

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: November 16, 1993

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.

The meeting was called to order at 1:14 p.m. by Chair Fargo.

PRESENT: Committeemembers Fargo and Ortiz.

ABSENT: Committeemembers Pane and Pannell.

1. An ordinance amending Title 9 of the Sacramento City Code relating to grading, erosion and sediment control for construction activities, by adding Chapters 9.31, 9.32, 9.33, 9.34 and 9.35, and a resolution amending the City of Sacramento Fee and Charge Report to establish grading, erosion and sediment control plan review and field inspection fees and charges pursuant to Section 36.502 of the Sacramento City Code.

RECOMMENDATION OF STAFF: Support and forward to Council.

COMMITTEE ACTION: Supported and forwarded to Council.

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

MINUTES:

Dave Brent, Senior Engineer in the Utilities Department, brought this item before the Committee. He explained that this ordinance will not require builders to obtain any new permits, but that certain projects will require payment of additional fees for plan review and

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1. ITEM CONTINUED FROM PREVIOUS PAGE.

field inspection. He said that the NPDES (National Pollution Discharge Elimination System) Stormwater Permit now affects grading in the City. When the California Regional Water Quality Control Board issued this permit, the City was required to develop programs to control pollutants in urban stormwater runoff discharges and to develop and implement a program to minimize runoff from construction activities. Chair Fargo noted that the fees seemed high for small projects and low for large projects. Mr. Brent explained the process used by staff to calculate the time involved in staff review of these projects. Mr. Brent then pointed out that single-family homes are exempt from the fee; they must be in compliance with the ordinance, but a permit is not necessary and no fee has to be paid.

Fargo moved to support the staff recommendation relating to grading, erosion and sediment control for construction activities and forward it to Council; Ortiz seconded the motion; Pane and Pannell were absent.

2. An ordinance amending various sections of Title 38 of the Sacramento City Code relating to sidewalk repair.

RECOMMENDATION OF STAFF: Support and forward to Council.

COMMITTEE ACTION: Supported and forwarded to Council.

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

MINUTES:

Tom Finley, Public Works Engineering Division Manager, presented this item to the Committee. There was very little discussion. Ortiz moved to support the ordinance relating to sidewalk repair and forward it to Council; Fargo seconded the motion; Pane and Pannell were absent.

3. Regulation of liquor stores by conditional use permit (continued from October 19, 1993 meeting).

RECOMMENDATION OF STAFF: Information only.

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3. ITEM CONTINUED FROM PREVIOUS PAGE.

MINUTES:

Ken Emanuels, the City's Legislative Advocate, discussed the Legislature's recent hearing concerning the application of local land use regulations to Alcoholic Beverage Control licensees. He said he has heard the Legislature will not hold a second hearing which had been planned. Additional legislative activity may not occur until there is some resolution of the lawsuit filed by the alcohol retailers against the City of Oakland. Mr. Emanuels said he would send some information on the suit to the City Attorney's office. Fargo stated she doesn't want to see the City lose its ability to require special permits, and asked if there has been any other litigation on this subject.

Dawn Holm, Assistant City Planner, stated that there had been litigation in Los Angeles and that L.A. lost based on the fact that they tried to regulate single can sales on all special permits. She explained that the City's ordinance looks at each application on its own merits, as there are particular problems in particular areas.

4. An ordinance authorizing the City Council to set fees for emergency ambulance services provided by the City of Sacramento Fire Department.

RECOMMENDATION OF STAFF: Support and forward to Council.

COMMITTEE ACTION: Supported and forwarded to Council.

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

MINUTES:

Rick Martinez, Fire Division Chief, explained that this ordinance is a companion piece to action taken by the Council on September 7th relating to establishment of emergency ambulance services by the City of Sacramento Fire Department. Ortiz moved to support the ordinance and forward it to full Council; Fargo seconded the motion; Pane and Pannell were absent.

5. Authorization for Participation by City staff in upcoming legislative activities relating to emergency medical services (ambulance service).

RECOMMENDATION OF STAFF: Support and forward to Council.

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5. ITEM CONTINUED FROM PREVIOUS PAGE.

COMMITTEE ACTION: Supported and forwarded to Council.

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

MINUTES:

Rick Martinez, Fire Division Chief, presented this item to the Committee. He explained that this would allow the City Attorney's office and the Fire Chief to deal with legislative matters regarding ambulance services. He said it is expected that there will be a continued onslaught of legislation threatening the City's ability to regulate its own ambulance service. Chair Fargo said it was a good practice to come to the Committee in advance to get this type of authorization. Ortiz moved to authorize the Division Fire Chief and the City Attorney's office to participate in upcoming legislative activity relating to ambulance service; Fargo seconded the motion; Pane and Pannell were absent.

6. Legislative update by Ken Emanuels, the City's Legislative Advocate.

RECOMMENDATION OF STAFF: File.

MINUTES:

Ken Emanuels, the City's Legislative Advocate, pointed out that the Legislature adjourned in September, and that six bills were signed relating directly to the City of Sacramento. Ortiz asked about the Kopp bill amending the Brown Act. Deputy City Attorney Diane Balter said it and two other bills amending the Brown Act will take effect on April 1, 1994, and that she is reviewing those bills and will prepare an information report for the Committee before April 1st.

Chair Fargo asked about the library bill, and why it was vetoed. Mr. Emanuels said the Governor's veto was fairly explicit; he thinks the Governor said this was a tax and not an assessment, and therefore not a benefit to real property. Mr. Emanuels said he would ask the bill's sponsors if they would try again.

Mr. Emanuels then said there were three bills coming up next year of great importance to the City. The first was the Business Improvement District Act. Chair Fargo said she would let the Sacramento Downtown Association know they can contact Ken Emanuels about this issue. The second issue is the liquor store land use regulation issue; and the third issue is the matter

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6. ITEM CONTINUED FROM PREVIOUS PAGE.

of the City providing ambulance service. Ortiz asked whether it would be enough for cities to aggressively oppose the effort to deny cities land use authority over liquor stores, or would it be better to have an alternative proactive bill that would expand the City's ability to regulate liquor stores (i.e, a constitutional amendment). Mr. Emanuels said it would be very helpful to have a proactive proposal. There was some discussion, and it was suggested that the Committee might hold a discussion meeting to develop the City's position and proposals on this subject.

Mr. Emanuels said that he would come back to this Committee to present a set of priorities for the 1994 legislative session.

The meeting was adjourned at 12:50 a.m.

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HEATHER FARGO, Chair

ATTEST:

JUDY SANDERS, Secretary