIC COAST FEDERATION OF FISHERMEN'S ASSOCIATIONS INCORPORATED
CALIFORNIA LEAGUE OF FOOD PROCESSORS
CALIFORNIA RICE INDUSTRY ASSOCIATION
NORTHERN CALIFORNIA WATER ASSOCIATION
THE FEDERATION OF HILLSIDE AND CANYON ASSOCIATIONS
CALIFORNIA ASSOCIATION OF WINEGRAPE GROWERS
GRASSLAND WATER DISTRICT
CALIFORNIA WATERFOWL ASSOCIATION
GREENBELT ALLIANCE
SAVE THE AMERICAN RIVER ASSOCIATION
MONO LAKE COMMITTEE
BUTTE COUNTY FARM BUREAU
RIVERSIDE COUNTY FARM BUREAU
SAN JOAQUIN COUNTY FARM BUREAU
SANTA BARBARA COUNTY FARM BUREAU
ORANGE COUNTY FARM BUREAU
YOLO COUNTY FARM BUREAU
NAPA COUNTY FARM BUREAU
MERCED COUNTY FARM BUREAU
VF FARMS
CALIFORNIA TOMATO GROWERS ASSOCIATION INCORPORATED
SACRAMENTO METROPOLITAN WATER AUTHORITY
ENDANGERED HABITATS LEAGUE
CLEAN WATER ACTION
EAST BAY MUNICIPAL UTILITY DISTRICT
CITY OF EL CERRITO
CITY OF FOLSOM
CITY OF ALBANY
SARA MYERS, PRESIDENT, CA LEAGUE OF CITIES - SACRAMENTO VALLEY DIVISION
ANDREW GETZ, DEVELOPER
ERNEST GOITEIN, GENERAL CONTRACTOR
NUMEROUS INDIVIDUALS AND BUSINESSES



League of California Cities

SACRAMENTO VALLEY
DIVISION

CITY HALL
50 NATOMA STREET, FOLSOM, CA 95630
(916)355-7200 FAX (916)355-7328

April 28, 1994

Dear Sacramento Valley Division Member:

I wanted to give you some information on two pieces of legislation concerning water issues now in process. One is being considered by the State Assembly Ways and Means Committee, AB 2673, and the other is being considered by the United States Senate, S. 1920.

I was shocked to see the League legislative bulletin of April 15, 1994 recommend opposition to AB 2673. This apparently reflects the vote by the Board of Directors. This suggests that Southern California interests and probably the Building Industry Association lobby from the south had considerable influence. I received a report on the hearing at the State Capitol on this bill when the Assembly Local Government Committee reviewed it. The BIA contingent from southern California was fiercely opposing AB 2673 while water agencies were solidly in support. This Committee approved AB 2673 despite the vigorous opposition by the BIA.

League staff is characterizing the bill as a massive erosion of land use control by cities. That is nonsense. As amended, Section 65352 (a)(6) would add "If the area covered by the proposed general plan adoption or amendment is not within the area in which water service is currently being provided by any public water system, the city or county shall identify the likely public water system to provide water to this area and refer the proposed action to that entity for its review pursuant to section 65352.5 and 65352.6." The next amendment covers areas proposed for development outside of the existing water service system allowing the water agency to make findings of fact regarding the proposed development.

Enclosed are copies of the current version of AB 2673. What water agencies seek is the opportunity to present findings of fact when there will not be water to serve proposed development. A city can still approve development---if anyone chooses to be that irresponsible---but the record will be clear. The state has forecast a permanent, chronic water shortage in Bulletin D160-93. This makes water supply planning to meet future growth needs more important than ever.

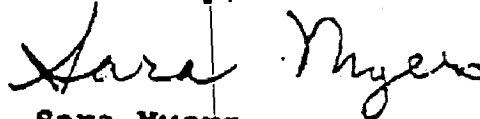
Since most of the developed water in the state comes from the north, we should be supportive of responsible planning. In the Sacramento Valley most of our cities are full service cities. When

we plan, we know we have to have the water or other resources before we develop infrastructure. In the south there are cities existing which contract for most of their services. These cities do not have water rights or contracts for Central Valley Project water. In my opinion, there should be some reality introduced when it comes to land use planning. What Cortese has proposed is not going to erode a city's power to plan but it will make a city accountable for planning without water nailed down. I urge you to contact your Assembly member and support this bill, or at a minimum contact Cortese and ask questions for yourself.

Support is also needed for the Domenici-Boren Bill, S. 1920. This pertains to the Safe Drinking Water Act amendments sought by cities and water agencies. Unless changed, the EPA will be authorized to impose standards which have the potential for driving up water treatment costs to astronomical levels. The Nation's Cities Weekly April issues (3) provided details on the Safe Drinking Water proposed amendments. Enclosed is an excerpt from April 4, 1994. I urge you to contact both California senators and your congressman to rally support for S. 1920. Carol Browner, EPA chief, is urging Democratic senators to get behind the Baucus bill. Senator Bob Graham (D-Fla) and Senator Pete Domenici (R-N.M.) are leading the charge for reforms to the drinking water bill and need our support to obtain passage of S. 1920.

Hope to see you all in Mt. Shasta in June.

Sincerely,



Sara Myers
President, Sacramento Valley Division