

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: July 20, 1993

MEETING TIME: 1:00 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 1:05 p.m.

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

*Councilmember Ortiz arrived at 1:15 p.m.; Councilmember Pannell arrived at 1:20 p.m.

1. **Ordinance amending Chapter 62.01 of Title 62 of the Sacramento City Code relating to municipal elections.**

RECOMMENDATION OF STAFF: Support and forward to Council.

COMMITTEE ACTION: Supported and forwarded to Council.

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

MINUTES:

Virginia Henry, Assistant City Clerk, brought this ordinance before the Committee, explaining that it is merely "housekeeping" to make the City Code consistent with the City Charter and the California Elections Code. There was no discussion. Pane moved to support this ordinance and forward it to Council, and Fargo seconded the motion. Ortiz and Pane were absent.

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2. An ordinance amending Sections 12.06.140 through 12.06.143 of the Sacramento City Code relating to lost and unclaimed property.

RECOMMENDATION OF STAFF: Support and forward to Council.

COMMITTEE ACTION: Supported and forwarded to Council.

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

MINUTES:

Claudia Evans, Administrative Services Officer for the Police Department, brought this ordinance to the Committee. She explained that this ordinance would put the City Code in compliance with the Civil Code, and that it would save the City \$100-\$200 per year. There were no questions or comments. Pane moved to support this ordinance and forward it to Council, and Fargo seconded the motion. Ortiz and Pannell were absent.

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3. Request to amend the Zoning Ordinance relating to the establishment of sorority/fraternity uses.
- A. Includes a definition in Section 22 for sorority and fraternity uses.
- B. Identifies the zones sorority and fraternity uses are permitted by right and where a special permit is required.

RECOMMENDATION OF STAFF: Support and forward to Council.

COMMITTEE ACTION: Continued to 9/21/93 Committee meeting.

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

MINUTES:

Bridgette Williams, Associate Planner, discussed the proposed ordinance. She explained that for clarification purposes, the Zoning Ordinance currently requires a special permit for sororities or fraternities in residential zones and in specific commercial zones, and that the only

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exception is in the Old City area in R-4, R-5, and C-2 zones where sororities and fraternities are permitted by right if the development standards are met. Ms. Williams gave a little background history of this proposed ordinance, stating that the Planning Commissioners concluded that there were enough complaints and concerns in the R-4, R-5, and C-2 zones in the Old City, and therefore asked staff to include in the ordinance that a special permit in these zones be required. She noted that there is some question as to whether a special permit is appropriate for sororities and fraternities. She said there are now eight sororities or fraternities affiliated with the University that are currently located in the City of Sacramento, five of which are located in residential zones and none of which have special permits. She explained the exemptions proposed in this ordinance and compared them to the ones previously granted to liquor stores that were legally established before the ordinance requiring special permits. She said staff does not believe it is appropriate in this case to deem sororities and fraternities granted a special permit at this time, since they should have obtained, but never did, special permits before this ordinance.

Chair Fargo asked whether existing sororities and fraternities are now in jeopardy because they were never legally established to begin with. Ms. Williams said this was correct, and that if this ordinance is adopted, those sororities and fraternities, with the exception of the two in the Central City, would need to have special permits and meet the requirements. Fargo then asked whether the City would have to give variances to those sororities and fraternities if they don't meet the criteria. Ms. Williams said this was true, but that the City would make decisions regarding variances on a case-case basis, and that the variances would not be automatically granted.

Ms. Williams said that she has received calls and letters from some of the sororities and fraternities stating that they had not heard about this ordinance until recently, and because the school year has ended it is difficult for staff to meet with various sororities and fraternities to discuss this proposal; and for this reason, staff would like to (1) adopt the ordinance and allow staff to further work with sororities and fraternities once the new school year begins, or (2) continue this item until fall of 1993 to allow staff to work with sororities and fraternities at that time.

Assistant City Attorney Ted Kobey discussed the definition of fraternities and sororities in this proposed ordinance. He explained that this definition came about as a result of what staff feels was an erroneous hearing officer's decision regarding the definition of a sorority or fraternity.

*Committeemember Deborah Ortiz arrived at 1:15 p.m.

