



Sacramento City Council

CITY HALL
915 I STREET
SACRAMENTO, CALIFORNIA 95814
PHONE (916) 449-5407

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MINUTES

COUNCIL COMMITTEE ON LAW & LEGISLATION

TERRY KASTANIS
CHAIRMAN
DOUGLAS N. POPE
DAVID M. SHORE
WILLIAM A. SMALLMAN

LAW AND LEGISLATION COMMITTEE MEETING

November 13, 1986

The meeting was called to order at 4:00 p.m. by Chairman Terry Kastanis. Also present were Councilmen Dave Shore, Bill Smallman, and Doug Pope.

1. An Amendment to the City's Ordinance Regulating Smoking. Dave Shore moved, Bill Smallman seconded, and it was unanimously agreed to approve the amendments to the City's smoking ordinance to concur with the County's smoking ordinance.

2. Amendment to City Charter, Section 31, Relating to City Council Meetings. Jim Jackson, City Attorney, was present to answer questions. One question presented was whether the four weeks of vacation for the Council could be any four weeks, or if they had to be four concurrent weeks. Jim stated that they could be any four weeks, and that the decision as to which weeks could be made by the City Clerk and Council at the beginning of each year.

Doug Pope raised the issue of paid versus unpaid vacations. It was agreed by Committee members that this does amount to unpaid vacation. It was suggested that this Charter section be further amended to include pay. Jim Jackson stated that in order to include pay for meetings not attended, other Charter sections would also have to be amended where pay is mentioned. The Committee decided not to try to amend the pay provisions of the Charter at this time.

Dave Shore moved, Doug Pope seconded, and it was unanimously agreed to approve the amendment to Section 31 of the Sacramento City Charter.

3. Report Regarding Parking on Private Lawns. Jim Jackson, City Attorney, and Bob Wall of the Planning and Development Department, were present to answer questions. Bob Wall told the Committee that the Nuisance Abatement Division is enforcing the law as interpreted here. Terry Kastanis said he feels the law isn't articulated clearly in the ordinance as it stands. Jim Jackson stated that the constituents don't read the ordinance, but that they are being told the law by Nuisance Abatement officials. He also stated he thinks the ordinance is adequate.

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There was considerable discussion regarding the actual law regarding parking on soft surfaces (lawns, etc.). Pat Smith of the Nuisance Abatement Division stated that any vehicles kept on property has to be operable. He said that Section 6(B)(3) deals with surfacing requirements. If a yard shows evidence of parking, the Nuisance Abatement officer takes photos and contacts the owners and occupants. Then the matter is referred to the City Attorney.

Terry Kastanis asked Mr. Smith whether he felt changing the ordinance would make Nuisance Abatement's job easier. Mr. Smith said this part of their job is probably the most difficult part of the ordinance to enforce. He said that cars are moved after owners are notified, then the next day they are moved back again. It would be extremely time-consuming to go to court on every injunction hearing for violations, as there are so many. Mr. Smith feels that the City needs the ordinance amended so they can write a ticket. Warnings don't help, and they (Nuisance Abatement) don't have the time.

Terry Kastanis asked whether we can ticket violators right now. Mr. Smith said tickets for street vendors, etc., are handled through the District Attorney's office. Jim Jackson stated that if the City is going to use criminal prosecution for this type of violation, we need to go through the City Attorney's office. The District Attorney's office is not interested in handling these, as there are more serious matters than dealing with these violations. Doug Pope wanted to know why these can't be handled like parking tickets. Pat Smith said that part of the problem is that they have to cite the responsible parties, so who do they cite? They have to track registered owners of the vehicles, owners of the property, etc.

Doug Pope summarized the problem by stating that handling these like parking tickets would be more effective. He feels that fines get home a lot quicker than warnings.

Bob Wall stated that he feels we don't need to change the zoning ordinance. He also agreed that handling the violations needs to be worked on, and he will get back to the Committee with the results of ideas for making it easier.

At this time, it was unanimously agreed to accept Jim Jackson's staff report on the matter of parking, and will expect a report back to the Committee in the next two to three weeks.

The meeting was adjourned at 4:32 p.m.

/jmv