

MINUTES
OF THE
SACRAMENTO CITY COUNCIL
REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO
HOUSING AUTHORITY OF THE CITY OF SACRAMENTO
ECONOMIC DEVELOPMENT COMMISSION
SACRAMENTO CITY FINANCING AUTHORITY

REGULAR MEETING

MARCH 17, 1998

CALL TO ORDER

The Regular Meeting of the Sacramento City Council was called to order by Mayor Serna at 7:00 p.m. on the above date in the City Council Chamber located at 915 I Street.

ROLL CALL

Present: Council members Cohn, Fargo, Hammond, Kerth, Steinberg, Waters, Yee and Mayor Serna

Absent: None

PLEDGE OF ALLEGIANCE was led by Mayor Serna

9.0 SPECIAL PRESENTATIONS/GENERAL COMMUNICATIONS

None

10.0 PUBLIC HEARINGS

None

11.0 STAFF REPORTS

11.1 Community Report - Natomas Charter School. (D-1)

Kelly Montgomery, Area Director, introduced Charlie Leo, Director of the Natomas Charter School.

Mr. Leo thanked the Council for the opportunity to familiarize them with his school. He said the Natomas Charter School was one of 19 Charter schools. They currently had 500 enrolled students including their performing arts academy and home school component.

Mr. Leo said the Charter schools were public schools with open enrollment, so students were from Sacramento and surrounding areas.

Councilman Yee asked how the school gauged the success of the curriculum.

Mr. Leo replied that Charter school students took the same standardized tests as any other public school students.

Mr. Yee asked if Charter students were typically gifted or just average students.

Mr. Leo responded that the make-up of students in the Charter school was the same as the make-up of any typical public school.

Mr. Yee asked about parent involvement.

Mr. Leo said that parent participation contributed tremendously to the success of the school.

Mayor Serna asked why someone would be interested in a Charter school.

Mr. Leo replied Charter schools gave parents and students more choice; control over the curriculum; and flexibility. Also, the students at Charter schools were there because they, and their parents, wanted them to be there.

Councilwoman Fargo asked Mr. Leo to describe what made the Charter school different in each one of its programs.

Mr. Leo said the Charter school had three unique programs. In the 7th and 8th grades, students had 6 periods each day; were on the computer daily; were involved with the community; and on Fridays, went to the local racket club for physical education. Students were evaluated rather than graded.

In the Home School component, the Charter School gives assistance to the parents, and guides their curriculum.

The Performing Arts Academy was for students in the 7-11 grades. This was the first year for the Academy, and its goal was to gear students toward the arts. Therefore, the school partnered with organizations such as Sacramento Light Opera and UC Davis Presents.

Ms. Fargo thanked Mr. Leo for his informative presentation. She remarked that the City was indeed fortunate to have the Charter school in its community.

This information was received and filed.

- 11.2 Ordinance adding Chapter 10.06 to Title 10 (Canvassing, Peddling and Soliciting) of the Sacramento City Code, relating to solicitation on street medians and on freeway on/off ramps. (D-All) (PFP'd 03/10/98 item 1.18)
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Lt. Mike McCarthy, Police Department Sector 1 Commander, informed the Council that staff had researched other cities on this issue, and found their ordinances to be far-reaching. Staff looked at this issue as a health and safety issue. Not only is solicitation on City roadways dangerous and distracting to motorists, but it is equally dangerous for the person soliciting to step in the lane of traffic to accept donations or to converse with drivers.

Lt. McCarthy also spoke of complaints from citizens who feared for their safety because of homeless people's solicitation on medians and at stop signs and lights. He said the ordinance was a co-active solution. The content was neutral. It was not an attack on homeless people; it addressed the concerns of all people.

Councilman Waters asked Lt. McCarthy if he had any statistics from the other cities regarding the number of additional people hired to enforce this ordinance.

Lt. McCarthy replied that staff had not asked for this statistic.

Councilman Cohn asked if there were repeat offences did the infraction become a misdemeanor.

Lt. McCarthy said if the person receiving the citation failed to appear in court, a FTA warrant could be issued by the court.

Mr. Cohn suggested an education component before implementation.

Councilman Steinberg asked how the police department would approach people in need of assistance.

Lt. McCarthy replied police officers have referral cards and could work with the public and private sectors to match those needing assistance with the proper agency.

Mr. Steinberg recommended that the first offense result in a warning, and the second offense result in a referral to an assisting agency.

Public Testimony:

Mr. Crux spoke against the proposed ordinance. He argued that it was harassment of the homeless. He said he did not believe that this issue was a safety issue, and that the City was responsible for the homeless.

Mr. Cohn related that he had received several complaints from constituents who had spoken of nearly being involved in an accident due to solicitation on the roadways.

Sunshine spoke against the ordinance saying that she believed it would cost the taxpayers a lot of money due to the record keeping involved.

Lt. McCarthy said this factor would have to be weighed against the safety issue.

Mayor Serna asked if those soliciting were actually looking for work.

