

# 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.

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CITY OF SACRAMENTO

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COMMITTEE NAME: LAW AND LEGISLATION

MEETING DATE: March 17, 1992

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 1:05 p.m. by Chair Lynn Robie.

PRESENT: Committeemembers Lynn Robie, Tom Chinn, Joe Serna, and Josh Pane.<sup>1</sup>

1. Ken Emanuels, the City's Legislative Advocate, presented a legislative update and State Budget Report.

## MINUTES:

The legislature plans to carry the Assembly and Senate budgets to the floor two months earlier than usual. The Assembly is prepared to wrap up this week and bring the budget to their floor for a vote a week before Easter. The Senate is scheduled to also wrap up this week and bring the budget to their floor probably after the Easter break. However, there are no votes on the floor of the Assembly for the budget. They are expected to adopt a budget quite close to what was submitted by Governor Wilson, which the majority agrees is way out of balance at the present because the State's revenue is still declining.

The Budget. There is only one item in this initial budget affecting cities: There is a reduction, and in fact an elimination, of the remaining cigarette tax passed through to cities. We lost half of it last year. For the City of Sacramento, that loss may have amounted to approximately \$200,000, with an additional \$200,000 to be lost this year. There is nothing else in the Governor's, Assembly's, nor Senate's budget that directly relates to city revenues

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<sup>1</sup>Committeemember Serna arrived at 1:10 p.m.; Committeemember Pane arrived at 1:08 p.m.

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1. at this time, which is a positive thing. It is expected that all state agencies will be required to take significant budget cuts.

The original budget by the Governor presumed that in 1992 and 1993, there would be an early upturn in the State's economy and that sales tax, personal income tax, and the bank corporation tax would be on the rise. That has not happened, so the State's revenues will be lower than expected, necessitating deeper cuts. The City will be in a position, as was true two years ago, when it will not know the final status of its State subventions until we are well into June and July or later.

Budgeting of the cigarette tax. This is a long standing state and local revenue, not to be confused with the tobacco tax initiative of two years ago. The cigarette tax lost to cities will probably go back into the State's general fund. In the mid-sixties, the State took over charter city cigarette tax authority, returning 30 percent of the state-wide total to cities and retaining 70 percent. Now they will retain 100 percent.

Other Legislative updates. Management rights to supervise police officers (AB 2067) is on the floor. AB 2067 is on the Senate side, but originated in the Assembly. The proposed Brown Act Amendments (SB 1538) will probably undergo significant changes. SB 1538 deals with the policy and procedure of local council operations (the ability to talk to each other between meetings, the ability to meet in committee, and the way to prepare agendas among others.) The author is Quentin Kopp. Diane B. Balter, Deputy City Attorney, will work with Emanuels to review the SB 1538 effects and report back to the Committee.

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2. **AB 2717 (Connelly) -- Criminal Street Gangs.**

**Recommendation of Staff:**      **Recommend support.**

**MINUTES:**

Claudia Evans, Administrative Services Officer, Office of the Chief, Police Department, brought this bill before the Committee, explaining that it would make it a felony for anyone to solicit a minor to join a street gang. Chief John P. Kearns will testify before the Legislature's Public Safety Committee on March 31, 1992. Also, there will be testimony from students who will discuss such activities at their schools. Presently, no knowledge of opposition. It is possible the American Civil Liberties Union may be an adversary. Committee requested to see the opposition in writing. The Committee takes action and votes as follows:

**Committee Action:**      **Supported.**

**Voting Record:**      **Moved:**      **Robie**  
**Seconded:**      **Chinn,**  
**Ayes:**      **Robie, Chinn, Serna, Pane**

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3. Bills relating to the sale of tobacco products:

A. SB 1099 (Petris) relating to licensing sellers of tobacco products.

B. SB 376 (Calderon) relating to tobacco vending machines.

Recommendation of Staff: A. Recommend support.  
B. Recommend opposition.

**MINUTES:**

Diane B. Balter, Deputy City Attorney, brought these bills before the Committee, explaining that although SB 1099 has died in the Senate, it is desirable to lend our support on this issue, which will continue to arise in future sessions. The City will prepare a letter to the author and co-author of the bill to let them know that we support this type of bill. Also, we are told that AB 376 is not going anywhere this year either. The Committee takes action and votes as follows:

Committee Action: Supported.

