

MINUTES  
OF THE  
SACRAMENTO CITY COUNCIL  
REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO  
HOUSING AUTHORITY OF THE CITY OF SACRAMENTO  
ECONOMIC DEVELOPMENT COMMISSION  
PARKING AUTHORITY OF THE CITY OF SACRAMENTO  
SACRAMENTO CITY FINANCING AUTHORITY

REGULAR MEETING

December 16, 1997

**CALL TO ORDER**

The Regular Meeting of the Sacramento City Council was called to order by Mayor Serna at 2:04 p.m. on the above date in the City Council Chamber located at 915 I Street.

**ROLL CALL**

**Present:** Councilmembers Cohn, Fargo, Hammond, Kerth, Waters, Steinberg, Yee and Mayor Serna

**Absent:** None

**1.0 CONSENT CALENDAR (Items 1.1 through 1.18) except Items 1.1 and 1.5**

A motion was made by Councilmember Hammond, seconded by Councilmember Waters, to waive the reading and adopt the Consent Calendar, Items 1.1 through 1.18, except Items 1.1 and 1.5 which were pulled for separate consideration. The motion carried with a 7-0 vote, with Councilmember Fargo being absent.

Public Review Items - Informational Only

None

Sacramento Housing and Redevelopment

None

City Council

\*\*\*\*Note: Item 1.1 was heard after Item 2.1.

- 1.1 Listing Hall of Justice for sale located at 813 Sixth Street and H Streets: (D-1)
  - A. Determine that it is in the best interests of the City to sell the Hall of Justice property without competitive bidding. (requires two-thirds vote)
  - B. Authorize the sale of the Hall of Justice property through a Professional Services Agreement with a real estate brokerage firm approved by the City Manager.
  - C. Direct the City Manager to return to the City Council when an appropriate offer to purchase the said property has been received from a qualified buyer, for consideration of said offer by the City Council
  - D. Approve the recovery of upfront and staff costs related to the sale of the Hall of Justice from the sale proceeds.

- E. Approve the designation of the balance of the sale proceeds for the purpose of future funding of a Police Administration facility.

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Bruce Alei, Real Property Agent, Public Works, presented the report.

Through the actions described in the recommendations section of this report, it is proposed that the Hall of Justice property be sold, as surplus property, without the necessity of obtaining competitive bids. This sale is proposed because it is not cost-effective to restore this building for City use. The balance of the proceeds after paying for staff costs, due diligence reports, and a sales commission from this proposed sale would be designated for the purpose of future funding of a Police Administration facility.

The Hall of Justice building is considered surplus since the Police Administration function vacated the premises in April of this year. The building was constructed in the early 1900's and the City's continued use of it would result in significant costs for structural, seismic, plumbing, and electrical rehabilitation.

Councilmember Fargo advised that she had some questions concerning the process; she asked whether Council wished to engage in the discussion now, or continue the item until after winter recess?

Councilmember Waters responded that a discussion with Bob Thomas, Sacramento County Executive Director, indicated that within the next 10-14 days a definitive answer would be available as to whether the County Law Library would take the building. In that event, it may be possible to save a 5-6% commission.

A motion was made by Councilmember Waters to continue this item to January 20, 1998.

City Manager Edgar urged Council to approve consummation of a deal today with the County for the Law Library, saying that this is a sole-source situation, in that the only real interest in the building thus far is from the Law Library.

Mr. Waters stressed that he wanted the item agendaized, not as a Consent item; he noted that there has been interest in dedicating a part of the building to be used as an historic Police Museum.

Ms. Fargo felt that the people have not been adequately informed regarding the sale of the building, that there should be more public process.

The motion was seconded by Councilmember Fargo.

Councilmember Yee commented that the building is of historic value, which creates conditions as to what can be done with it.

Mr. Alei observed that the type of businesses drawn to a building such as this would be considering tax incentives.

The motion carried with an 8-0 vote.

- 1.2 Sanitary Survey Update for the American River Watershed Area (PN:ZF61) - authorize execution of a Consultant Services Agreement with Archibald and Wallberg Consultants, for an amount not to exceed \$129,267, and amend Capital Grants Revenue and Expense Budgets. (D-All)

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Adopted Resolution 97-671 approving Agreement 97-191.

