

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 19, 1991

MEETING TIME: 2:00 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 2:08 p.m. by Chair Lynn Robie.

PRESENT: Committeemembers Robie, Chinn, Pane and Serna.

Chair Robie stated that Item 6 on today's agenda, an ordinance amending Article V of Chapter 58 of the Sacramento City Code relating to prevailing wage requirements - "quasi-public" projects, would be continued, because more work needs to be done on this item. She also said that because Item 4, relating to leaf blowers, would be time-consuming, it would be discussed last.

1. **Legislative updated from Ken Emanuels, the City's Legislative Advocate, including the impact of the Governor's proposed budget on the City's finances.**

Recommendation of Staff: File

MINUTES:

Ken Emanuels, the City's Legislative Advocate, was unable to attend the meeting but provided a written summary of outstanding and pending legislation. There was some discussion regarding AB 322 (Areias) relating to converting an existing lease of a State office building into a lease-purchase agreement. Kay Knepprath of the Old City Association expressed her concern that if the building in question (not named, but described in detail as the 400 R Street building) is sold, the Housing and

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1. ITEM CONTINUED FROM PREVIOUS PAGE.

Redevelopment Agency will lose tax increment revenues. She said the Housing and Redevelopment Commission opposes this bill. Chair Robie said the City has a position of opposition to AB 322. She said she would like to see staff draft an opposition letter requesting a complete plan, rather than review these lease-purchase agreements on a project-by-project basis. Serna voiced his opposition to this bill because (1) the State should continue to lease City buildings rather than purchase them, and (2) if we are going to build buildings, we should build them in the Central City. He then made a motion to oppose AB 322 and direct staff to prepare a letter to that effect. Pane seconded the motion, and there was full concurrence. It was agreed that Deputy City Attorney Diane Balter, along with Housing and Redevelopment and the Planning Department, will prepare a letter for the Mayor's signature by tomorrow.

Serna brought up SCR 39 and said he has talked to Connelly. He said the bill is being amended to delete the reference to joint planning between the State of California and the City of Sacramento, instead to refer to the State of California and "other jurisdictions." Serna said he has asked that Ken Emanuels to explain this bill at the October Committee meeting.

2. Amendments to Senate Bill 1056 (Bergeson) Relating to Local Streets and Roads; Annexations and Incorporations.

Recommendation of Staff: Recommend opposition.

Committee Action: Opposed.

Voting Record: Moved: Chinn
Seconded: Pane
Ayes: Chinn, Pane, Robie, Serna

MINUTES:

Roberta Larson of Public Works Administration presented this bill. She explained that the author's office worked to reach an acceptable compromise with the League of California Cities, but City staff is still not comfortable with the new bill. She said they could probably live with it, but would prefer to not have to. She said the League is also continuing its opposition. Chinn moved to oppose SB 1056, the motion was seconded by Pane, and it was unanimously opposed. Public Works will prepare a letter to the Governor to that effect.

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3. **An Ordinance Adding Article XIV (Sections 61.1400-61.1401) to Chapter 61 of the City Code Relating to Repair and Storage of Boats.**

Recommendation of Staff: Review and make recommendation to full Council.

Committee Action: Supported, with amendments, and forwarded to full Council.

Voting Record:

Moved:	Pane
Seconded:	Chinn
Ayes:	Pane, Chinn, Robie, Serna

MINUTES:

Robie noted that this was Committeemember Pane's issue; he has a constituent with a problem in his neighborhood regarding an inoperable boat. Pane explained that there appears to be a loophole in the nuisance abatement rules. He said that there is a 25' cabin cruiser with dry rot, etc., which has been sitting inoperable in someone's yard for over two years, and that is the reason for the proposed ordinance. It was agreed by the Committee that there is definitely more than that one situation like this in the City of Sacramento.

Lester Smith, a constituent, spoke to the Committee about this problem. He feels that the ordinance may not be strong enough, as someone could say "I'm not repairing it." to avoid being cited. He also expressed concern that someone could leave an inoperable boat on a registered trailer to avoid a citation. There was discussion about whether the ordinance should require *boat* registration. Chair Robie expressed concern that the 48-hour limit for repair work on a boat might be too restrictive. Deputy City Attorney Diane Balter stated that this is the same requirement currently in effect for automobiles.

