

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: February 15, 1994

MEETING TIME: 12:00 noon

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 12:08 p.m. by Committee Chair Heather Fargo.

PRESENT: Committeemembers Heather Fargo, Josh Pane,* Sam Pannell, and Deborah Ortiz.

*Committeemember Pane arrived at 12:15 p.m.

It was agreed that Item 7 relating to the update on smoking regulations would be postponed, due to the length of the agenda today.

1. **An ordinance amending Sacramento City Code, Section 40.16.1605, relating to calculation of in-lieu fees for parkland dedication.**

RECOMMENDATION OF STAFF: Support and forward to Council.

COMMITTEE ACTION: Supported and forwarded to Council.

VOTING RECORD: Moved: Pannell
Seconded: Ortiz
Ayes: Pannell, Ortiz, Fargo
Absent: Pane

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1. ITEM CONTINUED FROM PREVIOUS PAGE.

MINUTES:

Deputy City Attorney Joe Robinson presented this item to the Committee, explaining that this is a "clean-up" ordinance. Vic Edmisten of the Neighborhood Services Department said his department is in agreement with this ordinance. Pannell moved to support this ordinance and forward it to Council, Ortiz seconded the motion, and it was unanimously supported.

2. Amendment to HR-3355, the Omnibus Crime Bill, which would institute a nationwide ban on semi-automatic assault weapons.

RECOMMENDATION OF STAFF: Support

COMMITTEE ACTION: Supported

VOTING RECORD: Moved: Pannell
Seconded: Ortiz
Ayes: Pannell, Ortiz, Fargo
Absent: Pane

MINUTES:

Claudia Evans, Administrative Services Officer of the Sacramento Police Department, explained that this bill would provide a nationwide ban on assault weapons, defines copycat assault weapons, and provides an exemption for law enforcement officers. Pannell moved to support staff recommendation, Ortiz seconded the motion, and it was unanimously supported.

3. AB 1568 (Rainey), as amended 1/26/94, which provides for a life sentence, without possibility of parole, for a third-time offender in certain cases.

RECOMMENDATION OF STAFF: Support

COMMITTEE ACTION: Forwarded to Council with
no recommendation

VOTING RECORD: Moved: Pannell
Seconded: Ortiz
Ayes: Pannell, Ortiz, Fargo
Absent: Pane

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3. ITEM CONTINUED FROM PREVIOUS PAGE.

MINUTES:

Claudia Evans brought this bill before the Committee. She said this was one of the "three strikes and you're out" bills this year. She explained that this bill includes a serious or violent felony, which is a little bit different from the Jones bill. It also adds a couple of crimes to the list, including carjacking and robbery where a victim is injured. Ortiz asked about the local or state fiscal impact if this bill were implemented. Claudia Evans did not have a specific answer, but noted that most of the costs would be borne by the County as operator of the court system and county jail. Ortiz said she has heard projections of a \$2-3 billion increased burden to the state budget.

*Councilmember Pane arrived at 12:15.

Chair Fargo also expressed her concerns about costs, though she shares the concern the public has about violent offenders out on the street more than they should be. She said she would like to hear reactions from the County or the Supervisors Association. Pane said he doesn't think there is any good analysis regarding costs out there right now. Pannell expressed his viewpoint that the one weakness of the "three strikes, you're out" is that it doesn't allow for rehabilitation. Ortiz said she feels this is one of the better-drafted bills because it delineates the types of crimes, but even if we can enforce this, the state just doesn't have the room to house these criminals or the money required to do so. Pannell moved to bring this bill to the full Council with some more information regarding the fiscal impacts, Ortiz seconded the motion, and the Committee unanimously supported the motion.

4. AB 645 (Allen), as amended 1/3/94, relating to possession of a gun within a school zone.

RECOMMENDATION OF STAFF: Support

COMMITTEE ACTION: Supported and forwarded to Council

VOTING RECORD: Moved: Ortiz
Seconded: Pane
Ayes: Ortiz, Pane, Pannell, Fargo

MINUTES:

Claudia Evans explained that this bill increases the penalties for possessing a gun on school grounds and establishes a school zone as 1,000 feet surrounding a school. She said the school doesn't have to be posted, and it also allows for a juvenile 16 years or older who violates this

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4. ITEM CONTINUED FROM PREVIOUS PAGE.

section to be tried as an adult. There was some discussion about concealed weapons with permits, about signs stating "gun free zones," and about possession of guns when you have a legitimate concealed weapons permit. Claudia Evans explained that this would pertain to unloaded guns in a school zone as well as loaded guns. Ortiz moved to support AB 645 relating to possession of a gun within a school zone, Pane seconded the motion, and it was unanimously supported and will be forwarded to full Council.