RESOLUTION NO. 97-671

RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE A CONSULTANT SERVICES AGREEMENT WITH ARCHIBALD AND WALLBERG CONSULTANTS IN ACCORDANCE WITH THE MEMORANDUM OF UNDERSTANDING REGARDING CONTRACTING FOR A SANITARY SURVEY UPDATE OF THE AMERICAN RIVER WATERSHED AREA (PN:ZF61) AND AMENDING CAPITAL GRANTS REVENUE AND EXPENSE BUDGETS

- 1.3 Cable Commission (SMCTC) ordinance changes: (PFP'd 12-9-97, item 1.5) (D-All)
- A. Citrus Heights Representation on Commission Ordinance amending Title 20 [Cable Television and Licensing Ordinance], of the Sacramento City Code, Sections 20.01.030, 20.01.032, 20.01.036, 20.02.104, 20.01.105, and 20.11.1012 and adding Section 20.02.113 to the Sacramento City Code, to provide representation on the Board of Directors of the Sacramento Metropolitan Cable Television Commission for the City of Citrus Heights and other future members.
  - B. Update insurance requirements for Commission and Cable Companies Ordinance repealing Section 20.06.516 and amending Sections 20.08.704, 20.08.706, 20.08.708, 20.08.712, 20.17.1602, 20.17.1604, of the Sacramento City Code relating to indemnity and insurance obligation of the Sacramento Metropolitan Cable Television Commission and its franchisees and licensees.
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Adopted (A) Ordinance 97-075 and (B) Ordinance 97-076.

ORDINANCE NO. 97-075

AN ORDINANCE AMENDING SECTIONS 20.01.012, 20.01.030, 20.01.032, 20.01.036, 20.02.104, 20.01.105, AND 20.11.1012 OF THE SACRAMENTO CITY CODE AND ADDING SECTION 20.02.113 TO THE SACRAMENTO CITY CODE, TO PROVIDE REPRESENTATION ON THE BOARD OF DIRECTORS OF THE SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION FOR THE CITY OF CITRUS HEIGHTS AND OTHER FUTURE MEMBERS

ORDINANCE NO. 97-076

AN ORDINANCE REPEALING SECTION 20.06.516 AND AMENDING SECTIONS 20.08.704, 20.08.706, 20.08.708, 20.08.712, 20.17.1602, 20.17.1604, OF THE SACRAMENTO CITY CODE RELATING TO INDEMNITY AND INSURANCE OBLIGATIONS OF THE SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION AND ITS FRANCHISES AND LICENSEES

- 1.4 1998/99 Transportation Sales Tax Expenditure Plan - City of Sacramento submittal to Sacramento Transportation Authority. (D-All)
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Adopted Resolution 97-672.

RESOLUTION NO. 97-672

RESOLUTION AUTHORIZING APPROVAL OF 1998/99 TRANSPORTATION SALES TAX EXPENDITURE PLAN

- 1.5 Power Inn/RT Grade Separation (PN:TM21), approximately located 600 feet south of Folsom Boulevard - approval of a Consultant Services Agreement with LoBuono, Armstrong and Associates for an amount not to exceed \$1,069,490. (D-6)
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Councilmember Waters questioned what the amount of the cost difference was between the top four bidders?

Ken Grehm, Project Manager, Technical Services, responded that the current process in which consultants are chosen is not initially based on cost; after selection of the most qualified firm, then bid proposals are requested and negotiations continue from there.

Mr. Waters expressed concern that there appeared to be no way for Council to determine whether there would have been several million dollars in possible savings between the first and second bidders. Mr. Grehm conceded that there was no way to know for certain, but consultant costs are usually based on the number of team members serving on the project. In this instance, LoBuono, Armstrong and Associates had the least number involved, which likely equates to the lowest cost.

A motion was made by Councilmember Waters, seconded by Councilmember Steinberg, to adopt the staff recommendation approving Agreement 97-192. The motion carried with a 7-0 vote, with Councilmember Fargo being absent.

- 1.6 Lease-purchase of a Xerox DocuTech Model NP1353 high-speed photocopier for Central Services - suspend formal competitive bidding; authorize City Manager to execute the necessary purchase documents with Xerox Corporation for a total five-year amount of \$171,226.17 for the equipment, and for maintenance services for the copier in an amount not to exceed \$50,000 per contract year. (requires two-thirds vote) (D-All)
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Adopted Resolution 97-673.

RESOLUTION NO. 97-673

A RESOLUTION SUSPENDING FORMAL COMPETITIVE  
BIDDING FOR THE LEASE-PURCHASE OF A XEROX  
DOCUTECH MODEL NP1353 HIGH-SPEED  
PHOTOCOPIER FOR CENTRAL SERVICES

- 1.7 THIS ITEM HAS BEEN MOVED TO STAFF REPORT, ITEM 4.3
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- 1.8 Sacramento Marina Boat Broker - authorize the City Manager to execute a lease of City space for a boat brokerage at the Sacramento Marina, with Barry Paulsen's Boat Center. (D-4)
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Adopted Resolution 97-674 approving Agreement 97-193.

