

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

**REGULAR MEETING**

**NOVEMBER 17, 1998**

**CALL TO ORDER**

The Regular Meeting of the Sacramento City Council was called to order by Mayor Serna at 7:04 p.m. on the above date in the City Council Chamber located at 915 I Street

**ROLL CALL**

**Present:** Council members Cohn, Fargo, Hammond, Kerth, Pannell, Waters, Yee and Mayor Serna

**Absent:** None

**PLEDGE OF ALLEGIANCE** was led by Mayor Serna

**9.0 SPECIAL PRESENTATIONS/GENERAL COMMUNICATIONS**

**9.1 Resolution recognizing Pastor Elwyn Gibbs (D8)**

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The resolution was presented by Mayor Serna to Pastor Gibbs for his 41 years of ministry as pastor of the Prince of Peach Church and his numerous contributions to the Sacramento community.

**9.2 Presentation on the Mayor's Commission on Children's Health**

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Bina Lefkowitz spoke about the goals of the Commission, including developing a health curriculum in schools; creating a streamlined access to child healthcare; and educating families on the importance of preventive care.

**9.3 Recognition and thanks to the contractors and those involved in the efforts of the remodeling of both the Mayor and Councilman Cohn's respective offices**

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Mayor Serna thanked all those involved in the remodeling of City Hall.

Moved from afternoon Consent Calendar, Item 1.20

- 9.3a Remodeling for the Mayor's office and new construction in Steve Cohn's office room. (D-1)
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Hinda Chandler, Associate Architect, gave a brief overview of the remodeling project. She said 46 contributors donated time, materials and service. She said everyone worked as a team for the success of the project, and after all the donations were raised, there were no direct costs to the City for the work.

10.0 PUBLIC HEARINGS

- 10.1 Costa Blanca PUD Residential Subdivision (formerly Perry Residential PUD) - [third party appeal], located north of Garden Highway, west of Swallows Nest Condominiums, Willow Creek Assessment District (WCAD), APN: 274-0220-004, 007, & 010, South Natomas Community Plan Area. (P97-118) (cont from 10-20-98, item 10.1 [staff]) (D-1)
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This item was withdrawn by the applicant.

- 10.2 Issues related to the North Natomas park acreage requirement. (M98-024) (D-1)
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Carol Shearly, Associate Planner, stated that key policy issues had surfaced as the North Natomas Community Plan had been implemented, and parks monitoring had begun. Different population factors in the North Natomas Community Plan (NNCP) and City Code section 40.16 (Quimby ordinance) resulted in different required park acreage. According to Ms. Shearly, the NNCP requirement was about 16 percent less than the Quimby requirement.

Different park acreage showed on the Land Use Diagram than required by the NNCP text, and there needed to be a definition for eligible park land credits for joint use detention basins/parks. The NNCP encouraged joint use detention/park facilities but Quimby did not give credit for park acreage that also served as a detention facility.

Ms. Shearly said staff worked on finding a solution to these issues. City staff and North Natomas developers reached consensus on a memorandum of understanding that identified how to resolve the park acreage issue. Each neighborhood would dedicate, as a minimum, the number of park acres needed to comply with the NNCP population factors. The gap between the required NNCP and Quimby park acres would be closed on a community-wide basis in a manner equitable to all landowners.

According to Ms. Shearly, the Planning Commission heard this issue on September 24<sup>th</sup> and October 22, 1998. North Natomas Community Association (NNCA) raised the following concerns: (1) potential toxins in the joint use detention basin/park facilities; (2) open space mitigation for the development of North Natomas; and (3) support of full Quimby - land should be given park land credit only if it's build able and out of the 100 year flood plain. NNCA suggested the following conditions: (1) monitor for toxins; (2) use the in-lieu fees to acquire land; and (3) have City Utilities maintain the areas of park that are used as detention basins.

Ms. Shearly said three North Natomas developers also presented testimony at the hearings. They made the following comments: the provision of parks in North Natomas is a package deal that includes many items beyond the Quimby standard, i.e. (1) development is required to pay for the acquisition of the 200 acre regional park; (2) development is required to pay for the building of community and neighborhood parks, unlike anywhere else in the city; (3) a

separate community facilities district has been formed to pay for park maintenance in addition to the Citywide Landscaping and Lighting District, again, different from the rest of the city; and (4) the cost of bike trails are included in the Financing Plan, unlike elsewhere in the city.

