

RECEIVED
CITY CLERKS OFFICE
CITY OF SACRAMENTO
LAW AND LEGISLATION COMMITTEE MEETING

JUN 2 2 24 PM '87
Thursday, May 7, 1987
LOCATION: City Council Chambers
915 I Street, Second Floor
Sacramento, California

The meeting was called to order at the hour of 4:01 p.m. by Chairman Terry Kastanis, and roll was answered as follows:

PRESENT: Committee Members Shore, Bradley, Pope and Kastanis.

The order of hearing the agenda items was changed, due to the fact that some members of the public in attendance who wished to make comments on certain agenda items were limited on time, and also because Councilman Dave Shore did not plan to participate on Item No. 1, and ask that this item be heard last.

3. Fair Campaign Practices Ordinance repealing City Code Chapter 62.204, which requires a statement on the ballot as to whether a candidate has signed the City's Fair Campaign Practices Code.

RECOMMENDATION OF STAFF: PRESENTED FOR CONSIDERATION BY COMMITTEE.

REPORTS BACK: CONSIDER REPEALING ENTIRE ORDINANCE; PRESENT REPORT TO LAW AND LEGISLATION COMMITTEE.

COMMITTEE ACTION: REPEAL APPROVED AND SCHEDULED FOR COUNCIL MEETING OF MAY 21, 1987

VOTING RECORD: MOVED: POPE; SECONDED: SHORE
AYES: UNANIMOUS

MINUTES:

Diane Balter, Deputy City Attorney, was present to discuss this item and answer any questions.

Councilman Shore questioned the enforcement measures, and pointed out that in 1985, Councilman Pope's opponent refused to comply with the Code of Fair Campaign Practices, stating that it was unenforceable, and only signed it because the ballot would state whether or not the Code was signed. He stated that even when candidates do sign the Code, they don't always adhere to its provisions, and that mailers are often sent out in disregard of the ordinance.

ITEM CONTINUED TO NEXT PAGE

COMMITTEE ACTION SHEET

3. CONTINUED FROM PREVIOUS PAGE

Brian Van Camp spoke as a private citizen and mayoral candidate in opposition to the repeal of this section. He feels that noting whether or not a candidate signed the Code is one way to show the public that the candidate will comply; one means of universally reaching the general public. Also, this requirement has worked satisfactorily in the past and has not been challenged. He feels that only when this requirement has been successfully challenged in court should it be repealed.

Councilman Shore stated that the City now has an ordinance with no teeth in it, and that it is unenforceable. Brian Van Camp stated that it would be up to the candidate to challenge this, and that we can't say it is unenforceable since the City controls the machinery by which the notation is made on the ballot. Councilman Kastanis asked whether this requirement has ever been challenged. Attorney Balter said she didn't think so.

Councilman Pope expressed his feeling that a candidate might sign the Code just so the public wouldn't know that he/she didn't sign, regardless of whether he/she planned to adhere to it.

Lorraine Magana, City Clerk, said that there have been problems regarding the signing of the Code in the past, and that once this requirement is removed from the ballot, there is no incentive at all to comply with the ordinance. Then it becomes a greater problem when a candidate doesn't comply.

Councilman Kastanis asked if the procedure was that the candidate was given a copy of the Code of Fair Campaign Practices, the candidate is asked to sign it, and the candidate decides whether or not to sign; no threats. Lorraine Magana said this was true, and that if a candidate doesn't wish to sign, the Clerk's office usually calls the opposing candidates to inform them of that fact.

Councilman Pope moved to adopt the ordinance repealing City Code Section 62.204. Councilman Shore seconded the motion, noting for the record that he feels free speech is a higher priority, and if anything we do infringes on free speech, the Constitution should take precedence.

Lorraine Magana stated at this time that this matter involves a timing problem, since they need to put together the candidates' election guide.

There was discussion regarding rescinding the entire Fair Campaign Practices Ordinance, but it was decided that because of the time

ITEM CONTINUED TO NEXT PAGE

COMMITTEE ACTION SHEET

3. CONTINUED FROM PREVIOUS PAGE

constraints this could not be done at this time. It was agreed to bring the matter of rescinding the entire ordinance before the Law and Legislation Committee at a later date.

It was unanimously agreed to support the proposed ordinance and to bring it before the full Council at their meeting on May 12, 1987.

2. Resolution to permit the diversion of traffic in Old Sacramento during certain peak hours.

RECOMMENDATION OF STAFF: RECOMMEND APPROVAL AND FORWARD TO COUNCIL.

REPORTS BACK: NONE

COMMITTEE ACTION: APPROVED AND FORWARDED TO COUNCIL.

