

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 21, 1993

MEETING TIME: 12:30 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 12:35 p.m.

PRESENT: Committeemembers Fargo, Pane, Ortiz, and Pannell.

1. Resolution supporting Proposition 172 and Measure Q - extension of the half-cent sales tax.

RECOMMENDATION OF STAFF: Support and forward to Council.

COMMITTEE ACTION: Supported and forwarded to Council.

VOTING RECORD: Moved: Pane
Seconded: Pannell
Ayes: Pane, Pannell, Ortiz, Fargo

MINUTES:

Jack Crist, Deputy City Manager, brought this item to the Committee. He explained that this was heard at the September 7 Council meeting and was directed back to this Committee with a report formalizing the resolution for approval. He explained that the majority of the money would go to the County (\$50 million), with annual revenues for the City of approximately \$2.6 million, but that if Measure Q fails, alternatives have been discussed to reduce City Police and Fire budgets. Pane moved for approval, noting that this would stabilize our Police and Fire Departments. He reminded the Committee members that the City's Police and Fire Departments cost about \$100 million, and for every dollar spent on police and fire, we only get 53¢

ITEM CONTINUED ON FOLLOWING PAGE

COUNCIL COMMITTEE MINUTES

1. ITEM CONTINUED FROM PREVIOUS PAGE.

in reimbursement on property taxes. Pannell seconded the motion, it was unanimously supported, and will be forwarded to full Council with this recommendation.

2. Sorority and fraternity uses in the City of Sacramento:

- A. Addition to Zoning Ordinance to include a definition in Section 22 for sorority and fraternity uses in the City of Sacramento.
- B. Zoning Ordinance amendment relating to the establishment of sorority and fraternity uses in the R-4 and R-5 zones.

RECOMMENDATION OF STAFF: Support and forward to Council.

COMMITTEE ACTION: Supported and forwarded to Council.

VOTING RECORD: Moved: Pane
Seconded: Pannell
Ayes: Pane, Pannell, Ortiz, Fargo

MINUTES:

Bridgette Williams, Associate Planner, brought this item before the Committee. She noted that on July 20, 1993, this Committee requested staff to meet with sororities and fraternities during the school year to discuss the proposed ordinance, then bring it back to Committee. She said staff from Planning and Neighborhood Improvement met with over 25 sorority and fraternity members on September 7th, where the ordinance was explained. She explained that the three major concerns expressed during the September 7th meeting was (1) why they were being regulated and fear of applying for a special permit; (2) what would happen to those uses that are currently allowed by right in the R-4, R-5 and C-2 zones within the old City; and (3) the cost of the special permit, which is about \$3,500.00. At this time the meeting was opened up for speakers from the audience.

Julie de Losada, representing CSUS Panhellenic Council, said that she realizes sororities haven't been productive neighbors all the time and that they do want to be productive neighbors. She explained the Panhellenic Council, which represents all sororities and fraternities at CSUS to deal with these issues and comprised of representatives from the university, a community member, and students. She explained that they have developed a mediation procedure to handle these issues. She said they also met with Dennis Kubo from Neighborhood Services and College Greens Homeowners Association to learn to be better neighbors. She then expressed opposition to the ordinance.

ITEM CONTINUED ON FOLLOWING PAGE.

COUNCIL COMMITTEE MINUTES

2. ITEM CONTINUED FROM PREVIOUS PAGE.

Rick McWilliam, representing the Sacramento Improvement Association, stated that he was in favor of the proposed ordinance, both as a neighborhood advocate as well as a former fraternity member. He commends the fraternity/sorority efforts to create internal methods to deal with this issue. He did express concern that 5-6 students may just "happen" to live in the same house, "happen" to belong to the same fraternity, but they say they are not a fraternity; however, if it walks like a duck and talks like a duck, it must be a duck. There was some discussion regarding the definition of a dormitory as compared to a sorority or fraternity. Joy Patterson, Senior Planner, acknowledged that the primary purpose of a sorority or fraternity is to provide housing for their members, and that the City will need the cooperation of the school to give out the established addresses of these homes.