Ms. Shearly briefly discussed staff's recommendations to be used in solving the key policy issues related to park acreage in North Natomas, and said they were outlined in the resolution.

Mayor Serna thanked Ms. Shearly and her staff for successfully bringing the various factions together and for resolving the issues.

Terry Teeple, representing the Cambay Group, also thanked staff for their collaboration and cooperation.

Councilwoman Fargo stated that this was a very complicated issue and that the community was very involved and verbal. She thanked staff for all their work.

A motion was made by Councilwoman Fargo, seconded by Councilwoman Hammond to close the hearing and to adopt Resolution 98-581 related to the North Natomas park acreage requirement. The motion carried with a 8-0 roll call vote.

#### RESOLUTION 98-581

A RESOLUTION DIRECTING STAFF TO INITIATE AMENDMENTS OF THE 1994 NORTH NATOMAS COMMUNITY PLAN, CITY CODE 40.16 (QUIMBY ORDINANCE), AND NORTH NATOMAS FINANCING PLAN, AS NEEDED, TO RESOLVE THE CONFLICTING POLICIES REGARDING THE NORTH NATOMAS PARK ACREAGE REQUIREMENT (M98-024)

#### 11.0 STAFF REPORTS

- 11.1 Informational report back on the "Report of the Blue Ribbon Committee on selected police practices". (D-All)

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David Martinez, Deputy City Manager, stated that this informational report back was being presented at Council member Fargo's request and would include (1) a briefing by the Blue Ribbon Committee on their recommended best practices regarding the processing and investigation of citizen complaints and the use of police vehicles in emergency response or pursuit modes and (2) a briefing by the Police department in response to the Blue Ribbon Committee's recommendations and other related action to improve these departmental functions.

Mr. Martinez stated that in February, 1998, City Manager Edgar had appointed seven members to serve on the Blue Ribbon Committee. The committee was chaired by McGeorge School of Law Dean Gerald Caplan, who would be making the presentation to the Council this evening from the Committee.

Mr. Caplan thanked the Council for the opportunity to make a presentation on this issue. He said the committee's recommendations were presented as "best practices" intended to position the City to better address issues now on the public agenda. The recommendations did not constitute a critique of the Sacramento Police department or its leadership. He said the Committee's inquiry was greatly facilitated by the cooperation of Police Chief Arturo Venegas and City Attorney Sam Jackson, and their staffs, and the Police Officers' Association. All responded thoughtfully and promptly to Committee inquiries.

Mr. Caplan said community interest in police performance focused on two questions: are the police controlling crime and are they treating people fairly?

To answer these questions, the Committee recommended: regularly published analyses on the incidence of crime; holding field supervisors accountable for the unprofessional behavior of their subordinates; and civilian review or oversight of police performance by persons who are not employed or associated with the police.

Mr. Caplan said self-policing is difficult to achieve and is suspect. What the Committee was recommending was enlarging and diversifying the internal review process by creating a new, full-time senior-level appointee - a citizen complaint monitor. This position would have broad powers of oversight and intervention and would be appropriately staffed. It would make public evaluations and recommend changes.

Mayor Serna requested a discussion of the pursuit policy.

Hal Turner, Blue Ribbon Committee member, stated that the benefit of the pursuit has to outweigh the costs involved, or the need to apprehend the criminal needs to outweigh the risk to the officer or citizens. He said if the reason for the pursuit is a minor infraction, then the policy should be that a pursuit is not advisable or allowable. A person running a red light would be considered a minor incident; even a stolen vehicle is a property crime and consequences of a "hot pursuit" should be weighed carefully.

Roland Dart, Blue Ribbon Committee member, informed the Council that he had been a police officer for over 30 years. He felt that a pursuit of a stolen vehicle should be the decision of the officer in the field who would have the most information to make a sound and informed decision. However, he said some cities had strict policies against hot pursuits for property crimes.

Kenneth Macias, Blue Ribbon Committee member, stated that he was very concerned about the accidents involved with hot pursuits.

Councilwoman Fargo asked if other cities had a citizens complaint monitor position.

Mr. Caplan replied that both San Jose and Los Angeles had such positions.

Mr. Macias informed the Council that he had reviewed San Jose's position which was titled: independent police auditor. This position was required to have skills and experience in police work, law and community relations. He added that it was working very well in San Jose.

Councilman Yee thanked Mr. Caplan for serving on the Blue Ribbon Committee and asked for additional information about the citizens complaint monitor position.