VOTING RECORD: MOVED: SHORE: SECONDED: POPE
AYES: UNANIMOUS

MINUTES:

Deputy Chief Tom Stark of the Sacramento Police Department was present regarding this item. He explained the use of bollards (steel poles) to divert traffic in Old Sacramento, and how the Police Department would place them where needed and only when necessary. The times of placement would most likely be on Friday and Saturday nights, and at other times as needed to control congestion. He said that at the present time they are using barricades and reserve officers to see where the traffic should be stopped, and that they don't intend to just block off the streets for no reason.

Councilman Shore moved, Doug Pope seconded, and it was unanimously agreed to approve the resolution to permit the diversion of traffic in Old Sacramento during certain peak hours.

COMMITTEE ACTION SHEET

4. SB 1608 (Garamendi) regarding leasing of state property for emergency shelters and feeding programs.

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT
REPORTS BACK: NONE
COMMITTEE ACTION: SUPPORTED
VOTING RECORD: MOVED: SHORE; SECONDED: POPE;
AYES: UNANIMOUS

MINUTES:

There was no discussion on this matter. Councilman Shore moved, Councilman Pope seconded, and it was unanimously agreed to support SB 1608.

*Councilman Shore left the meeting at this time.

-
1. An emergency ordinance amending Section 7.72 and 7.73 of the Sacramento City Code relating to outdoor sales and displays of merchandise, food and drink.

RECOMMENDATION OF STAFF: RECOMMEND APPROVAL AND FORWARD TO COUNCIL.
REPORTS BACK: NONE
COMMITTEE ACTION: APPROVED AND FORWARDED TO COUNCIL.
VOTING RECORD: MOVED: BRADLEY; SECONDED: POPE
AYES: BRADLEY, KASTANIS, POPE
ABSTAINED: SHORE

MINUTES:

Deputy City Attorney Diane Balter explained that this is a staff-generated item written to encourage vendors inside and not outside abandoned buildings or private buildings with the owner's permission.

There was a great deal of discussion regarding the impact this amendment would have on parades, carnivals, etc. It was explained that vendors are allowed on public rights-of-way, as in parades.

ITEM CONTINUED TO NEXT PAGE

COMMITTEE ACTION SHEET

1. ITEM CONTINUED FROM PREVIOUS PAGE

Dwight Samuels, an attorney located in Old Sacramento and the attorney of record for one of the vendors, spoke before the Committee. He said he has been working with the City regarding interpretation of this code section for some time now, as he feels it was vague and unenforceable. He said he feels it is still vague and unenforceable, and that his client can't determine what is a violation and what is not. He feels that the City is trying to restrict use of private property, and that his client leases a bare piece of property and sells from a trailer during the Jazz Festival. Mr. Samuels expressed his feeling of discrimination, since if his client placed a 6' tarp around his trailer he would conform to the code section, whereas some businesses have high walls around them but are still visible from the street. He feels also that the City is taking away the rights of private property owners, saying they can't do something on their own property. Unless that "something" was odious to the general public, what a person does on his property should be that person's own business. He stated that his office is already in the process of preparing to file litigation regarding this matter, as his client was cited last year for the same thing, although the citation was later dismissed because, he feels, it was unenforceable.

Lori Hensley of the Old Sacramento Merchants' Association spoke in favor of this amendment. She said that the State does not lease property to vendors; that vendors remain on public streets. Also, she explained that this amendment does not create a monopoly because of the limits imposed, since during special events such as the Jazz Festival, the only people allowed inside the area for purchases are those with Jazz Festival tickets.

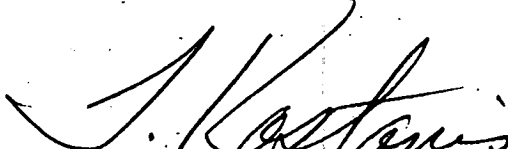
Dwight Samuels again spoke, expressing his frustration that the Code is saying that it's okay to sell on public property, but not on private property, which is not fair. He also expressed anger that action on this matter is being taken just 15 days before the Jazz Festival, and that there has to be something more acceptable. Councilman Kastanis stated that he would welcome Mr. Samuels to submit his recommendations to the City.

Councilman Bradley moved to approve adoption of the amendments to Sections 7.72 and 7.73 of the Sacramento City Code and forward to Council. Councilman Pope seconded the motion, and it was passed as noted above.

COMMITTEE ACTION SHEET

The meeting was adjourned at 4:52 p.m.

* * * * *


TERRY KASTANIS, CHAIRMAN

ATTEST:


JUDY VARVEL, SECRETARY