

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.

VOTING RECORD LEGEND	
MOV: MOVED	ABST: ABSTAIN
SEC: SECOND	ABS: ABSENT
M — MAYOR RUDIN	D5 — SERNA
D1 — SHORE	D6 — MUELLER
D2 — FERRIS	D7 — KASTANIS
D3 — POPE	D8 — ROBIE
D4 — CHINN	

COMMITTEE NAME: LAW AND LEGISLATION

MEETING DATE: APRIL 20, 1989

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 Chairman Terry Kastanis.

PRESENT: Committeemembers Kastanis, Pope, Robie and Shore.
GUESTS: Councilmembers Serna and Mueller.

Because of the lengthy agenda and the many requests for preference, Chairman Kastanis agreed that the agenda items would be heard out of order as follows: 10, 11, 1, 8; and the rest in numerical order.

10. Report regarding a proposed amendment to the Charter of the City of Sacramento, moving City elections from odd to even years.

RECOMMENDATION OF STAFF: REVIEW AND MAKE RECOMMENDATION

COMMITTEE ACTION: FORWARD TO COUNCIL FOR ITS CONSIDERATION AND ACTION.

VOTING RECORD: MOVED: Shore; SECONDED: Kastanis.
AYES: Shore, Kastanis.
NOES: Pope, Robie.

MINUTES:

There was not a great deal of discussion regarding this matter, since it had been discussed at a previous Law and Legislation Committee meeting. Serna stated that this change could save the City as much as \$100,000.00-\$200,000.00 and increase voter turnout, since the City and the Sacramento Unified School District are the only ones left at odd-year elections. Robie noted that this issue would be moot if the City and County consolidate.

ITEM CONTINUED ON FOLLOWING PAGE.

COMMITTEE ACTION SHEET

10. ITEM CONTINUED FROM PREVIOUS PAGE.

Shore moved to support a charter amendment moving City elections from odd to even years. He stated that it makes a lot of sense, since his district has only about a 20% turnout. Kastanis seconded the motion. Pope stated he votes no because he thinks there is a great deal of merit to the City having odd-year elections. He said he thinks it's extremely healthy, and well worth the money the City spends on odd-year elections in order to have its issues discussed without the onslaught of all the other election issues. Robie said she wanted to wait and see what happens with consolidation, and that if consolidation doesn't pass, the Committee can come back and discuss this issue again. This item will go to Council for its consideration, noting the 2-2 vote.

11. Ordinance adding Articles IV and V to Chapter 62 of the Sacramento City Code, relating to contribution limitations and public campaign financing.

RECOMMENDATION OF STAFF: REVIEW AND MAKE RECOMMENDATION.

COMMITTEE ACTION: AUTHORIZED STAFF TO CONTINUE WORKING ON THIS ORDINANCE.

VOTING RECORD: MOVED: Pope; SECONDED: Shore.
AYES: Unanimous

MINUTES:

Mueller stated that she was present at this meeting to "make sure the Committee does the right thing." She asked that the Committee recommend that this issue not be put to the voters for an advisory vote, and that the Committee authorize staff to continue working on this ordinance. She said that she and the Mayor are on a task force committee to work on this matter along with campaign expenditure limits.

Shore stated that the City needs to be able to find the money for this, and noted that this year is a very tight budget year for the City. Robie said she doesn't think the City is ready for this yet, and also feels that the Chairman of the Law and Legislation Committee should be a member of the task force.

Pope moved that we don't ask for an advisory vote, and that staff continue working on this ordinance relating to contribution limitations and public campaign financing. Shore seconded the motion. Kastanis and Robie concurred.

COMMITTEE ACTION SHEET

8. Report regarding proposed legislation to establish the Sacramento Ad Hoc Charter Commission as a charter commission under specified conditions.

RECOMMENDATION OF STAFF: PRESENTATION BY BOB SMITH, EXECUTIVE DIRECTOR, SACRAMENTO AD HOC CHARTER COMMISSION.

COMMITTEE ACTION: SUPPORTED PROPOSED LEGISLATION TO CONSTITUTE THE SACRAMENTO AD HOC CHARTER COMMISSION AS THE SACRAMENTO CHARTER COMMISSION AND AUTHORIZED THE COUNTY LEGISLATIVE ADVOCATE TO SEEK APPROVAL BY THE STATE LEGISLATURE AND GOVERNOR

VOTING RECORD: MOVED: Shore; SECONDED: Pope.
AYES: Unanimous

MINUTES:

Mr. Paul Lacy was present in place of Bob Smith, and he explained the ad hoc report. There was some discussion as to what, exactly, the Committee would be voting on today. Mr. Lacy explained that the Committee could agree to approve the formation of an ad hoc commission, but that they would not be agreeing to any format at this time for the draft charter. Harriet Steiner, legal counsel for the Charter Commission, explained that the City and County would have full rights to approve or deny any draft charter presented by the Commission, and that without full approval by both the City and County, no charter would be presented to the voters. She said that nothing could go on the ballot if the City Council objects; that the Commission would make (or not make) changes and re-submit it to the City and County. She said the City and County would be in charge of choosing Commission members, and if they were unhappy with any members, they it could choose new ones.