Voting Record: Moved: Chinn  
Seconded: Serna  
Ayes: Chinn, Serna, Robie, Pane

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4. A resolution directing staff to undertake major revisions to City Code Chapter 19, incorporating flow control, AB 939 definitional terms and Source Reduction and Recycling Element (SRRE) suggested regulations into the City Garbage, Rubbish, Weeds, and Waste Matter Ordinance.

Recommendation of Staff: Recommend support and forward to Council.

**MINUTES:**

Reginald Young, Deputy Director, Public Works Department, presented this resolution to the Committee. A copy of the staff report on this item was distributed to the Committee (See copy attached hereto). He explained that the proposed resolution reaffirms and expands upon the policy adopted by the City Council on May 14, 1991. The resolution directs staff to revise Chapter 19 to (1) change the title to Solid Waste Management and Recovery, (2) require all mixed waste generated within the City to be directed to a city-selected location, most likely a city-owned Material Recovery Facility, (3) substitute AB 939 definitions of solid waste classifications for terms currently used in the City ordinance, and (4) study the incorporation of City Source

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Reduction and Recycling Element (SRRE) recommendations, such as prohibiting the landfill of city-generated yardwaste and demolition debris. The Committee takes action and votes as follows:

|                          |                   |                                  |
|--------------------------|-------------------|----------------------------------|
| <b>Committee Action:</b> | <b>Supported.</b> |                                  |
| <b>Voting Record:</b>    | <b>Moved:</b>     | <b>Serna</b>                     |
|                          | <b>Seconded:</b>  | <b>Chinn</b>                     |
|                          | <b>Ayes:</b>      | <b>Serna, Chinn, Robie, Pane</b> |

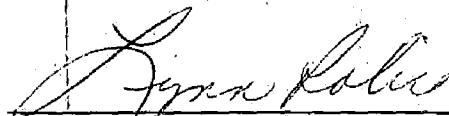
**5. SB 1467 (L. Greene) -- Allowing the County to continue to reorganize counties and their health services.**

David Martinez is the Deputy City Manager, presented a letter from Chair Lynn Robie to the Chair of the Senate Local Government Committee, which responded to a request for City support from the County signed by John O'Farrell. The Legislature was scheduled to hold a hearing on Wednesday, March 18, 1992, on the bill, necessitating the letter from Chair Robie before the Committee met. The bill allows the County to continue with the reorganization of its health departments currently under way. The letter from Chair Robie will represent the City's position at the hearing on Wednesday, March 18, 1992.

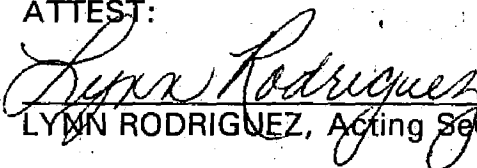
Chair Lynn Robie explained that she will be out of the office during the regularly scheduled Committee meeting in April. It was agreed that the April meeting will be held on the following Tuesday, April 28, 1992, instead.

The meeting was adjourned at 1:40 p.m.

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 LYNN ROBIE, Chair

ATTEST:

  
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 LYNN RODRIGUEZ, Acting Secretary



**OFFICE OF THE  
CITY ATTORNEY**

SHARON SIEDORF CARDENAS  
CITY ATTORNEY

**CITY OF SACRAMENTO  
CALIFORNIA**

March 17, 1992

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Law and Legislation Committee  
Sacramento, California

Honorable Members in Session:

**SUBJECT:** Resolution Directing Staff to Undertake Major Revisions to City Code Chapter 19, Incorporating Flow Control, AB 939 Definitional Terms and Source Reduction and Recycling Element (SRRE) Suggested Regulations into the City Garbage, Rubbish, Weeds and Waste Matter Ordinance.