Pane moved to support the ordinance relating to repair and storage of boats, with two amendments classifying inoperative boats and vessels as nuisances in 62.401(a), and requiring boats stored where they are visible from the public right-of-way to be currently registered.

COMMITTEE ACTION SHEET

5. **An Ordinance Amending Section 49.211 and 50.203 of the Sacramento City Code and Adding Section 49.212, Adding Provisions for Civil Penalties for Violations of Housing Codes and Dangerous Building Codes and Specifying Additional Enforcement Authority.**

Recommendation of Staff: Recommend support and forward to Council.

Committee Action: Supported and forwarded to Council.

Voting Record: Moved: Serna
Seconded: Chinn
Ayes: Serna, Chinn, Robie, Pane

MINUTES:

Robert Thomas, Director of Planning and Development, introduced Max Fernandez, the new Housing Administrator, who worked on this ordinance. Mr. Fernandez explained his staff report and said this will send a signal to negligent property owners that they need to take care of substandard conditions in rental housing. Serna moved to support this ordinance and forward it to full Council, Chinn seconded the motion, and there was full concurrence. Chair Robie asked Deputy City Attorney Diane Balter to be sure the Council's Administrative Assistants understand these changes, since they are the ones who get most of the complaints.

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4. **Report Back From the Sacramento Environmental Commission Relating to Regulation of Gasoline-Powered Leaf Blowers.**

Recommendation of Staff: Review report and take action.

Committee Action: Supported, with amendment, and forwarded to full Council.

Voting Record: Moved: Serna
Seconded: Pane
Ayes: Serna, Pane, Robie
Noes: Chinn

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4. ITEM CONTINUED FROM PREVIOUS PAGE.

MINUTES:

Gary Little, the City's Citizens Assistance Officer, explained that this issue was heard by the Committee in February, at which time the Committee requested the Sacramento Environmental Commission to make recommendations concerning the use of leaf blowers within the City. He said this proposed ordinance incorporates the recommendations of the Commission, including a recommendation that a 65 dBA noise limit be imposed by 1995. He then introduced Ken Stuart and Art Seipel from the County, and Deputy City Attorney Diane Balter, who have worked together on the preparation of this ordinance.

Attorney Balter pointed out that the ordinance specifies the hours which leaf blowers can be used, limits the volume of noise the machines put out in residential areas (70 dBA beginning 5/92 and 65 dBA by 11/95), and does not exempt the Parks and Community Services Department from these regulations. Robert Thomas, Director of Parks and Community Services, said that his department should live by the rules, as they have a responsibility to be a good neighbor, and that they will have to change some of their maintenance procedures in order to comply. He also noted that the County is in the process of preparing a similar ordinance.

There was considerable discussion regarding the time for use of leaf blowers, as well as the belief that in the future there is a strong possibility leaf blowers will be banned altogether. Mr. Stuart said enforcement could be done through licensing and certification. Chinn asked what the dBA level of leaf blowers is now, and whether 70 dBA is reachable. Mr. Stuart said leaf blowers generally run at 90-95 dBA, but that 70 dBA can be reached now. He explained some research done by NASA which shows the likelihood of 65 dBA being produced in the near future. Chinn expressed concern that the ordinance asks for 65 dBA in 1995, and at this time it's not even positive this low level will be reachable. Mr. Stuart said it was decided to leave 65 dBA in and hope the industry would work harder to produce lower noise levels because of it. Chinn said he agrees 70 dBA is okay, since it is now reachable, but he would like to see 65 dBA requirement eliminated. Chinn also expressed concern that the shorter hours of use could put small landscaping services out of business.

Muriel Strand, a member of the Environmental Commission but speaking on her own behalf, passed out a memo detailing her thoughts regarding the leaf blower issue (copy attached). She said she would like to urge the Committee to adopt an ordinance at least as strong as the Commission recommends, since no one except people who use them really like leaf blowers. She went on to say that noise is the main problem, but leaf blowers also blow up a lot of dust and other harmful matter.

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4. ITEM CONTINUED FROM PREVIOUS PAGE.

Serna asked whether leaf blowers were equipped with mufflers, or whether mufflers could be required. Ken Stuart said mufflers could be required, but it would be difficult to enforce, since if mufflers aren't cleaned every couple of years they are not effective. Serna then asked what impact this ordinance would have on small businesses. Muriel Strand said she didn't know what impact this ordinance might have, but people may end up having to pay more for gardeners to make up for the shorter work days.