Mr. Caplan replied that the successful candidate should have a good reputation in the community; would be skilled in investigations and analysis of data; and would be appointed by and report to the City Manager.

Mr. Dart added that the person should also have a strong personality; a strong understanding of legal issues surrounding the police department; and should be well grounded in personnel procedures. Perhaps a professional who comes from the legal community.

Councilman Waters congratulated Mr. Caplan on the Blue Ribbon Committee's report, and said he enthusiastically supported the citizens complaint monitor position. However, he felt that stolen vehicles involved more than just property crimes, and he would have great concern with a "non-pursuit" policy for stolen vehicles. He felt this gave the wrong message to criminals.

Mr. Dart replied that the Committee was not recommending a prohibition of pursuits for stolen vehicles. Rather, they were saying that a vast majority of stolen vehicles were only property crimes, and that the officer in the field had to make a good, sound evaluation of the situation.

Mr. Waters asked what the \$300,000 budget was based on for the position.

Mr. Macias replied that San Jose spent approximately \$300,000 each year to fund the position and support staff.

Mr. Waters recommended that the position be placed in the City Manager's office on a trial basis, and that it use the Manager's office support staff.

Councilman Cohn commended the Committee for their report and asked Mr. Caplan how they envisioned the proposed monitor position's duties.

Mr. Caplan responded that the addition of the monitor position would guarantee the integrity of the process and would show where problems were concentrated, thereby empowering the Chief of Police, the City Manager and the City Council to take corrective action.

Mr. Macias said the monitor position had been funded for the past 3-4 years in San Jose. Each year a report was issued showing trends in the police department.

Mr. Dart stated that he felt this position could be a strategic arm of the city; someone to identify problems before they occurred and to recommend solutions to the police department.

Councilwoman Pannell asked if the cities of Los Angeles and San Jose had a citizen's review board.

Mr. Caplan replied not currently; perhaps they did in the 1960's.

Mayor Serna verified that the Committee was recommending that the monitor's position be funded for 1-2 years, and then be evaluated.

Mr. Caplan replied that was correct.

Chief Venegas addressed the Council on this issue. He thanked the Committee for their recommendations and reiterated that they were given as "best practice" considerations, and not because of any deficiencies in the Police department.

Chief Venegas stated that he had evaluated the complaint monitor position recommendation as part of his budget process and had concluded that an additional position was not necessary. In his opinion, these duties could be assigned to current staff. He said his department was not afraid of citizens knowing what they were doing.

Chief Venegas spoke next about how information was tracked in the department. He said the department tracked complaints by the officer's name, so one complaint might involve 2 or 3 officers. He also said that some complaints were initiated by employees within the department, which shows that employees were not willing to tolerate bad police officers. He also discussed the statistics of complaints filed for 1996, 1997 and 1998, the number sustained, and the discipline meted. The Chief agreed with the Committee's recommendation that officers and their supervisors should be held responsible for their actions.

According to the Chief, the Committee's recommendation for enhanced vehicle training supported the department's plans to open a temporary training facility at McClellan Air Force Base. Chief Venegas informed the Council and Committee members that only one vehicular accident occurred last year as a result of pursuing a stolen vehicle. The other vehicle accidents occurred when the officers were responding as back-up to crimes in progress. The Chief added that statistically, 7,500 vehicles were stolen in Sacramento last year.

Chief Venegas also spoke about the misdemeanor jail, saying that if the police addressed the lowest level of crime, the higher crimes would be taken care of. He concluded his presentation by reiterating that he felt a "no pursuit" policy was wrong.

Councilwoman Hammond asked if the police department objected to additional computerized equipment in their vehicles.

Steve Campas, SPOA President, replied that because of budget constraints, funding had to be spent in other areas of the department.

Councilman Yee told Chief Venegas that he was pleased to see how he had staffed his Internal Affairs division and the number of cases that had been upheld. He said he hoped the Chief did not perceive the Blue Ribbon Committee as an attack on the police department.

Chief Venegas said he and his department were happy to cooperate with the Committee.

Mr. Yee spoke of an item in the Committee's report whereby a recommendation had been made 25 years ago to have an ombudsman appointed for police department review.

Chief Venegas replied that there had been an increase of police department employees initiating complaints in recent years, proving that even police department personnel won't tolerate wrong behavior.

Mr. Yee said the Chief and the department had great credibility with him. He said the City needed to bridge the gap of credibility with the public.

Chief Venegas replied the department had to do a better job of educating the public.

