

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: May 26, 1988

MEETING TIME: 3:30 p.m.

LOCATION: 915 I STREET, 2ND FLOOR, COUNCIL CHAMBER

RECEIVED
CITY OF SACRAMENTO
JUN 13 2 18 PM '88

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 3:40 p.m. by Chairman Terry Kastanis.

PRESENT: Committeemembers Kastanis, Mueller and Pope*
GUEST: Councilmember Serna and Mayor Rudin
ABSENT: Committeemember Shore

*Committeemember Pope left at 4:35 p.m.

1. HR 4127 (Udall) relating to Land and Water Conservation Fund.

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT.

COMMITTEE ACTION: SUPPORTED.

VOTING RECORD: MOVED: Mueller; SECONDED: Pope.
AYES: Kastanis, Mueller, Pope.
ABSENT: Shore.

MINUTES:

Erling Linggi of Parks and Community Services was present to discuss this item. He stated that if this bill is passed, the City would be able to compete for over 7 million dollars which would be available statewide for parks and community services. Mueller motioned, Pope seconded, and it was unanimously agreed to support HR 4127.

COMMITTEE ACTION SHEET

2. SB 502 (Royce) relating to Colusa Basin Flood Control.

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT.

COMMITTEE ACTION: SUPPORTED.

VOTING RECORD: MOVED: Pope; SECONDED: Mueller.
AYES: Kastanis, Mueller, Pope.
ABSENT: Shore.

MINUTES:

Don Dodge, Deputy Director of Public Works, briefly explained this bill. Pope moved, Mueller seconded, and it was unanimously agreed to support SB 502.

3. AB 3218 (Connelly) relating to water quality standards.

RECOMMENDATION OF STAFF: RECOMMEND OPPOSITION.

COMMITTEE ACTION: PLACED ON WATCH LIST.

MINUTES:

Roberta Larson of the Department of Public Works explained that staff has changed their position on this bill, and now recommends that the Committee defer action at this time. She said that the author is willing to work with the City regarding City's recommendations, and she is now requesting that the Committee place this matter on the watch list.

4. Chairman Kastanis stated that Grantland Johnson of the County Board of Supervisors wished to speak on this item. Since Mr. Johnson was not yet present, Chairman Kastanis asked that this item be held until his arrival.

5. Update on Federal Housing and Community Development legislation.

RECOMMENDATION OF STAFF: RECOMMEND APPROVAL OF POLICY POSITIONS.

COMMITTEE ACTION: POSITIONS APPROVED AND FORWARDED TO COUNCIL.

VOTING RECORD: MOVED: Mueller; SECONDED: Pope.
AYES: Kastanis, Mueller, Pope.
ABSENT: Shore.

ITEM CONTINUED ON FOLLOWING PAGE.

COMMITTEE ACTION SHEET

5. ITEM CONTINUED FROM PREVIOUS PAGE.

MINUTES:

Kurt Findeisen, Chief of Evaluation and Legislative Analysis of the Sacramento Housing and Redevelopment Agency, presented this item to the Committee. He gave a summary of his staff report and stated that the Housing Commission had previously heard this and had no objections. Chairman Kastanis stated that this item should go to Council, with a resolution. Mueller moved, Pope seconded, and it was unanimously agreed to approve the policy positions and present them to the full Council with a resolution.

4. Ordinance amending Ordinance Nos. 86-126 and 87-030, relating to use of City facilities by, and deposit or investment of City funds in or with businesses, firms or financial institutions which are organized under the laws of South Africa or Namibia, have business operations in South Africa or Namibia, or have business arrangements with South Africa or Namibia restricting the purchase of commodities produced in South Africa or Namibia, and providing for selective purchase of products.

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT AND FORWARD TO COUNCIL.

COMMITTEE ACTION: SUPPORTED AND FORWARDED TO COUNCIL.