5. SB 1254 (Ayala), which provides that all state-mandated located programs enacted after January 1, 1975, are inoperative unless fully funded by the state.

RECOMMENDATION OF STAFF: Support

COMMITTEE ACTION: Supported

VOTING RECORD: Moved: Pane
Seconded: Pane
Ayes: Pane, Pannell, Ortiz, Fargo

MINUTES:

Diane Balter, Deputy City Attorney, discussed this bill with the Committee. There was no discussion. Pane moved to support SB 1254, Pannell seconded the motion, and it was unanimously supported.

6. State legislation relating to temporary impoundment of vehicles used for prostitution and drunk driving.

RECOMMENDATION OF STAFF: Support

COMMITTEE ACTION: Supported

VOTING RECORD: Moved: Panell
Seconded: Pane
Ayes: Pannell, Pane, Ortiz, Fargo

MINUTES:

Deputy City Attorney Diane Balter explained that this agenda item concerns a request that the City of Sacramento be included in a pilot program which now includes the City of Oakland, San Diego County, and cities in San Diego, involving temporary impoundment of vehicles used

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7. ITEM CONTINUED FROM PREVIOUS PAGE.

for prostitution. She noted that there are some practical problems with creating a program as the legislation now reads, but Assembly Member Rainey is expected to introduce some corrective legislation. She went on to say that although some Councilmembers have expressed interest in including cars implicated in driving-under-the-influence crimes, that is not currently contemplated. [Current law allows a court to order a temporary impoundment upon DUI conviction.]. Pannell moved to have the City of Sacramento included in this pilot program, and to ask the City's Legislative Advocate, Ken Emanuels, to work with our District Attorney at Assembly Member Rainey on this issue, Pane seconded the motion, and it was unanimously supported.

8. Items relating to sale of alcoholic beverages.

A. Update on Oakland litigation regarding local land use regulation of establishments selling alcoholic beverages.

RECOMMENDATION OF STAFF: Information item

MINUTES:

Ted Kobey, Assistant City Attorney, stated that there are two cases pending out of the cities of Oakland and Los Angeles in which the authority of cities to apply land use regulations to establishments selling alcoholic beverages is challenged. Additional information will be provided to the Committee as these cases progress.

B. AB 2698 (Tucker) relating to alcoholic beverage licensing.

RECOMMENDATION OF STAFF: Support

COMMITTEE ACTION: Supported and forwarded to Council

VOTING RECORD:

Moved: Pannell
Seconded: Ortiz
Ayes: Pannell, Ortiz, Fargo
Noes: Pane

MINUTES:

Dianne Guzman, Director of Planning and Development, stated that this bill allows cities to require conditional use permits, a power the City now has. She went on to say that there are some things the City might like to have added to this bill, and Assembly Member Tucker is eager to get Sacramento's support for this bill.

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8.B. ITEM CONTINUED FROM PREVIOUS PAGE.

Chair Fargo stated that although she does not believe that Tucker's intention is anything close to what we want to do here in Sacramento. Ms. Guzman said she feels that the City should try to establish a positive relationship with Tucker and continue to look for some additional state legislation to deal with our particular problems. Ortiz said her question continues to be that although the proposed legislation gives ABC the power the City currently has by imposing conditions, does that usurp our local authority? Ms. Guzman read part of the bill which states that "it is the intent of the Legislature when enacting this section to ensure that local government shall not be preempted in the valid exercise of its land use authority." Ted Kobey, Assistant City Attorney, suggested the Committee instruct staff to seek amendments that clarify that this particular bill does not have any preemptive effect, and to have it clearly expressed that nothing in state law prohibits land use regulation by local government. Pannell moved to support AB 2698 relating to alcoholic beverage licensing and forward it to Council, Ortiz seconded the motion, and the vote was 3-1, Pane voting against this motion.

9. Report back on local hiring and affirmative action hiring on City construction projects.

A. Affirmative action requirements.

RECOMMENDATION OF STAFF: Support and forward to Council.

COMMITTEE ACTION: Supported and forwarded to Council.

VOTING RECORD: Moved: Pannell
Seconded: Ortiz
Ayes: Pannell, Ortiz, Fargo
Noes: Pane

MINUTES:

Greg Hovious, Contract Officer in the Department of Facility Management, brought this item to the Committee. He explained that he has appeared before the Commission and members of the construction industry and that a four-hour workshop on this issue was held. He said it is his understanding that all concerned groups are willing to accept the document as written as a starting point. Pannell moved to support staff's recommendation, Ortiz seconded the motion. The vote was postponed to take public testimony.

A member of SHRA stated that SHRA will be bringing forth a report relating to the compliance piece of the affirmative action role in the next month or so.

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9.A. ITEM CONTINUED FROM PREVIOUS PAGE.

