

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: September 26, 1990

MEETING TIME: 3:00 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 3:05 p.m. by Chair Lynn Robie.

PRESENT: Committeemembers Robie, Chinn, Serna and Pane.

1. Legislative update from Ken Emanuels, the City's Legislative Advocate.

Recommendation of Staff: File.

MINUTES:

Ken Emanuels, the City's Legislative Advocate, presented the Committee with an update on legislation affecting the City. He explained that a number of bills have not yet been vetoed or signed, as the governor has until Sunday night, September 30th, but noted that water meters were defeated. Mr. Emanuels said that he would be sending out a package noting the final status of these measures. Chair Robie commented at this time that Mr. Emanuels has served the City well, and that even though the Council is not always happy with the results, those were things that were going to happen regardless.

IA. Legislative Advocacy Consultant Services Agreement.

Recommendation of Staff: Recommend support and forward to Council.

Committee Action: Supported and forwarded to Council.

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COMMITTEE ACTION SHEET

1A. ITEM CONTINUED FROM PREVIOUS PAGE.

Voting Record:	Moved:	Serna
	Seconded:	Pane
	Ayes:	Serna, Pane, Robie
	Not Voting:	Chinn

MINUTES:

This item relates to Ken Emanuels' contract for next year. There was no discussion. Serna moved to support this contract and forward it to Council, Pane seconded the motion, and it was unanimously supported. Chinn had been called away from the dais.

2. An ordinance amending Section 61.502(b) of the Sacramento City Code relating to service of hearing notices.

Recommendation of Staff:	Recommend support and forward to Council.
Committee Action:	Supported.
Voting Record:	Moved: Serna
	Seconded: Pane
	Ayes: Serna, Pane, Robie
	Not Voting: Chinn

MINUTES:

Tom Long, Assistant Neighborhood Services Manager, presented this item to the Committee. He explained that this amendment would allow for substituted service of hearing notices if the owner can't be located. There was some discussion about a recent newspaper article whereby an owner alleged that a building was torn down without notice to him. Serna commented that this occurred in his district, and that the building had been condemned three years earlier and the owner was in default for having an open, condemned house. Serna moved to support the ordinance amending Section 61.502(b) of the Sacramento City Code relating to service of hearing notices, Pane seconded the motion, and it was unanimously supported. Chinn had been called away from the dais.

3. An ordinance adding Section 61.201(i) to Chapter 61 of the Sacramento City Code relating to the definition of an inoperative vehicle.

Recommendation of Staff:	Recommend support and forward to Council.
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COMMITTEE ACTION SHEET

3. ITEM CONTINUED FROM PREVIOUS PAGE.

Committee Action: Supported and forwarded to Council.

Voting Record: Moved: Pane
Seconded: Serna
Ayes: Pane, Serna, Robie
Not Voting: Chinn

MINUTES:

Tom Long, Assistant Neighborhood Services Manager, presented this item to the Committee. There was no discussion. Pane moved to support this ordinance and forward it to Council, Serna seconded the motion, and it was unanimously supported. Chinn had been called away from the dais.

4. Resolution in support of federal housing bills and preservation of federally subsidized housing at risk of converting to market-rate rents -- City and County of Sacramento (S 566, the National Affordable Housing Act; SB 1908; SB 1913; SB 1286; and AB 3277).

Recommendation of Staff: Recommend support and forward to Council.

Committee Action: Supported and forwarded to Council.

Voting Record: Moved: Pane
Seconded: Serna
Ayes: Pane, Serna, Robie
Not Voting: Chinn

MINUTES:

Bob Smith, Executive Director of the Housing and Redevelopment Agency, brought these bills before the Committee. He explained that these bills would maintain federal incentives or requirements to keep federally subsidized mortgages of low-income housing units in place and allow for more subsidized housing. Pane moved to support the resolution in support of these bills, Serna seconded the motion, and it was unanimously supported. Chinn had been called away from the dais.