RESOLUTION NO. 97-674

SACRAMENTO MARINA BOAT BROKER -  
AUTHORIZATION TO EXECUTE LEASE

- 1.9 Update on staff's submission to the Federal Environmental Protection Agency of a statement of interest in the City of Sacramento being selected as a Brownfield Showcase community. (D-All )
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For Council information; received and filed.

- 1.10 *Del Paso Nuevo Masterplan* for property consisting of 154 acres generally bounded by Norwood Avenue (W); South Avenue (N); Altos Avenue (E); Arcade Creek (S), in North Sacramento (P97-088): (D-2)
- A. Ordinance amending the districts established by the Comprehensive Zoning Ordinance No. 2550, Fourth Series, as amended by rezoning property in the Del Paso Nuevo Special Planning District (P97-088)
- B. Ordinance adding Section 2.94 to the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, as amended, relating to the Del Paso Nuevo Special Planning District (P97-088)
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Passed for publication of titles and continued to March 10, 1998.

- 1.11 Amendment to Resolution 97-318 by reallocating two positions from civil service, non-management status to exempt management status - Administrative Services Department and Cultural Arts Consortium. (D-All)
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Adopted Resolution 97-675.

RESOLUTION NO. 97-675

AMENDING RESOLUTION 97-318 RELATING TO SALARY SCHEDULES, EMPLOYER-EMPLOYEE RELATIONS POLICY, DESIGNATION OF EXEMPT JOB CLASSIFICATIONS, AND REALLOCATING POSITIONS TO EXEMPT MANAGEMENT

- 1.12 Bid #1760 for Advanced and Basic Life Support Medical Supplies - adopt specifications and award bid to Promedix Inc., aka Pro-Med, in an amount not to exceed \$350,000 per contract year. (D-All)
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Adopted staff recommendation.

- 1.13 Deferred Compensation Agreements: (D-All)
- A. Extend for two years City Agreement No. 95-115 between the City and ICMA Retirement Corporation (ICMA/RC) as the exclusive provider of administrative services for the City's 457 Plan until September 30, 2002, and;
- B. Establish a City 401A Money Purchase (401A Plan) and authorize the City Manager to execute an agreement with ICMA/RC to provide all 401A Plan administrative services from January 1, 1998 through September 30, 2002.
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Adopted (A) Resolution 97-676 and (B) Resolution 97-677 approving Agreements 97-194, 97-195, ~~and~~ 97-196, *97-199 and 97-200*

RESOLUTION NO. 97-676

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH THE ICMA RETIREMENT CORPORATION RELATING TO ADMINISTRATIVE SERVICES FOR THE CITY'S 457 DEFERRED COMPENSATION PLAN (CITY AGREEMENT NO. 95-115)

RESOLUTION NO. 97-677

A RESOLUTION ESTABLISHING A 401(A) MONEY PURCHASE RETIREMENT PLAN FOR EXEMPT MANAGEMENT EMPLOYEES AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE ICMA RETIREMENT CORPORATION (ICMA/RC) TO PROVIDE ADMINISTRATIVE SERVICES FOR A 401A MONEY PURCHASE PLAN ON AN EXCLUSIVE BASIS FOR A DEFINED PERIOD AND OTHER INCIDENTAL AGREEMENTS NECESSARY TO ITS ADMINISTRATION

- 1.14 Memorandum of Understanding between the City of Sacramento and the Robla School District for purchase and/or installation of a portable classroom building for after school enrichment programs at an elementary school site. (D-2)
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Adopted Resolution 97-678 approving Agreement 97-197.

RESOLUTION NO. 97-678

RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SACRAMENTO AND THE ROBLA SCHOOL DISTRICT

- 1.15 Appeal of Jeanette Nolan from the decision of the Animal Control Division regarding two dogs which have been deemed vicious animals. (D-1)
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For Council information; received and filed.

- 1.16 Appeal of Casanova Claybrook from the decision of the Animal Control Division regarding a dog which has been deemed a vicious animal. (D-1)
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For Council information; received and filed.

- 1.17 Calling and giving Notice of a Special Municipal Election to fill the unexpired term in Council District Eight (8) to be included with the Consolidated Regular Primary Municipal Election on June 2, 1998. (D-8)
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Adopted Resolution 97-679.