Mr. Waters stated that due to the cost of the police monitor position and support staff, the City should initiate the process of interviewing candidates to get ahead of the curve.

#### Public Testimony

Regis Lane, representing the Human Rights Fair Housing Commission, spoke in support of Chief Venegas, the police department and the Blue Ribbon Committee.

John Collentine stated that he had been on the Grand Jury in 1991 when a case came forward about the police department using excessive force. Information requested from the police department by the Grand Jury was denied unless subpoenaed. Consequently, the investigation was dropped. Mr. Collentine strongly recommended a citizen review committee.

Nate White stated that he did not think candidates for the position needed police skills. Rather, they needed to have common sense and analytical skills. He also argued that \$300,000 was a ridiculous sum of money, and informing the Council that his background was in personnel work.

Mac Worthy said that he felt the candidates should be voted on by the people of Sacramento.

Manuella Serna commended both the Police Chief and the Blue Ribbon Committee. She said some current law enforcement personnel were conniving with particular Council members to circumvent the Police Chief; an issue that she had reported to the Grand Jury.

Milisa Adams spoke of a 20 year old member of her family who had been shot to death by a police officer. She accused the Council of giving the public rhetoric, and said she was concerned that the person selected for the monitor position would not be accountable to the community.

Robbin Ware, representing NAACP, said he received complaints on a daily basis about the police department, but defended Chief Venegas by saying he had inherited a mess and was trying to clean it up.

Steve Campas, president of SPOA, thanked the Blue Ribbon Committee for their hard work. He said his organization would abide by their recommendations as police officers wanted to communicate well with the community. He said he had some concerns with legal issues and hoped that the City Attorney, Sam Jackson, would advise him. He ended by saying he did not see a stolen vehicle as just a property crime.

Willy Watson stated that he had no trust of police officers, whom he said, treated minorities differently.

Shirley Rhodes spoke of her son being chased and beaten by a police officer and that she, herself, had been harassed by the police.

Richard Smith, a member of NAACP, spoke in favor of a police review board, independent from the police.

Councilwoman Hammond thanked the Blue Ribbon Committee, Chief Venegas, and the general public for their comments this evening. She said racism was a difficult issue, but felt that much progress had been made this evening.

Councilwoman Pannell said she had great respect for the police department and supported the recommendations of the Blue Ribbon Committee.

Councilwoman Fargo spoke in favor of the Blue Ribbon Committee's recommendation for a police complaint monitor position.

Mayor Serna stated that the Council needed to give this issue great thought and that at mid-year, the specificity of the Committee's recommendations would be discussed. He ensured the community that the Council was committed to improving the City of Sacramento but that they had great trust in their Chief of Police and in the police department.

Councilman Cohn recommended that staff begin the process by outlining the position's responsibilities and interviewing candidates.

This information was received and filed.

12.0 SHRA

None

13.0 COUNCIL IDEAS AND QUESTIONS

13.1 Councilman Cohn spoke of the excellent violence prevention program that was offered at Babcock School in his district.

13.2 Councilwoman Pannell thanked the City Attorney for his kind remarks about the code enforcement improvements in District 8. She accredited these improvements to Area Director Gary Little and his staff.

13.3 Mayor Serna nominated Don Sperling (incumbent) to the Administration, Investment and Fiscal Management Board.

14.0 CITIZENS ADDRESSING COUNCIL AGENCY OR AUTHORITIES BY PERSONAL APPEARANCE OR TELEPHONICALLY ON MATTERS NOT ON THE AGENDA

14.1 Alex St. James spoke about the Business Information Centers.

14.2 Leon called to lend his support to the recommendations made by the Blue Ribbon Committee.

14.3 Ted called to suggest that the police department use its helicopter for police pursuits, and that counseling be offered to officers who have difficulty with their jobs.

14.4 Red Baines called to say that funding for the police department should be spent for additional officers.

15.0 **ANNOUNCEMENTS**

None

**ADJOURNMENT**

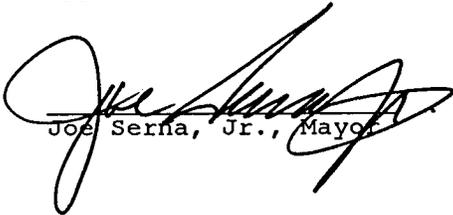
There being no further business to come before the Council, the meeting was adjourned at 10:30 p.m. in memory of Luis Culmanares and Ken Corey.

Submitted



Valerie A. Burrowes, City Clerk

Approved



Joe Serina, Jr., Mayor