

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.

VOTING RECORD LEGEND			
MOV:	MOVED	ABST:	ABSTAIN
SEC:	SECOND	ABS:	ABSENT
M	— MAYOR RUDIN	D5	— SERNA
D1	— SHORE	D6	— MUELLER
D2	— FERRIS	D7	— KASTANIS
D3	— POPE	D8	— ROBIE
D4	— CHINN		

COMMITTEE NAME: LAW AND LEGISLATION

MEETING DATE: JULY 28, 1988

MEETING TIME: 4:00 p.m.

LOCATION: 1231 I STREET, 1ST FLOOR, HEARING ROOM

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 4:05 p.m. by Chairman Terry Kastanis.

PRESENT: Committeemembers Kastanis and Shore

ABSENT: Committeemembers Pope* and Mueller

*Committeemember Pope arrived at 4:13 p.m.

1. Various matters relating to transportation funding:
 - A. SB 2600 (Garamendi) regarding transportation funding.
 - B. SB 2712 (Kopp) regarding transportation funding.

RECOMMENDATION OF STAFF: A-B: RECOMMEND SUPPORT

COMMITTEE ACTION: A-B: SUPPORTED

VOTING RECORD: MOVED: Shore; SECONDED: Kastanis
AYES: Shore, Kastanis.
ABSENT: Pope, Mueller.

MINUTES:

Roberta Larson from the Department of Public Works presented these bills to the Committee. She stated that they had hoped the Kopp bill (which relates to a gas tax increase) would go on the ballot in November, but in talking with Ken Emanuels, the City's legislative advocate, they were told that it could not be done until June

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COMMITTEE ACTION SHEET

1. CONTINUED FROM PREVIOUS PAGE.

1990 unless the Governor calls a special election. She said they would like to get Committee support anyway, as there will be a lot of discussion in August regarding these two bills. She said that now it's more a matter of letting the City's position be known. Shore moved to support both bills and also support the Campbell legislation, which suggests a higher gas tax increase and doesn't compete with the Garamendi bill. Kastanis seconded the motion, and it was unanimously supported.

2. AB 3295 (Moore) relating to granting of cable television franchises.

RECOMMENDATION OF STAFF:

RECOMMEND OPPOSITION

COMMITTEE ACTION:

OPPOSED

VOTING RECORD:

MOVED: Shore; SECONDED: Kastanis

AYES: Shore, Kastanis

ABSENT: Pope, Mueller

MINUTES:

Jim Jackson, City Attorney, was present to discuss this bill. He stated that Brent Bleier, outside counsel for the City, wrote a letter recommending opposition to this bill (copy attached to the agenda packet), since the bill is inconsistent with our approach and could lead to additional litigation. Mr. Jackson also said that this bill does not help the cable industry. Shore moved to oppose AB 3295 relating to the granting of cable television franchises. Kastanis seconded the motion and it was unanimously opposed.

3. ACA 53 (McClintock) relating to the requirement for State to appropriate funds in advance for mandated local costs.

RECOMMENDATION OF STAFF:

RECOMMEND SUPPORT

COMMITTEE ACTION:

SUPPORTED

VOTING RECORD:

MOVED: Shore; SECONDED: Kastanis

AYES: Shore, Kastanis, Pope

ABSENT: Mueller

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COMMITTEE ACTION SHEET

MINUTES:

Deputy City Attorney Bill Carnazzo discussed this constitutional amendment, which would make it easier for the City to collect costs from the State when the State asks us to do something new which costs the City money. He said it would also slow the State down in mandating programs on the City. Mr. Carnazzo said that this would be on the ballot in November, and once passed, it can't be changed at will. He informed the Committee that the County Supervisors Association is in favor of this bill.

*Committeemember Pope arrived at 4:13 p.m.

Shore moved to support ACA 53, and suggested that we let the County know of this support. Kastanis seconded the motion, and ACA 53 was unanimously supported.

4. AB 2013 (Moore) relating to street gangs.

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT

COMMITTEE ACTION: SUPPORTED

VOTING RECORD: MOVED: Pope; SECONDED: Shore
AYES: Pope, Shore, Kastanis
ABSENT: Mueller

MINUTES:

Lt. Jim White of the Police Department presented this bill to the Committee. He said that this bill provides additional sentence enhancement for being a member of a gang (180 additional days), and that the judge can't set that aside. He said that if you commit a crime and you are a proven member of a gang, you will be sentenced accordingly. He informed the Committee that this bill passed 74-1 in the Assembly, and that it has been amended on numerous occasions but not to the point of changing the basic intent.

Shore asked whether this would be difficult to enforce if a gang member commits a misdemeanor (say shoplifting) compared to anyone else; i.e., the gang member would get an additional 180 days, whereas someone else would get five days, or probation. There was some discussion.

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COMMITTEE ACTION SHEET

4. CONTINUED FROM PREVIOUS PAGE.

Pope moved to support AB 2013 relating to street gangs. Shore seconded, with the suggestion that (1) we state by letter that the authors re-emphasize seeking asset forfeitures, and (2) we ask them to make sure they have a piece of legislation that works and is enforceable so that we don't win the battle and lose the war. Kastanis said he didn't want to insult them (the authors of the bill) by telling them to do that.

After further discussion, City Attorney Jim Jackson agreed to report back to the Committee regarding the legal issues the City may encounter when attempting to enforce the 180-day additional sentence upon known gang members.

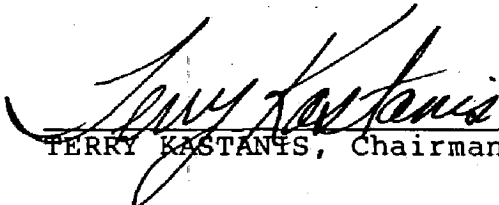
Pope agreed with the motion, but did not want to put Shore's second suggestion in a letter. He also stated that, in his opinion, he would find it unusual for a D.A. to prosecute a gang member for such a minor misdemeanor as shoplifting. There was considerable discussion.

AB 2013 was unanimously supported, with Shore's first suggestion to be requested in a letter, but not made a condition of the City's support.

Chairman Kastanis invited the Committee to attend a luncheon next Tuesday, August 2nd, with Ken Emanuels, the City's legislative advocate, and City Manager Walt Slipe. The luncheon will be at 11:30 a.m. at the Bullmarket.

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The meeting was adjourned at 4:40 p.m.


TERRY KASTANIS, Chairman

ATTEST:


JUDY VARVEL, Secretary