**LOCATION:** Citywide

**SUMMARY**

The attached resolution reaffirms and expands upon the policy adopted by the City Council on May 14, 1991. The resolution directs staff to revise Chapter 19 to (1) change the title to Solid Waste Management and Recovery, (2) require all mixed waste generated within the City be directed to a city-selected location, most likely a city-owned Materials Recovery Facility, (3) substitute AB 939 definitions of solid waste classifications for terms currently used in the City ordinance, and (4) incorporate City Source Reduction and Recycling Element (SRRE) recommendations, such as prohibiting the landfill of city-generated yardwaste and demolition debris.

**COMMITTEE ACTION**

This staff report and resolution are scheduled for review by the Law and Legislation Committee on March 17, 1992, the City-County Solid Waste Advisory Committee/AB 939 Task Force on March 23, 1992, the City Recycling Subcommittee on March 24, 1992, and the City Council on March 31, 1992.

**STAFF RECOMMENDATION**

Staff recommends that the Law and Legislation Committee review and recommend adoption of the attached resolution by the City Council. The resolution directs staff to form a task force to revise City Code Chapter 19 as stated above.

## **BACKGROUND**

On May 14, 1991, the City Council directed staff to prepare an ordinance to control the flow of mixed waste generated in the city, and arrange for its processing through a city-designated facility.

## **FINANCIAL CONSIDERATIONS**

There are no financial considerations associated with the adoption of this resolution. Financial considerations, if any, will be presented with the ordinance.

## **POLICY CONSIDERATIONS**

### **Flow Control.**

Under state law (AB 939), the city is required to achieve landfill diversion of 25% by 1995 and 50% by 2000. The City Council has itself adopted more ambitious goals of 40% and 70% respectively. In order to achieve these mandates and goals, the city must have closer management control over the generation, collection, processing, and disposal of waste than it had in the past. Failure to accomplish AB 939 mandates will expose the city to fines currently established at \$10,000 dollars a day.

The city's Source Reduction and Recycling Element (SRRE), currently being circulated for public review, recommends flow control of mixed waste, while allowing city residents and businesses to source-separate recyclables and arrange for their collection and marketing through private vendors. Advantages to this approach are that the city is assured a certain amount of waste being diverted through the facility, which will enable retrieval of non-source separated recyclables before landfilling and will assure a steady revenue stream to secure financing on bonds, while ensuring the following advantages regarding the private sector:

- (1) Currently, the estimated amount of resource recovery being accomplished by the private sector is 19% of the City's total waste stream. Continuing to allow private processing of recyclables would encourage private industry to increase this amount.
- (2) Recyclable processing by the private sector is included in the AB 939 diversion figures, but is not paid for by the city. Private recycling relieves the city ratepayers from the increased costs of recycling.
- (3) This approach encourages development of private industry in recycling.

For the above reasons, staff recommends that the City Council adopt the attached resolution directing the City Manager to appoint a staff task force to revise Chapter 19 of the City Code to mandate flow control, i.e., require city-generated mixed waste, excluding source-separated recyclables, processing through a city-designated facility.

**Incorporation of AB 939 Definitions into City Code Chapter 19, Garbage, Rubbish, Weeds and Waste Matter.**

State law AB 939 completely revolutionized and revamped solid waste management in the State of California. In order to promote universal understanding of city programs and to facilitate city compliance with AB 939, staff recommends that City Code Chapter 19 be retitled Solid Waste Management and Recovery, and initiate a task force to restructure the ordinance to incorporate and substitute AB 939 waste characterizations and definitions for those currently in use by the city.

**Landfilling ban of garden waste and certain types of demolition debris.**

The SRRE recommends enjoining disposal in landfills of city-generated garden waste and certain types of demolition debris. Staff recommends that the task force renovating the ordinance also be directed to incorporate these types of regulations into the ordinance.

**MBE/WBE**

The resolution as drafted would not have any MBE/WBE implications.

Respectfully submitted,

**ORIGINAL SIGNED**

REGINALD YOUNG  
Acting Director of Public Works

RECOMMENDATION APPROVED:

**ORIGINAL SIGNED**

WALTER J. SLIPE, City Manager

**FOR LAW AND LEGISLATION COMMITTEE MEETING OF: March 17, 1992**

**CONTACT FOR MORE INFORMATION:**

Reginald Young, Acting Director of Public Works  
264-7110