Louis Camera, Director of CSUS Student Activities, stated he represents 1200 student residents in this community. He expressed his opposition to this ordinance but said he does not, however, condone deviating from the law or engaging in destructive behavior. He expressed his disagreement with the need for a special permit because of the cost (\$3,500.00, without any guarantee of approval even if all the requirements are met). He feels that this is one class of residents infringing on the rights of another class of residents because they are different. He brought up the fact that if anyone breaks the law, they should be cited and forced to correct the violation -- whether that is a student or a resident. He compared a sorority to a family who invites 20-25 family members to a pot luck dinner at their residence, and the impossibility of zoning that family out of the City. He then urged the Committee to vote no.

Michael O'Brien, President of the CSUS Interfraternity Council, spoke. He wanted everyone to know that the stereotype of fraternity members as "Animal House" members is incorrect, and related many accomplishments of fraternity members. He expressed his opposition to the proposed ordinance. Committeemember Pannell asked about whether or not any of the fraternities had been suspended from operation, and Mr. O'Brien said one group had been suspended from operation on campus. Mr. Camera continued by saying that during his six years at CSUS, six groups had been placed on probation and their activities are being monitored, and one group has been suspended for two years. Mr. Camera said he has found that by putting groups on probation, the school has the means to work with them to improve their conduct, and that some of these groups have become shining examples. Chair Fargo asked whether a group is still considered a fraternity if they are suspended and but are still in operation. Mr. Camera said they would not be considered a fraternity on campus, but groups have been known to keep their fraternity houses operating. Chair Fargo pointed out that the City is not so concerned with what sororities and fraternities are doing while they are on campus, but what they are doing in the neighborhoods.

Nanci Kramer was the next speaker. She is a sorority house corporation board president. She discussed her problems in obtaining a special permit for a sorority house, particularly if neighbors object. She explained that her sorority works very hard to have a good relationship

ITEM CONTINUED ON FOLLOWING PAGE.

COUNCIL COMMITTEE MINUTES

2. ITEM CONTINUED FROM PREVIOUS PAGE.

with neighbors, and now they face the possibility of having the financial hardship of having to obtain a special permit and meet all the requirements. She said they have worked with City staff for several years to find a sorority house that would meet the requirements for the City, and now the requirements have changed. She discussed the judicial council which has just been implemented and which has been very successful at other colleges in monitoring and regulating sorority and fraternity house behavior in neighborhoods. She pointed out that there is a larger problem in neighborhoods surrounding college campuses with groups of students who get together and hang out. She concluded that she opposes the proposed ordinance and would recommend relying on the judicial council. There was discussion regarding the fact that her sorority house was exempt according to the proposed ordinance, and that if a fraternity or sorority house is in existence today and the ordinance is passed, it is there legally after the ordinance is passed, as long as it meets the criteria or obtains a special permit to modify.

Nanci Kramer noted that if a sorority or fraternity has been in existence for ten years, it is still an uncertainty as to whether or not they would now be granted a special permit. Committeemember Pane explained that this is democracy, and that the Council deals with this type of issue every Tuesday. He said she should be looking at the fact that if there is neighborhood opposition, or whatever, that will be taken care of in a democratic fashion.

The next speaker was Dr. Kathie Harine, a member of a neighborhood association. She presented her opposition to this ordinance. She explained that she is a neighbor of a sorority house whose members are good neighbors, and said she feels this is discrimination against sorority and fraternity members because other groups such as gays and lesbians can put up flags and insignias and get together in groups without special permits. Chair Fargo explained that this Committee is not addressing the sign issue today. Dr. Harine replied that because these young sorority women are good role models, they should not be discriminated against.

Tom Mathews, a resident on P Street in Sacramento, told the Committee that in May of 1992 a sorority moved into the house next door, and that this has affected his family's life and property values, as well as those of his neighbors. He then presented a petition signed by the people who have been impacted. Mr. Mathews expressed his support of this ordinance. He then played a short portion of a 1-1/2 hour tape of loud activity from the sorority house next door to him, taped from in front of his television set inside his house, and said zoning amendments on this issue are long overdue.

Karen Coffee, a Sacramento resident, was the next speaker. She commented that the previous speaker's tape recording could have been made at her house as well. She said she was present on behalf of herself and several of her neighbors who live close to a fraternity house which has been a problem for many years and the owner has been cited on numerous occasions for various violations. She went on to say that the owner rented to a fraternity even though the property wasn't zoned for such use, and that they claim it's simply six guys and their 23 cars

ITEM CONTINUED ON FOLLOWING PAGE.