5. Review of Proposition 128 ("Big Green" initiative) relating to environment and public health.

Recommendation of Staff: Recommend review.

Committee Action: Postponed.

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COMMITTEE ACTION SHEET

5. ITEM CONTINUED FROM PREVIOUS PAGE.

MINUTES:

This item was postponed due to time constraints.

6. Recommendation to support proposed legislation levying a 2 percent state sales tax on dog and cat product containers.

Recommendation of Staff:	Recommend support.
Committee Action:	Supported.
Voting Record:	Moved: Serna Seconded: Pane Ayes: Serna, Pane, Robie, Chinn

MINUTES:

Roberta Larson, Administrative Services Office for the Planning Department, explained to the Committee that this 2% state sales tax would bring in approximately \$120,000.00 a year to the City to help animal control efforts. Serna moved to support this proposed legislation, Pane seconded the motion, and it was unanimously supported.

7. An ordinance amending Chapter 37 of the Sacramento City Code (Smoking Pollution Control Ordinance).

Recommendation of Staff:	Review and make recommendation to Council.
Committee Action:	Supported, with amendments.
Voting Record:	Moved: Serna Seconded: Chinn Ayes: Serna, Chinn, Robie, Pane

MINUTES:

Rob McCray explained how the ordinance came about. He told the Committee that he is chairman of the combined City/County Environmental Commission, which Commission held six hearings, three of which included public testimony. He said these were the most extensive deliberations since the Commission was formed two years ago. Mr. McCray then went into the specific areas covered by the ordinance.

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COMMITTEE ACTION SHEET

7. ITEM CONTINUED FROM PREVIOUS PAGE.

Art Seipel of the County Environmental Management Department, Environmental Health Division, spoke. His division is responsible for enforcement of the City and County smoking ordinances. He discussed some situations where enforcement is involved.

There was considerable discussion regarding the interpretation of recreation halls and bowling alleys, bars vs. bars attached to restaurants, whether taxi drivers could smoke in their cabs if they are alone, and whether or not a bar or restaurant should also be considered a workplace when considering the waiters, waitresses, cooks and bartenders who work there. It was noted that the ordinance covers smoking in bars attached to restaurants, but that it does not cover free-standing bars, and that bars are not defined as a workplace in the proposed ordinance.

The phasing period in the proposed ordinance and in the County's ordinance was discussed at length, and it was agreed that the City did not have to go along with a phasing period, but that it would be better if the City and County could be consistent. Chair Robie agreed to meet with the Board of Supervisors to discuss some sort of compromise in this area, if possible, but that if she was unable to reach any acceptable compromise the City could go ahead and eliminate the phasing period in their ordinance anyway. All of the Committee members agreed that this is a health, not a moral, issue, and they would all like to see a smoke-free environment.

At this time the opponents of the proposed ordinance were asked to speak. The first speaker was Mike Love, who spoke on behalf of Smokers' Rights of Northern California. He cited several statistics showing that a person would have to work 576 straight hours to get as much tobacco smoke through the ventilation system as there is in one cigarette. He also noted that businesses where smoking is prohibited, such as bingo parlors, will lose a lot of money.

The second opponent to speak was Pat Donovan, who represents two groups for smokers: "Possibility Plus" and "Smoke and Be Healthy." She had earlier given the Committee members books entitled "The Rational Manager" and "The New Rational Manager" and some pamphlets, which she said related to the issue of smoking. She discussed in detail the statement, "Smoking causes cancer," saying that if something is a "cause", it will happen every time -- if you smoke, you *will* get cancer; if you don't, you won't. She concluded by saying that if this ordinance is passed, her organizations would go to war, and that she feels this ordinance is as close to Communism as it can get.