Ken Stuart noted that 80% of the complaints regarding leaf blower noise are because of the noise at commercial buildings near residential areas, not from residential use, and that the ordinance covers this by the 200' restriction. Gary Little pointed out that this ordinance addresses gas-powered leaf blowers and that the ordinance does not apply to areas further than 200' from a residence.

Earl Withycombe of Sierra Research, an environmental consulting service, spoke at this time. He expressed concern regarding the particulate matter spread through the use of leaf blowers. He suggested that this ordinance be reviewed again in one year to look at the health issue and to find alternatives (such as leaf vacuums). Chair Robie stated that she attended a meeting this morning with SACOG where this identical problem was addressed, and that SACOG is looking into it.

Ken De Young, past president of the California Park and Recreation Society and manager of facilities for the Carmichael Parks District, said he feels this ordinance is good, but recommends that the 65 dBA limit for 1995 be omitted. He also said that alternative methods for gas-powered leaf blowers are like washboards compared to washing machines -- much less efficient.

Leslie Krinsk, Attorney with the State Air Resources Board but appearing in a personal capacity, explained that 1600 people signed a petition to ban leaf blowers because of the pollution problems. She said there are toxic components involved, but research as to exactly what types has not been completed. She went on to say that leaf blowers are also a nuisance, and that new techniques are not necessarily better techniques. She said she would like the Committee to take into consideration a complete ban on leaf blowers. Chair Robie stated she sees this as an interim ordinance and that we will be seeing more legislation and control on this matter in the near future.

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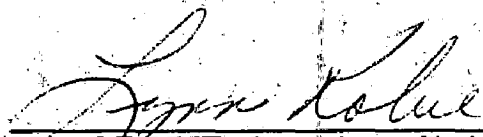
COMMITTEE ACTION SHEET

4. ITEM CONTINUED FROM PREVIOUS PAGE.

Chinn made a motion to support the ordinance relating to leaf blowers, with the following amendments: (1) that the hours be changed from 9:00 a.m. - 6:00 p.m. Monday through Saturday to 8:00 a.m. - 6:00 p.m. Monday through Saturday, and to change the hours Sunday from 9:00 a.m. - 4:00 p.m. to 10:00 a.m. - 4:00 p.m.; and (2) that the requirement of 65 dBA in 1995 be deleted.

Serna made a substitute motion to support the ordinance as written, except that the hours for Sunday be changed to 10:00 a.m. - 4:00 p.m. Pane seconded the motion. Pane said he originally wanted to see leaf blowers banned altogether, but he now thinks that eventually they will be banned anyway. He said his main concern has been the early morning hours, and that the change in hours and the 200' restriction will help. Serna also asked that this ordinance be reviewed in one year. Robie supported the motion, and said she feels the 1995 limit to 65 dBA is good for the industry. She said she feels this ordinance is a good compromise and reasonable. Chinn voted against support of the ordinance because he feels the hours are too restrictive for small businesses and because he feels the 65 dBA limit is now unachievable. The ordinance will go to full Council with a 3-1 vote in support of the ordinance with the amendment to the hours of use on Sundays.

The meeting was adjourned at 3:38 p.m.


LYNN ROBIE, Committee Chair

ATTEST:


JUDY SANDERS, Secretary

Date: 9/19/91
To: City Council
From: Muriel Strand 457-7141
Subject: Summary of Leafblower Issues

To assist you in considering this matter, I have tried to accurately and concisely present what seemed to be the most important aspects of this topic based on the information presented by staff and by the various interest groups.

In general, gasoline blowers do not seem to me to be uniquely necessary and irreplaceable, although their versatility and current market penetration may give this impression. The fact that blowers are used so extensively to remove leaves or trash doesn't necessarily mean that they are the best available or best possible design for this purpose. Manufacturers of devices which could replace blowers have not been nearly as vociferous as Echo, since they have as yet no vested interest.

In my opinion, banning gas blowers and restricting electric blowers will improve Sacramento's quality of life without necessarily causing serious hardship. Such hardship may be avoided by planning ahead, requesting staff to develop alternatives or empowering a task force to develop and define replacements in anticipation thereof. (This could be a constructive way to channel the energy of citizens who may otherwise organize a petition for referendum.)