COUNCIL COMMITTEE MINUTES

2. ITEM CONTINUED FROM PREVIOUS PAGE.

who need to live in this particular residence. She informed the Committee of some of the problems she and her neighbors have experienced because of the problems associated with the fraternity house members, including constant parties. She concluded by saying that fraternities do not belong in quiet, single-family residential neighborhoods, as it fosters unsafe, annoying, unsightly and unpleasant conditions in an otherwise nice neighborhood, and that the colleges should make provisions for their houses on their campus and not on the unsuspecting neighborhoods. She urged passage of the proposed ordinance.

Richard Spall spoke next, requesting clarification as to what would happen to sororities and fraternities already in existence if this ordinance is passed. There was discussion regarding the fact that they would still have to meet the required conditions, and that in some zones a special permit was always required, even though many houses did not obtain one. He stated that he is the father of a sorority member, and he resents the position taken by Council to require a special permit simply to discriminate against a group of individuals who have organized and would like come together voluntarily under the freedom of this country to meet as a group. He also said he feels the \$3,500.00 fee for a special use permit is a punishment to a sorority or fraternity house. Chair Fargo explained the reason for obtaining a use permit, comparing it to use permits required for a group home for disabled kids, and said that the City needs to have a process that allows people to comment on things that happen in their neighborhood.

Chair Fargo said she does not see this ordinance as anti-student, but that the current situation didn't allow the City to get to the root of the problems experienced. Pane moved to support the proposed ordinance, Pannell seconded the motion, and it was unanimously supported. It was agreed by the Committee members that the cost for the special use permit seemed high, and it was requested that staff look into this prior to bringing the matter before the Council.

3. Policy and ordinances relating to Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) program.

RECOMMENDATION OF STAFF: Support and forward to Council.

COMMITTEE ACTION: Continued to October 19, 1993.

MINUTES:

Aaron Chong, Coordinator of the Office of Minority and Women Business Enterprise for the City, presented this agenda item to the Committee. He said that on March 30, 1993, the City Council approved interim MBE/WBE goals and staff was directed to develop policies and procedures in comportment with the recommendations of the M/WBE study completed last year. He explained the procedure for obtaining the recommendations presented today, including meetings with the City, the County, SHRA and Regional Transit.

ITEM CONTINUED ON FOLLOWING PAGE.

COUNCIL COMMITTEE MINUTES

3. ITEM CONTINUED FROM PREVIOUS PAGE.

Maurice Read, representing the Sacramento Building & Trades Council, said they wholeheartedly support the ordinances, policy revisions and recommendations, because of the number of women and minority businesses in this community. He did say, however, that this is a little premature; that they have not been a part of this process; and that this does affect the workers of Sacramento. He discussed some particular instances regarding the bidding procedures recently where bids went to out-of-town firms in order to get the MBE/WBE prime- or subcontractors. There was considerable discussion regarding federal laws, affirmative action, local hire, and bidding procedures. Mr. Read concluded that this is a problem whose time has come, and that the entire business and labor community understands that this has to be solved and has to be solved in a fair and effective way.

Herb Stone, Executive Director of the National Electrical Contractors Association, spoke next. He stated his support of MBE/WBE, but is concerned not only that we get these minority contractors, but that we retain them in the system. He said they want contractors who are reliable and who meet all the standards, and pointed out that in the listing of contractors, some businesses list wives or women and/or minority friends who are not "real contractors," in order to meet the requirements of MBE/WBE. There was some discussion regarding problems with M & M Electric and whether or not they meet affirmative action, OEO or other requirements, and how the unions regulate compliance.

Chair Fargo asked that comments be held until later, because of time constraints. It was agreed to continue this item until the October 19th Law and Legislation Committee meeting. Committeemember Pane suggested that some information be put together showing how this could be compatible with an ordinance specifically on percentages of hiring in unionized firms and non-unionized firms. Cheryl Stankowitz, SHRA, said that the local hire issue is an issue she has been working on, but that she's a month behind because of a 6-week medical leave. She informed the Committee that she will be bringing this before the Committee in the near future. There was some discussion.

The meeting was adjourned at 2:19 p.m.

* * * * *


HEATHER FARGO, Chair

ATTEST:

JUDY SANDERS, Secretary