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Jeff Phelan, a property owner of a home that houses six sorority girls, spoke regarding this proposed ordinance. He said that this ordinance would close down his house. His attorney, William Palmer, was also present. He asked why the Planning Department is trying to pass an ordinance that would infringe on a person's civil rights as far as being able to occupy a home here in Sacramento. He said he feels the ordinance is too broad and would affect every sorority or fraternity at Sac State, and that to get the necessary permit it would cost about \$5,000.00. He asked what the Planning Department is really trying to do, and whether Planning Department can guarantee that these people can go out and get a use permit. Chair Fargo stated that it is definitely not the intent of the City to force all of the sorority and fraternity houses out of business, but that the Planning Department is merely responding to the Council and to the concerns raised by many members of the community who have serious problems with some of their neighbors -- which happen to be fraternities and sororities. She went on to say that it is within the City's jurisdiction to set parameters and to require permits in situations like this. She then asked Mr. Phelan if there was something specific about the ordinance that he doesn't like, such as the definition. Mr. Phelan said that if the Council's concern is that there is too much noise, too much drinking, a parking problem, that problem should be addressed and should be handled by the law enforcement agencies, not through ordinances. Committeemember Pane said that the City can't afford to send police to sororities and fraternities all the time for disturbances, unless the calls are life-threatening. Pane then asked what the ordinance contained that Mr. Phelan did not like. Mr. Phelan answered that the ordinance was too broad. He said that if two or more people who belong to the same sorority or fraternity lived in the same house, it would then have to be called a sorority or fraternity house. He said he personally has a neighbor complaining about his sorority house as far as parking is concerned, and the neighbor is saying that there are meetings held there, etc. He also said that he probably wouldn't get a special permit the way the house is set up now -- that there are no guarantees that he will get this permit. It was agreed that permits are given on a case-by-case basis. There was also some discussion regarding the purported \$5,000.00 special permit fee. Will Weitman, Principal Planner, said that it would probably be less than \$5,000.00, but more like \$3,000.00. Mr. Phelan continued by saying that the definition of sorority and fraternity is too broad, and that the City should be more concerned with the structural safety of that particular piece of property.

*Committeemember Sam Pannell arrived at 1:20 p.m.

Assistant City Attorney Ted Kobey emphasized that whatever the definition of a sorority or fraternity, it was still always required that a sorority or fraternity get a special permit, and that although that may not have been enforced on them, that fact still exists -- if a permit was required before, it would still be required now. Mr. Phelan said that a judge ruled that his property was not required to have a special permit. Chair Fargo said that there is disagreement about that. Committee Ortiz said that this ordinance allows for the proper scope of authority

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for the City Council, the Planning Department, and the various jurisdictions that regulate that use within the City, and that she understands that sooner or later all of the sorority and fraternity houses would be required to obtain the special permit they should have had in the first place.

Mr. Palmer, Mr. Phelan's attorney, said that he disagrees with some of the comments made here today. He suggested that the definition should be more specific than in this proposed ordinance, and the ordinance should be expanded to make it more of the dormitory/fraternity/sorority stereotype that people are familiar with. He also noted that the cost of obtaining a special permit adds to the cost to the tenants in that property. He pointed out that there are certain building restrictions such as a common lounge area, a property manager on the premises, parking, structural changes such as back patios but not front patios, etc., which are very costly. He suggested that faculty have an opportunity to express their views before making a decision. He pointed out the problem with one fraternity getting 40 complaints and 38 fraternities getting none, yet all of them having to live with this new ordinance. He asked that this matter be put over for six months, give the groups an opportunity to address this problem, talk with the university, and then make a decision.

Kathy Harine was the next speaker in opposition to the proposed ordinance. She said she is a neighbor of a sorority house. She said that sororities are good neighbors, and that she feels this ordinance would drive out good tenants. She also feels that students should be given the right to present their side of the story before making a decision on this ordinance. There was some discussion regarding the difference between sororities and fraternities, and Ms. Harine was questioned as to whether she felt the same about fraternities as good neighbors. Ms. Harine said no, but that the City should judge by behavior.

Nancy Kramer spoke next, and she pointed out that she is a house corporation board president for a sorority and a professional in this community, as well as a property owner. She said she would like to see the formation of a judicial council, which has been used successful in other university communities and which would help control fraternity and sorority problems. She went on to explain that most of the problems complained of are against fraternities and not sororities. The Committee discussed the problems regarding segregation of sororities and fraternities as far as the law is concerned; i.e., discrimination based on gender, etc.

The next speaker was Marilyn Park. She said she brought sororities to Sacramento way back in 1966, and she wants to ask if the Committee would be willing to postpone discussion of this matter until the students are back in school, and that there are others in the community who are not aware that this is taking place today who would like to have some input.

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Committeemember Pannell commented that he is one of those "fraternity brothers" that some people seem to dislike. He said the one thing that bothers him is that this policy and ordinance affects a lot of young folks in a college town, and the people who put this ordinance on the books aren't even here to talk about it. He stated he would like to table this for 180 days in order to allow others to be involved. Committeemember Pane said he feels there is a point where a decision needs to be made, and he suggested bringing this back in 60 days, rather than 180 days. Pannell said this would be okay with him. It was agreed that this matter would be heard at the September 21st meeting, and that all sororities and fraternities can be notified now that this will be heard then. Pannell told the members of the audience that it is within the City's rights to try to put an ordinance in place to try and make somebody a good neighbor, and based upon that, he would support this ordinance. He also expressed his concern about the high cost of fees for fraternities and sororities, and would like to see something done to reduce these costs, or to create a special category. There was some discussion regarding this suggestion, since if a special category is created for sororities and fraternities, then other groups such as churches would also be requesting such special categories for themselves.

Pane moved to continue this item to the September 21st Law and Legislation Committee meeting, Pannell seconded the motion, and it was unanimously agreed.

The meeting was adjourned at 2:05 p.m.

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HEATHER FARGO, Chair

ATTEST:

JUDY SANDERS, Secretary