Proponents of the ordinance were asked to speak. Betty Turner of the Lung Association said that secondhand smoke has been designated a Grade A carcinogen. Jack Johnston, an unpaid volunteer of the Lung Association, a member of its Board of Directors, and a member of the Environmental Commission task force, said he agrees that secondhand smoke is a serious health hazard. He said studies have been done with people, not mice; that cigarette smoke contains 42 known carcinogens; and that secondhand smoke is now the third most preventable cause of death (smoking is No. 1; alcohol is No. 2). He said he is pleased with the format of the ordinance and would like to see it pass.

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7. ITEM CONTINUED FROM PREVIOUS PAGE.

John Pettit, a physician with Kaiser Hospital, presented his support of the City's ordinance through a tape recording. He and his wife Shannon are volunteers with the Lung Association, and Dr. Pettit has developed non-smoking regulations for Kaiser Hospital, which restrictions even the smoking members favored.

Julianna Harris, a restaurant owner, brought out the fact that she was one of the first restaurant owners in Sacramento to have a non-smoking restaurant, and that she has been in business successfully for many, many years. She said that it is impossible to segregate smokers, because smoke carries and is also incorporated into the restaurant's entire ventilation system. She said Pava's Restaurant had a smoking room, but that most customers want non-smoking. She also noted that most employees do not want to work in smoking areas, nor does she wish to subject her employees to the smoke. She also noted that it is harder to clean the rooms where customers smoke.

Ann Klink spoke at this time. She noted that there are some cities which now prohibit smoking in public places. She said that Aspen, Colorado has 100% smoke-free restaurants, and Lodi has 50% non-smoking. She said there are 172 cities and counties that in some form restrict smoking. She said that medical evidence suggests secondhand smoke as a health risk, and that it is prudent to adopt this ordinance, especially taking into consideration that only 24% of the population smokes.

Marlin Ogden of the Cancer Society voiced her support of the ordinance. Chinn stated that if this ordinance is based on a *right*, he is against it, but if it is for protection of health, he is for it. Deputy City Attorney Balter explained at this time that a private residence used for a business is not considered a workplace in this ordinance unless it is used as a licensed day care center.

Serna moved to support this ordinance. He said he feels this ordinance doesn't go far enough; that there should be smoke-free workplaces. He said that, for him, this is a health, not a moral, issue. He said smokers do not have the right to subject the public to the smoker's voluntary decision to smoke. Serna said he would like to eliminate phasing altogether in his motion, as well as to consider bars in restaurants as workplaces, with the same restrictions. He said he would also like to declare restaurants and recreation halls workplaces, as smokers should not be able to put other people at risk because they are smoking for their own private pleasure.

There was some discussion as to having the legal staff modify the cigarette vending machines ordinance. Robie stated that this was being done and will be brought back to Committee.

Robie said she feels the Committee should support Serna's motion and take it to full Council, with the recommendation that the City eliminate the phasing requirements. She said she would then arrange to meet with the County Board of Supervisors to see if some sort of compromise regarding phasing could be reached, but that if the County is unable to agree to a compromise regarding this phasing period, the City does not have to be consistent with the County. Serna

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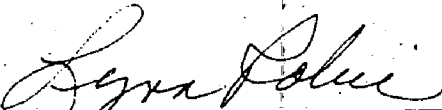
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said that phasing should be eliminated because if the City believes secondhand smoke is a health risk, the City should show that it means it. It was agreed that if the County doesn't want to eliminate phasing, it should nevertheless be the recommendation of this Committee to not have phasing.

Deputy City Attorney Balter stated that this ordinance will go into effect 30 days after enactment. As written, smoking would be permitted in free-standing bars. The Environmental Commission will be looking at this issue shortly and will return with a recommendation.

The ordinance was unanimously supported, with the addition of bars in restaurants being considered workplaces and with the recommendation to the Council that no phasing period be included. Chair Robie is to meet with the County Board of Supervisors regarding the issue of phasing, and this ordinance will go before the full Council with this Committee's vote of support and Robie's recommendations from her meeting with the County.

The meeting was adjourned at 5:35 p.m.


LYNN ROBIE, Chair

ATTEST:


JUDY SANDERS, Secretary