Shore moved to approve the proposed urgency legislation relating to the Sacramento Ad-Hoc Charter Commission as the Sacramento Charter Commission, and authorizing the County Legislative Advocate to seek approval by the State Legislature and Governor. Pope seconded the motion. Kastanis and Robie concurred.

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1. Legislative update by Ken Emanuels, Legislative Advocate for the City of Sacramento.

RECOMMENDATION OF STAFF: FILE.

ITEM CONTINUED ON FOLLOWING PAGE.

COMMITTEE ACTION SHEET

1. CONTINUED FROM PREVIOUS PAGE.

MINUTES:

Ken Emanuels was unable to wait for his item to be heard, due to other commitments. However, this was an informational item only.

2. SB 230 (Roberti) relating to child care development services.

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT.

COMMITTEE ACTION: SUPPORTED.

VOTING RECORD: MOVED: Shore; SECONDED: Pope.
AYES: Unanimous

MINUTES:

Jackie Swaback, Child Care Coordinator from the Department of Parks and Community Services, was present to answer any questions regarding this bill. Pope moved to support SB 230 relating to child care development services. Shore seconded the motion, and it was unanimously supported.

3. Ordinance amending the title of Article VI of Chapter 38 of the Sacramento City Code and adding Section 38.70-1, relating to pedestrian and vehicle interference, and declaring said ordinance to be an emergency measure to take effect immediately.

RECOMMENDATION OF STAFF: RECOMMEND APPROVAL AND FORWARD TO COUNCIL.

COMMITTEE ACTION: APPROVED AND FORWARDED TO COUNCIL.

VOTING RECORD: MOVED: Robie; SECONDED: Shore.
AYES: Unanimous

MINUTES:

Kastanis asked how this ordinance would be enforced. Ted Kobey, Assistant City Attorney, said that the police department would be responsible for enforcement, and that violation would be considered an infraction with a fine of \$50.00. Pope noted that this is similar to the old loitering ordinance. Attorney Kobey said it was different, in that this ordinance only applies to someone blocking the right-of-way after being asked by the police to move.

ITEM CONTINUED ON FOLLOWING PAGE.

COMMITTEE ACTION SHEET

3. ITEM CONTINUED FROM PREVIOUS PAGE.

Robie moved, Shore seconded, and it was unanimously agreed to approve the ordinance amending Chapter 38 of the City Code relating to pedestrian and vehicle interference, and declaring said ordinance to be an emergency measure to take effect immediately. This will be forwarded to full Council with this Committee's recommendation.

4. Ordinance adding Section 61.904 to the Sacramento City Code, relating to summary abatement of graffiti, and declaring said ordinance to be an emergency measure to take effect immediately.

RECOMMENDATION OF STAFF: RECOMMEND APPROVAL AND FORWARD TO COUNCIL.

COMMITTEE ACTION: APPROVED, WITH AMENDMENTS, AND FORWARDED TO COUNCIL.

VOTING RECORD: MOVED: Shore; SECONDED: Pope.
AYES: Unanimous

MINUTES:

Jerry Finney, Assistant Chief of Police, was present to answer any questions on this item. Walt Thompson, Citizens Assistance Officer for the City, explained that the ordinance says expenses may be recovered; not shall be recovered. Finney explained that the City needs to cover graffiti immediately, due to gang activity and the public's need for police protection. Walt Thompson explained that an owner is given five days' notice to remove graffiti, and that this ordinance will allow the City to remove it. He said the City has a new, inexpensive material for covering up graffiti. Kastanis suggested that the ordinance be changed to add language regarding how to determine when to recover payment and when not to recover.

Shore moved that the Committee go forward with the ordinance at this time, amending the language to say there will be no liens on property owners. Pope seconded, and it was unanimously agreed to approve the ordinance adding Section 61.904 to the City Code, relating to summary abatement of graffiti, and declaring said ordinance to be an emergency measure to take effect immediately. This will go to full Council with the Committee's recommendation.

COMMITTEE ACTION SHEET

5. SB 734 relating to mental care facilities.

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT.

COMMITTEE ACTION: SUPPORTED.