Lt. McCarthy replied that often potential jobs offered by clients at Loaves and Fishes went unfilled. The homeless many times were not interested in employment.

Randy Hicks spoke about his concerns with treating the homeless with respect.

Jean Harper spoke against the ordinance, saying there was no validity to it. She said she had yet to hear of any accident involving median solicitation, and suggested tabling this issue until the police department had some statistics to support their claims.

Councilman Waters replied that the City would not shelve this issue until someone was injured or killed.

Jim Bacca, representing the Sacramento Homeless Organizing Committee, said the ordinance was a violation of the homeless people's freedom of speech.

Arnold Samuel, Deputy City Attorney, informed the Council that the proposed ordinance was legal.

Ken Adams stated that businesses often have roadside distractions like clowns to attract customers. He recommended that the City spend its time solving the homeless problem rather than adopting this ordinance.

Councilwoman Hammond informed Mr. Adams that he lived in the County of Sacramento. She asked him if roadside solicitors were referred to appropriate agencies for assistance would he support the proposed ordinance. Mr. Adams replied no, he would not.

John Legee spoke against the ordinance, saying the City needed to be more compassionate.

Lillian Hanson called the ordinance ludicrous and said it would deny the homeless their means of employment.

Hal Shakter said this ordinance was designed to make the homeless go away.

Steve Thomas spoke against the ordinance and said the police had no viable statistics to support it.

Mike Matasovich spoke in favor of the ordinance. He said many of the panhandlers were professionals who harassed and often threatened citizens.

Ryan Loofbourrow said panhandlers at freeway ramps were dangerous to both pedestrians and motorists and added there was a concentration of them in the downtown area.

Councilwoman Hammond asked Lt. McCarthy how many panhandlers were picked up from the medians.

Lt. McCarthy replied that typically the police did not get involved with the panhandlers on medians.

Stephen Edrissian spoke in support of the ordinance as he felt panhandling was growing significantly in Sacramento. He said panhandlers often sold their spots to other panhandlers. He argued that allowing panhandling sent a message to our youth that it was O.K. not to work.

Connie Miottel, representing Richards Boulevard Business Area, said panhandlers were distracting, disruptive and dangerous. She urged Council's support of the ordinance.

Mr. Waters said he planned to support the ordinance and to work for further legislation to upgrade panhandling to a misdemeanor in order to take panhandlers off the streets.

Councilwoman Fargo said she would support the ordinance as she felt it was a safety issue, and had seen several potential accidents involving panhandlers at intersections. She added that Sacramento was a very generous community to the homeless.

Councilman Steinberg said that he had consistently opposed any ordinance against panhandling as he did not believe in "get tough" policies. However, he believed that panhandling at intersections was dangerous and a safety issue. He said he had received several calls from constituents about this issue.

Mr. Steinberg offered two suggestions for the enforcement of this ordinance. He recommended that the policy allow for panhandlers to receive a warning on their first offense and that the officer try to refer them to local agencies for assistance.

Councilman Cohn stated that he had asked the City Attorney to draft this ordinance as panhandling at public intersections was a definite safety hazard. He argued that the City and County of Sacramento outspend the rest of the region 10-1 in helping the homeless. He added that the Council was committed to public safety for everyone and he would work to strengthen this ordinance.

Councilman Kerth spoke against Mr. Steinberg's amendments and said the police officer should be allowed to use his discretion according to the situation. Mr. Cohn agreed with Mr. Kerth.

Mr. Steinberg argued that the appropriate, compassionate policy should be that the police warn before they cite. This was fair.

Mr. Waters responded that the California Penal Code gives police officers all the discretion they want for an infraction.

Mayor Serna said he would support this ordinance due to the public safety issue.

A motion was made by Councilman Cohn, seconded by Councilwoman Fargo to adopt Ordinance 98-014 related to solicitation on street medians and freeway on/off ramps. The motion carried with a 7-0 roll call vote, with Councilwoman Hammond abstaining.

ORDINANCE 98-014

AN ORDINANCE ADDING CHAPTER 10.06 TO TITLE 10 OF THE SACRAMENTO CITY CODE RELATING TO SOLICITATION ON STREET MEDIANS AND FREEWAY ON-RAMPS AND OFF-RAMPS

12.0 SHRA

None

13.0 CITIZENS ADDRESSING COUNCIL AGENCY OR AUTHORITIES BY PERSONAL APPEARANCE OR TELEPHONICALLY ON MATTERS NOT ON THE AGENDA

None

14.0 COUNCIL IDEAS AND QUESTIONS

None

15.0 ANNOUNCEMENTS

None

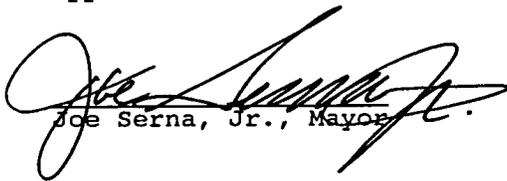
ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:55 p.m.

Submitted


Valerie A. Burrowes, City Clerk

Approved


Joe Serna, Jr., Mayor