RESOLUTION NO. 97-679

RESOLUTION CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 2, 1998, FOR THE ELECTION OF A DISTRICT 8 OFFICER AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO CHARTER CITIES

- 1.18 Acceptance of the U.S. Department of Justice, Office of Community Oriented Policing, advancing Community Policing Grant award of \$250,000, authorize an increase to the Police Department's staffing level by one (1) FTE Police Sergeant. (D-All)
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Adopted Resolution 97-680.

RESOLUTION NO. 97-680

RESOLUTION AUTHORIZING THE CITY MANAGER TO  
ACCEPT A \$250,000 AWARD FROM THE U.S.  
DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY  
ORIENTED POLICING, ADVANCING COMMUNITY  
POLICING GRANT

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2.0 SPECIAL PRESENTATIONS/GENERAL COMMUNICATIONS

- 2.1 Presentation of Ahwahnee Award - Neighborhood Traffic Management Program, to the City of Sacramento by Judy Corbett, Local Government Commission.

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Judy Corbett, Executive Director, Local Government Commission, presented the award.

Ms. Corbett advised that she was present on behalf of her organization and also the California Institute of Architects to present the Ahwahnee Award to the City's Traffic Management Program. The organizations work together cooperatively to improve living conditions in neighborhoods. Ms. Corbett stressed that there was lively competition for the award, and decision of the judges had been unanimous that Sacramento deserved to win.

Ms. Corbett advised that various studies have been conducted which indicate conclusively that high volumes of traffic in neighborhoods decrease the sense of community, which in turn increases the downward spiral of a neighborhood. Ms. Corbett complemented staff on the traffic diversions and other traffic management systems being implemented in Sacramento.

Mike Kashiwagi, Director, Public Works, congratulated Marty Hanneman, Traffic Engineering Manager, and Bridget Smith, Associate Civil Engineer for their work on this project.

Mayor Serna added his congratulations.

Councilmember Cohn noted that City Manager Edgar also provided support from the top, as well as Steve Brown, who is no longer a City employee. Mr. Cohn recalled that 7 years ago, Sacramento's Traffic Department received an Onion Award from East Sacramento because of its unresponsiveness to neighborhood traffic concerns; that was later changed to an Orchid Award for positive changes that had been made.

Councilmember Hammond advised that she was recently in Los Angeles, attending the Liveable Communities Conference, when Sacramento received this award, and noted that she was proud of the City's Traffic Management Department. The Conference addresses how to make a difference in a community.

Mayor Serna remarked that this is a win/win situation for everyone. The Mayor congratulated Council on having the political will to support the change, which required both action and perseverance.

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3.0 PUBLIC HEARINGS

- 3.1 Abandonment of Public Water Easement between Argail Way and Sutterville Road; Summary Abandonment Proceeding No. AP97-04 (Cont'd from 12-9-97, item 3.1) (D-4)
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Ron Perry, Technical Services, presented the report.

Mr. Perry advised that the existing easement is now a strip mall, that it is no longer vacant land.

Councilmember Yee commented that the relocation of the water line was already done; this is just for legal documentation. Mr. Yee noted that if this were not done at this time, it would create legal problems later on.

City Attorney Jackson confirmed Mr. Yee's remarks, noting that all criteria for the summary abandonment have been met, that there was no need to continue further.

A motion was made by Councilmember Yee, seconded by Councilmember Cohn, to close the hearing and adopt Resolution 97-681. The motion carried with a 7-0 roll call vote, with Councilmember Waters being absent.

RESOLUTION NO. 97-681

RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING THE SUMMARY ABANDONMENT OF PUBLIC WATER EASEMENT BETWEEN ARGAIL WAY AND SUTTERVILLE ROAD

SUMMARY ABANDONMENT PROCEEDING NO. 97-04

- 3.2 Abandonment of the 10' sewer easement on Parcel 1 of Metropolitan Center recorded in Book 86 of Parcel Map, page 5 between I-5 and Gateway Oaks Drive; Summary Abandonment Proceeding No. AP97-07. (Cont'd from 12-9-97, item 3.2) (D-1)
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There was no discussion on this item.

A motion was made by Councilmember Fargo, seconded by Councilmember Yee, to close the hearing and adopt Resolution 97-682. The motion carried with a 7-0 roll call vote, with Councilmember Waters being absent.