VOTING RECORD: MOVED: Shore; SECONDED: Pope.
AYES: Unanimous

MINUTES:

There was no discussion on this item. Shore moved, Pope seconded, and it was unanimously agreed to support SB 734 relating to mental care facilities.

6. Report supporting that legislation be proposed controlling the volume of vehicle stereo systems.

RECOMMENDATION OF STAFF: FILE.

COMMITTEE ACTION: SUPPORTED.

VOTING RECORD: MOVED: Pope; SECONDED: Shore.
AYES: Unanimous

MINUTES:

Jerry Finney, Assistant Chief of Police, was present to discuss this item. He explained that the noise ordinance in effect at this time is ineffective. He said the Police Department now writes 4-5 tickets per month for auto stereos heard 25 feet from the vehicle. The problem now is the enforcement. The Police Department is recommending that legislation be proposed saying you can't put in equipment that creates a certain decibel of sound. This is noise pollution, and it is the most common complaint heard in community meetings. It was also explained that, for political or similar broadcasts, a permit can be obtained. Finney said this report recommends that lobbyists to fight for legislation controlling stereo systems in vehicles. Pope moved that the Police Department pursue this legislation. Shore seconded the motion, and it was unanimously agreed to support the Police Department in their pursuit of legislation controlling the volume of vehicle stereo systems.

COMMITTEE ACTION SHEET

7. AB 2102 (Connelly) relating to drinking water.

RECOMMENDATION OF STAFF: RECOMMEND OPPOSITION.
COMMITTEE ACTION: NO ACTION TAKEN
VOTING RECORD: MOTION TO CONTINUE: Pope.
SECONDED: Robie
AYES: Pope and Robie.
NOES: Shore and Kastanis.

MINUTES:

Jim Sequeira, Water Division Manager, presented this bill to the Committee with the staff request to oppose. He said this bill mandates the City to send out safety notices annually to citizens when levels of trihalomethanes in the drinking water exceed an average of 25 parts per billion. He stated that the 25 ppb standard is arbitrary, has no semblance to State or federal standards, and causes undue alarm to citizens.

Pope moved to support AB 2102. He argued that a public entity should be held to the same standard as everyone else, and that if they don't, they should notify the customer. There was a great deal of discussion on the 25 ppb standard, how many times the City exceeds 25 ppb [all the time] and what the City is doing to reduce that level. Shore noted that "we are not a risk-free society. I think it is good public service to try to understand the risks, but we can also get to the point where we over-warn people."

Shore stated he feels the City shouldn't be opposing this bill right now, since the standard of 25 ppb may be dropped. He said that perhaps the best thing might be to do nothing with this legislation at this time, since there is a real conflict here. Robie stated she was not ready to support this bill, as she feels there is a greater problem here than just the noticing aspect of this bill.

There was no second to Pope's motion to support AB 2102. Robie requested that the Committee not take a position, but have it come back to Committee and hear a report on where we are with our own water supply. Jim Sequiera stated that his staff is not oblivious to this problem.

Pope withdrew his motion and moved that this item be continued and that Connelly's office provide more information on this bill. Robie seconded this motion. Shore and Kastanis voted against this motion. The motion died for lack of a majority.

COMMITTEE ACTION SHEET

9. Ordinance amending Sections 28.10 through 28.24 of Chapter 28 of the Sacramento City Code, relating to secondhand dealer permits.

RECOMMENDATION OF STAFF: RECOMMEND APPROVAL AND FORWARD TO COUNCIL.

COMMITTEE ACTION: APPROVED AND FORWARDED TO COUNCIL.

VOTING RECORD: MOVED: Robie; SECONDED: Kastanis. AYES: Unanimous

MINUTES:

Richard Archibald, Deputy City Attorney, was present to discuss this item. He explained that this amendment puts the City in compliance with new State law. Robie moved to approve the ordinance amending Sections 28.10 through 28.24 of Chapter 28 of the Sacramento City Code, relating to secondhand dealer permits. Kastanis seconded the motion, and it was unanimously approved. This will go to Council with the Committee's recommendation.

There was some discussion regarding pending legislation. Robie requested that SB 146 relating to board and care homes be brought to the Committee, as the City may want to oppose it. Shore asked that a letter be sent to Senator Floyd regarding the helmet bill that the Committee recently supported. He also suggested that the City get on record that legislation be enacted to repeal the FPPC's \$250.00 conflict of interest limit provision. Robie asked that Garamendi's Gann limit be brought before the Committee; Pope said he would rather wait to see what he actually introduces in that area.

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The meeting was adjourned at 4:25 p.m. and the Committee went into closed session to discuss two Workers Compensation settlements.


TERRY KASTANIS, Chair

ATTEST:


JUDY VARVEL, Secretary