1. Standards

The appropriate use of blowers is based on the relative importance to the Sacramento community of a variety of standards - noise, air quality, safety, budget, housekeeping, and engineering design.

2. Application

Gasoline-powered blowers generate air flows up to 180 mph and noise levels (in some cases) of as much as 90-100 dB (at close range). Electric blowers generate roughly half the air flow volume, at speeds of around 120 mph. I suspect that people find blowers particularly objectionable due to high-frequency noise generated by air flows. Industry feels that 70 dBA at 50' is feasible for gasoline blowers, and 65 may be, in a few years. Current ambient noise levels in Sacramento range from 55-65 dBA in urban areas.

In the Sacramento area, 75%-95% of public (park districts) blower use is for cleaning all kinds of debris (leaves, dust, grass clippings, trash, fertilizer, etc.) from paved surfaces. According to at least one park district manager, raking is faster than blowing, on grass or turf.

Alternative technologies, such as electric blowers for areas near buildings, and mechanical sweepers for large or remote areas, could be substituted, perhaps phased-in over time. Non-motorized and/or small-scale devices (such as vacuums or mechanical sweepers), if properly designed, should be able to replace blowers. Some devices of all these types are already commercially available.

3. Restrictions & Enforcement

Noise restrictions can be enforced by a (relatively labor-intensive) fee-based test-and-license program for all users. Time restrictions (including a total ban) can be enforced by notifying property owners upon citizen complaint. Citations and fines can be implemented if appropriate.

4. Other Alternatives & Strategies

Mufflers and throttle locks on gas blowers are relatively inexpensive, currently available, and can limit noise to more reasonable levels. Throttle lock design would presumably also limit air flows.

One local park district suggested an 'adopt-a-park' program where local residents (such as those who signed the blower-ban petition) would volunteer to sweep. Existing work furlough programs may be expandable to avoid (or minimize) compromising housekeeping standards.

Safety concerns arising from less stringent maintenance standards can be addressed by signage warning the general public of potential hazards. A schedule of regular use posted in public locations would help people avoid those times when blowers might be present and when maintenance might be overdue.

5. Financial Impacts

Possible governmental costs include enforcement costs, increased maintenance costs, increased liability/insurance costs (due to lower maintenance standards), and the cost of a special election if requested by referendum. Only the last of these is easily predicted.

Possible private costs include increased costs to property owners for maintenance or for installation of electrical outlets for electric blowers. It is impossible to predict whether the total income for private gardeners will increase (since more actual work might be required) or decrease (since higher prices might deter some customers) as a result of partial or total restrictions.

Estimates of increased time requirements to clean paved surfaces without leaf blowers range from 4 times to 10 times. Estimates of increased staffing needs range from 15% to 30% more than existing levels.

Possible financial benefits include reduced health impacts from exposure (of workers and citizens) to noise and dust.

6. Education

Manufacturers and users insist that education will result in appropriate and thoughtful use at all times. However, such programs (and evaluation criteria) have yet to be defined and proven. Possible guidelines for such programs include:

- no blower use within 100 yards of another blower
- no blower use within 50 yards of other maintenance equipment
- no blowing within 100 feet of pedestrians or other persons lacking ear, eye, and lung protection
- no blowing on windy days (more than 25 mph prevailing wind)

- no blowing for 2-3 days after rain
- schedule of regular use to be posted at all locations other than residential facilities maintained by owner
- inappropriate use of electric blowers should be avoided

7. Other Jurisdictions

Most of the jurisdictions which have banned blowers are rich residential communities. The exceptions, Berkeley and Santa Monica, have only recently and suddenly instituted bans. Sacramento can take advantage of their experiments to avoid problems of implementation, budget, etc. Staff in these jurisdictions tend to feel many of their operational problems could have been avoided had they had time to prepare alternatives, such as purchasing small mechanical sweepers and reviewing procedures.

Berkeley's ban was effective in January 1991. Their Parks Dept. estimated it would need 4 additional staff positions (14% increase), none of which were granted. Their strategy has been to keep paved areas as clean as possible, on a less frequent basis. Enforcement has consisted of writing letters to property owners notifying them of the ban, upon citizen complaint. No suits based on injury due to unsafe conditions have been filed.

In Los Angeles, a proposal to ban gasoline blowers and allow electric blowers has been postponed to give existing users a chance to get used to the idea.