RESOLUTION NO. 97-682

RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING THE SUMMARY ABANDONMENT OF THE 10' SEWER EASEMENT ON PARCEL 1 OF METROPOLITAN CENTER RECORDED IN BOOK 86 OF PARCEL MAP, PAGE 5 BETWEEN I-5 AND GATEWAY OAKS DRIVE

SUMMARY ABANDONMENT PROCEEDING NO. 97-07



- 3.3 Abandonment of a portion of two alleys; Summary Abandonment Proceeding No. AP97-09 and AP97-10: (D-2)
- A. Alley between Forrest Street and Fairfield Street, from Arden Way to cross alley south of Calvados Avenue (AP97-09)
  - B. Alley between Jessie Avenue and Youngs Avenue from Marysville Boulevard to Huron Street (AP97-10)
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There was no discussion on this item.

A motion was made by Councilmember Kerth, seconded by Councilmember Cohn, to close the hearing and adopt (A) Resolution 97-683 and (B) Resolution 97-684. The motion carried with a 7-0 roll call vote, with Councilmember Waters being absent.

RESOLUTION NO. 97-683

RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING THE SUMMARY ABANDONMENT OF THE ALLEY BETWEEN FORREST STREET AND FAIRFIELD STREET, FROM ARDEN WAY TO THE CROSS ALLEY SOUTH OF CALVADOS AVENUE

SUMMARY ABANDONMENT PROCEEDING NO. AP97-09

RESOLUTION NO. 97-684

RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING THE SUMMARY ABANDONMENT OF THE ALLEY BETWEEN JESSIE AVENUE AND YOUNGS AVENUE FROM MARYSVILLE BOULEVARD TO HURON STREET

SUMMARY ABANDONMENT PROCEEDING NO. AP97-10

- 3.4 Adoption of the Final Countywide Integrated Waste Management Plan (CIWMP): (D-All)
- A. Certify that it has reviewed and considered the California Environmental Quality Act Findings and Statement of Overriding Considerations in connection with the Final Draft (CIWMP)
  - B. Adopt the Final DRAFT CIWMP
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Gary Van Dorst, Solid Waste Planning Manager, presented the report.

The California Integrated Waste Management Act (AB939) requires counties or regional agencies to prepare County Integrated Waste Management Plans (CIWMP). The CIWMP consists of a Countywide Summary Plan and Disposal Facility Siting Element in addition to the Source Reduction and Recycling Elements (SRREs), Household Hazardous Waste Elements (HHEWs), and the Non-Disposal Facility Elements (NDFEs) of each jurisdiction within the County. Under State regulation, the County must circulate the CIWMP for approval by incorporated cities. The City of Sacramento can take one of three actions:

- \* Disapprove the CIWMP which would require the County to amend and recirculate the document after addressing any noted deficiencies.
- \* Take no action and the CIWMP becomes approved within 90 days.
- \* Hold a public hearing to approve the CIWMP (recommended by staff) and certify review of the EIR.

The Sacramento County Board of Supervisors certified the Final Environmental Impact Report (EIR) on the CIWMP-Summary Plan and Siting Element on September 9, 1997.

A motion was made by Councilmember Hammond, seconded by Councilmember Kerth, to close the hearing and (A-B) adopt Resolution 97-685.

Councilmember Steinberg established with Mr. Van Dorst that, should Council pass this item, it does not preordain the choice of any particular site for recycling, solid waste transfer, or landfill.

Mayor Serna inquired as to whether the EIR comported with discussions regarding the County transfer site locations and use? Mr. Van Dorst replied affirmatively, saying that County staff had obliged with an addendum that the County Board of Supervisors adopted specifically referencing that process.

The motion carried with a 6-0 roll call vote, with Councilmembers Fargo and Waters being absent.

RESOLUTION NO. 97-685

RESOLUTION ADOPTING FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS SUPPORTING THE CITY COUNCIL'S ADOPTION OF THE FINAL COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN (CIWMP)

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4.0 STAFF REPORTS

4.1 Workers Compensation Study Report. (D-All)

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Greg Norton, Administrative Services Manager, presented the report.

On April 29, 1997, the Risk Management and WC work plan was presented to Council. The purpose of the steps included in the work plan was to further develop and enhance existing practices in Risk Management and WC; implement new "best" practices where applicable; perform an analysis of existing and alternative practices to ensure the City's best interests would be achieved; and to create more efficient, effective and pro-active programs. The primary objective of the work plan was to reduce the impact of WC and liability activity on the City budget.

To date, two status reports have been presented to Council: June 10, 1997 and October 28, 1997. As reported to Council on October 28, the WC trends for claims filed, open case load, I-Time hours and costs and total claim reserves have been consistently improving over the past few years.