Harriet Anderson, a painter, a member of the Sacramento Trade Center, and a Commissioner of the Office of Equal Opportunity in Construction, spoke at this time. She stated that they fully endorse the affirmative action policy presented; however, she stated one objection to this program as presented -- the 6.9% goal for women, they feel, is about 15% too low. She also said members of her organizations would be willing to volunteer to help with the utilization studies to be conducted in the future.

John Link an officer with Campbell Construction in Sacramento, is opposed to this affirmative action policy because he feels it doesn't incorporate the concerns of all interested parties because contractors were not represented. He expressed his sense that there is a rush to get this item to Council and that he is confused about its requirements and implementation. Mr. Hovious noted that staff has met with several construction organizations, including the AGC (Association of General Contractors), of which Campbell Construction is a member, and that these documents were available to them in November.

Pannell stated that the contractors have had the ability since November to have input into this issue. He said that staff has put considerable time and effort into this, and that if Campbell Construction wants further input, this is a living document and can and will change. He continued by saying that it is inconsiderate of the contractors to ask that this be postponed further after over three months of negotiations.

Pane suggested that this issue be postponed to allow interested parties to have input into these requirements. There was some discussion. Chair Fargo expressed her concern that the recommendation before the Committee today is to support and forward to Council, but that the Council will not be happy if this comes before it and still involves a lot of controversy. She said she would like to work this out before going to full Council.

Larry Suddjian, an officer and part owner of Kimmell Construction, was the next speaker. He said they, too, take exception to the wording of the document being presented today. He said he first learned of this meeting about an hour and a half ago and felt it was important enough to change his schedule to attend. He said he was confused about where the percentages came from, among other things, and would like to have had the opportunity to voice his opinions on this issue. He requested that the City take the time to get input from all of the interested general contractors. He said Kimmell Construction and others were never notified of these negotiations. He also said the documents need work and the City should take the time to do it right. Pannell pointed out that this has been discussed for at least six months or a year, and that they are not "railroading" it through. There was some further discussion between Pane and Pannell regarding whether or not to postpone this item for at least another month. Chair Fargo suggested having a special meeting in two weeks to discuss this matter further, and to have Pannell and Pane meet prior to that time for further discussion. Pannell said he was against further postponements. Pane moved to postpone this item until March 1st.

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9.A. ITEM CONTINUED FROM PREVIOUS PAGE.

Marilyn Nelson of the EOC spoke next. She expressed her support for the affirmative action policy, but does not wish to see it take a quick route to the City Council.

Chair Fargo seconded Pane's motion to continue this matter to March 1st. Ortiz asked whether having another meeting would resolve this problem. Pannell said he felt that all of the parties have been brought to the table, but that he disagrees about having another meeting just to pacify the contractors, and voted against Pane's motion. Ortiz also voted no on this substitute motion.

On the main motion, moved by Pannell and seconded by Ortiz, the vote was 3-1 to support the affirmative action requirements and forward them to Council. Pane voted against this motion.

11. Ordinance amending Chapter 3.07, Section 3.07.140(k) of Title 3 of the Sacramento City Code relating to political and campaign signs.

This item was postponed due to lack of time.

12. Campaign Reform Ordinance.

RECOMMENDATION OF STAFF: Provide direction to City staff.

COMMITTEE ACTION: Continued to March 15, 1994 meeting.

MINUTES:

Because of lack of time, members of the audience who wished to speak on this ordinance were asked to come forward, but that the item would need to be put over to the March 15th meeting for further discussion.

The first speaker was former Mayor Anne Rudin, who is on the board of directors for Common Cause. She said she was against increasing the limits on campaign contributions. She also feels that Councilmembers should have space provided by the City where they can meet with constituents; the contributors should not be asked to pay for this. She also noted that the City Clerk reviews the conflict of interest reports, and that someone locally should have enforcement abilities. She concluded that she feels the ordinance already adopted is fair.

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12. ITEM CONTINUED FROM PREVIOUS PAGE.

Virginia Moose was the next speaker, representing the League of Women Voters. She said they were very pleased when the City Council passed the campaign reform ordinance in 1992, which was very fair and balanced. She said they are against the new ordinance, as they feel that allowing incumbents to raise large campaign war chests in off-election years prevents a challenge to an incumbent. Regarding the transfer of funds, she pointed out that the County ordinance does not allow transfer of funds from one campaign account to another, and this should not be in the City's ordinance either.

Melissa Gamer of Common Cause spoke next. She voiced her opposition to this proposed ordinance.

It was agreed among the Committeemembers that this be brought back next month and put first on the agenda.

The meeting was adjourned at 2:00 p.m.

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HEATHER FARGO, Chair

ATTEST:


JUDY SANDERS, Secretary