The updated report presents study findings and recommendations, in the areas of:

1. Insurance and Administration Cost Evaluation (Attachment A)
2. Sister City Comparisons (Attachment B-1 through B-4)
3. Program Management (Attachments C,D)
4. Claims Administration (Attachments C,D)
5. Safety/Injury Prevention Programs (Attachments C,D)

For details, see pages 3-8 of the staff report, and Attachments referenced above.

Mayor Serna commented that Sacramento appears to be doing well compared to other cities; Mr. Norton agreed that Sacramento was not out of line.

Councilmember Hammond questioned the request regarding the addition of another position. City Manager Edgar responded that there was no high-level management oversight; once re-engineering occurs, there will need to be additional high-level management assistance.

Mr. Norton explained that based on the level of effort required to develop and implement a comprehensive strategic plan, involved at all levels of the City, there needs to be a full time commitment from a management level person. Ms. Hammond questioned whether this would be a City staff person, establishing that that is what was being evaluated.

Mayor Serna asked where the City wanted to go with this? Mr. Norton replied loss management process, benchmarks, goals, all can improve through comprehensive effort.

Councilmember Yee remarked that he and Councilmember Waters had maintained close contact with Mr. Norton. Mr. Yee inquired as to the cost savings realized in the last few years? Mr. Norton responded that the most significant impact was \$800,000 in savings, as well as a decrease in the number of claims filed. There is a downward trend regarding costs.

Mr. Yee noted that individual departments are now being held more responsible; he asked how to assure that the City would continue on this path? Mr. Norton stressed management, training, and accountability of the department managers. Mr. Yee requested a report back to Council regarding the trends; he expressed his appreciation to all who approved and participated in the audit.

Councilmember Waters requested a full-blown yearly report, with quarterly updates; he felt there was no need for privatization.

Councilmember Steinberg asked what the status was of the modified duty program? Mr. Norton responded that there is a significant decrease; this program aids in getting people back in place sooner. Mr. Steinberg remarked that this was consistent with the ADA program.

A motion was made by Councilmember Yee, seconded by Councilmember Waters, to adopt Resolution 97-686. The motion carried with an 8-0 roll call vote.

#### RESOLUTION NO. 97-686

#### WORKER'S COMPENSATION STUDY REPORT

- 4.2 Prohibition of sale of "Saturday Night Specials" in the City. Ordinance adding Chapter 48.02 to Title 48 of the Sacramento City Code, relating to the sale of "Saturday Night Specials", also known as "Junk Guns". (Law and Legislation 11-4-97; PFP'd 12-02-97, cont'd from 12-9-97, item 11.2), Public Testimony Closed. (D-All)

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**THIS WAS FORMERLY CONSENT CALENDAR, ITEM 1.7**

\*\*\*\* Note: This item was heard out of sequence after Item 4.3.

At the request of Councilmember Steinberg the Sacramento Police Department prepared the report, which recommends that the City Council support the adoption of a new ordinance to the Sacramento City Code

prohibiting the sales of "Saturday Night Specials" (SNS) in Sacramento, as defined in the attached proposed ordinance. These weapons are mainly .22, .25, .38, and .380 caliber handguns with insufficient external safety features and made of very low grade metals. This ordinance is modeled after the West Hollywood ordinance which has withstood local court challenge. There are 37 other jurisdictions throughout California that prohibit the sales of SNS.

Councilmember Steinberg expressed his thanks to staff and the community, while clarifying that this item is not about banning handguns in general, but concerns banning only the cheaply-made "Saturday Night Specials", used so frequently in the commission of crimes.

Mr. Steinberg cited statistics indicative of the higher incidence of crime related to users of these guns, which are also most likely to be used by first-time offenders or those with prior criminal records. Mr. Steinberg compared the areas of Washington, DC, Maryland, and Virginia; he noted that when the ordinance was passed in DC, crimes dropped, but not in neighboring Maryland and Virginia, where there was no such ordinance. This was the only objective study so far, Mr. Steinberg noted.

Mr. Steinberg urged passage of the ordinance, saying that it was supported out in the community; he observed that this should be an entree into other areas. Mr. Steinberg urged Council to take a stand, advising that 34 other cities and counties have passed similar ordinances.

Councilmember Hammond commented that she believed this to be an inappropriate venue, observing that the County borders on two sides of District 5; people seeking such guns will simply drive to the County to get them. Ms. Hammond believed this to be an unequal application of the law, saying that poor people would feel that they would have no means of self-defense. Ms. Hammond urged that better means be found of keeping guns out of the hands of young people.

Councilmember Waters remarked, regarding the Attorney General's opinion about the ordinance, that West Hollywood has already spent much money to defend its similar ordinance. Mr. Waters expressed concern that this could open the City to legal costs.

Mr. Waters recalled that about 3 years ago, the City offered Kings tickets to those who would turn in guns. Mr. Waters cited an example of an elderly couple in Curtis Park who found themselves the victims of an intruder; the victims in this instance were armed and able to defend themselves. Mr. Waters pointed out that had they been unarmed, they may very well have died.

Councilmember Fargo inquired as to when the West Hollywood law suit was expected to reach settlement? City Attorney Jackson responded that the process could take years; the courts could extend.

Ms. Fargo questioned the exemption section, asking why exempt law enforcement officers from selling these weapons?

Lieutenant Mark Sakauye replied that officers were not exempt. Mr. Steinberg interjected that the key point is "use in line of official duties".

Police Chief Venegas clarified that none of the weapons on the list would be used by officers in the line of duty.

Ms. Fargo commented, regarding the SNS ordinance, that it would not solve all problems, but conceded that it may provide a better margin of safety. Ms. Fargo stated the need for stronger State legislation to protect against increasing violence, as well as greater emphasis on

youth education, using other cities as a model.

Councilmember Cohn referred to Kansas City and Boston; he agreed that Sacramento could do other things, but felt it may be too costly. He suggested that "sweeps" could be done, similar to the Kansas City program. Mr. Cohn remarked that citizens from other countries are shocked by the level of violence in the United States. Mr. Cohn wanted assurance that something useful would be done.

Mr. Cohn asked that the motion include directing staff to bring back in February a specific proposal similar to Kansas City's. Mr. Steinberg agreed.

Councilmember Yee expressed disapproval of the proposal, saying he had listened to both sides from his constituents. Mr. Yee feared that some police officer guns may be banned (sidearms). The question of how to enforce was also raised by Mr. Yee, who remarked that ordinances usually occur after-the-fact.

Lieutenant Sakauye advised that officers would monitor gun shop compliance. Of five gun shops in the area, three sell SNS.

Mr. Yee cited the safety issues in connection with SNS, noting that they are so poorly made they explode on the user. Lieutenant Sakauye responded that statistics were available regarding product liability. Mr. Yee stressed that the best solution for crime is education, coupled with a good job in the home as to supervision.

Mr. Yee said the attention must be focused on the person behind the gun, that is the source, rather than the guns themselves. Mr. Yee did not support the ordinance, questioning its effectiveness.

Councilmember Kerth, speaking on the merits of the ordinance against a particular type of gun, feels it will be ineffective in that the best made and most costly could also be included. To those who are disposed to believe that the guns themselves are the problem, people can be convinced. The other approach is the owning of guns for protection; the real problem is that people are not qualified to own, use, or carry guns.

Mr. Kerth believed this to be "gesture politics"; he noted that the Governor vetoed similar proposals. Mr. Kerth noted that he supports the ordinance qualitatively, but believed the NRA's argument to be valid: that we are heading toward taking away gun ownership. Mr. Kerth stressed that this was a very time consuming issue for City Council to deliberate.

A motion was made by Councilmember Steinberg, seconded by Councilmember Fargo, to adopt Ordinance 97-077, with the direction to staff to return in February with a specific proposal similar to the procedures used in Kansas City.

Mayor Serna congratulated his colleagues for a reasonable and intelligent discussion. The Mayor commented that he understood Mr. Waters' remarks about the incident in Curtis Park that involved the elderly couple, but he still considered this to be a positive step. Regarding the argument that this could be construed a "class" issue for people who could not afford more expensive guns, Mayor Serna stated that this debate needs to take place at the State level. The Legislature is slow regarding making decisions on controversial issues; local government must lead the way. Mayor Serna expressed pride that both the City Council and the NRA had debated the issue intelligently and in a civil manner; he urged Council to have the courage to make the decision based on solid evidence and concern for public safety.

The motion passed with a 6-2 roll call vote, with Councilmembers Cohn, Fargo, Hammond, Kerth, Steinberg, and Mayor Serna voting yes and Councilmembers Waters and Yee voting no.

ORDINANCE NO. 97-077

AN ORDINANCE ADDING CHAPTER 48.02 TO TITLE 48 OF THE SACRAMENTO CITY CODE, RELATING TO THE SALE OF "SATURDAY NIGHT SPECIALS", ALSO KNOWN AS "JUNK GUNS"

- 4.3 Sump 2 Rehabilitation and Improvement Project (PN:XM24), located at the Sump 2 facilities within the Combined Sewer System, Riverside Boulevard and 11th Avenue; suspend formal competitive bidding and use a prequalification procedure to determine and select responsible contractors which will be eligible to bid and construct the improvements to Sump 2. (requires two-thirds vote) (D-4)

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\*\*\*\* Note: This item was heard out of sequence after Item 4.1.

Rick Batha, Senior Engineer, presented the report.

Due to the size and complexity of the Sump 2 Improvement Project, staff believes that construction contractors bidding on the Sump 2 project should be prequalified by the Department of Utilities through a fair and well-defined prequalification process. Selection will be based on each contractor's capabilities, experience with similar construction projects, timely project completion record, qualified superintendent availability, bonding capacity, and insurance coverage.

Councilmember Yee asked how many contractors would be invited to be on the select list? Mr. Batha replied that there would be four firms after the screening; a competitive bidding plan is desired. Mr. Yee agreed that this type of project requires expertise; he supported this approach.

Councilmember Fargo commented that it was sensible to do the project in this way; she received confirmation from City Attorney Jackson that it was legally acceptable to proceed as planned.

Councilmember Kerth expressed his thanks to Council for improvements made in the North Sacramento area, and indicated his support.

Councilmember Cohn commented that this project benefits a large portion of the City; he supported from the practical perspective. Discussion with staff established that such a pre-qualification does not preclude project/labor agreements (such as an agreement with light rail), which any contractor, even if non-union, would agree to sign for any one particular project.

A motion was made by Councilmember Yee, seconded by Councilmember Kerth, to adopt Resolution 97-687. The motion carried with an 8-0 roll call vote.

RESOLUTION NO. 97-687

AUTHORIZE THE DEPARTMENT OF UTILITIES TO USE A PREQUALIFICATION PROCEDURE TO DETERMINE AND SELECT RESPONSIBLE CONTRACTORS WHICH WILL BE ELIGIBLE TO BID AND CONSTRUCT THE IMPROVEMENTS TO SUMP 2

\* \* \* \* \*

5.0 SHRA

None

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6.0 CITIZENS ADDRESSING COUNCIL (MATTERS NOT ON AGENDA)

None

\* \* \* \* \*

7.0 COUNCIL IDEAS AND QUESTIONS

- 7.1 Councilmember Yee suggested that staff investigate the use of heat-seeking devices for flood control purposes. Helicopters equipped with these devices are able to fly over the levees and more quickly detect boils.
- 7.2 City Attorney Jackson advised that there would soon be a report to Council regarding positive changes to the Brown Act.
- 7.3 Councilmember Cohn expressed support of the Brown Act, then wished all of his colleagues Happy Holidays.

\* \* \* \* \*

8.0 RECESSED INTO CLOSED SESSION AT 3:48 P.M.

- 8.1 Pursuant to Government Code Section 54956.9(a) for the following matters pertaining to pending litigation:
  - A. Dang Lor, on behalf of the Estate of Ge Vue, deceased, Dang Lor, on behalf of the Estate of Tria Lor, deceased and Dao Lor, a minor, by Dang Lor, Guardian and Litem vs. City of Sacramento, Aaron Wyley, Sacramento Superior Court Case 97AS04668
  - B. State of California and all Political Subdivisions thereof, ex rel. Patrick Stull vs. Bank of America et al., San Francisco Superior Court Case No. 958484
  - C. McCarthy Brothers Company vs. City of Sacramento, Sacramento County Superior Court Case No. 96AS02945 **AG97-203**
- 8.2 Pursuant to Government Code Section 54956.9(c) to consider joining as Amicus Curiae in City of Richmond vs. Commission on State Mandates, State of California.

\* \* \* \* \*

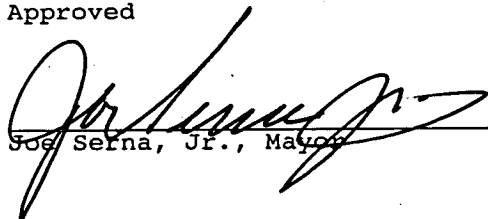
ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at the hour of 4:30 p.m.

Submitted

  
 Valerie A. Burrowes, City Clerk

Approved

  
 Joe Serna, Jr., Mayor

**HAPPY HOLIDAYS**

**COUNCIL RECESS DECEMBER 17, 1997 - JANUARY 5, 1998**