VOTING RECORD: MOVED: Mueller; SECONDED: Kastanis.
ABSTAINED: Pope.
ABSENT: Shore.

MINUTES:

Councilmember Joe Serna presented this ordinance to the Committee, stating that it "squares with our divestiture ordinance prohibiting doing business with South Africa". He explained that this came up as a result of a travel fair held at our Convention Center, which had a booth from South African Airlines. He said that, in line with our present ordinance, this didn't make any sense whatsoever, since if we say we won't support businesses from South Africa, it seems that a City building supported by City funds should not allow a South African business to do business in our facilities. He said he was talking about "doing business", and that if a group was to organize itself for the purpose of advocating apartheid, that would be a free speech issue. He said he wasn't even sure if South African Airlines had landing rights here anymore. He said that without these amendments, the ordinance would seem terribly inconsistent.

ITEM CONTINUED ON FOLLOWING PAGE.

COMMITTEE ACTION SHEET

4. ITEM CONTINUED FROM PREVIOUS PAGE.

Deputy City Attorney Bill Carnazzo explained that these amendments were prepared at Councilman Serna's request, and that they deal only with business firms. This means firms which exist and operate only for profit. He stated that the City Manager has waiver rights, as in the original ordinance. He emphasized that they are talking about profit-making activities only. Mr. Carnazzo stated that there are cases, he thought, in Oregon and Pennsylvania such as this where the law or ordinance was upheld.

Committeemember Pope said he would like to have the City Attorney go back and research this, as he is concerned about the speech issue, and feels there may be a constitutional problem here. Mr. Carnazzo explained that this was researched in the beginning. Mr. Pope pointed out that the Hare Krishna can sell in public places, and that he would like to see an analysis of the research done by the City Attorney, as he sees a real equal protection problem here.

Grantland Johnson of the County Board of Supervisors spoke at this time. He said that the original ordinance was based on opposition to apartheid; it is nothing other than that. He said apartheid is simply an unacceptable standard, and we should not engage in any activities that support it. He said that South Africa is a terrorist state, and went on to explain some of the things being done in South Africa. He said that for us to talk about equal treatment and freedom of speech is not the issue; we are talking about not allowing our resources and activities to undergird such a state. He urged the Committee to make a recommendation to the full Council to support these amendments as well as the full ordinance. Chairman Kastanis asked Mr. Johnson whether the County has taken any action on this issue. Mr. Johnson stated that he will be introducing this to the County Board of Supervisors in September.

Sam Burns, Director of the Convention Center, stated that he supports these amendments. He did mention, however, that his staff would be in a precarious position trying to enforce this ordinance on a daily basis, and that if they start excluding all of the companies on the list who might be doing shows in the Convention Center, it would be difficult. Councilmember Serna noted that the original ordinance gives sufficient discretion to the City Manager to avoid these problems. Committeemember Pope asked Deputy City Attorney Carnazzo to research the fact that if the City Manager has such discretion, what standard is used for that discretion?

ITEM CONTINUED ON FOLLOWING PAGE.

COMMITTEE ACTION SHEET

4. ITEM CONTINUED FROM PREVIOUS PAGE:

At this time a South African student attending California State University at Sacramento spoke in favor of the ordinance. He said that South African laws are based on favoring just a few people, and that his people are up in arms because it is an illegitimate democracy. He said that these people can come into our country in many disguises, and that South Africa boasts that sanctions will do nothing to stop them.

Stella Levy, attorney and representative of the Human Rights Task Force, stated that there are some civil liberties issues involved here. She said that twice she was present at the travel fair in question, and that she and several other people attempted to hand out "true information" literature regarding South Africa, whereas the things presented at the travel booth for South African Airlines was not true (i.e., not everyone is welcome in South Africa, and not everyone would have a good time there). She said that while trying to hand out this literature, they were harassed and threatened, and certainly not encouraged to express their free speech. She said that the South Africans who were there told the Bee to "get these people out of here". She said that they are doing business in our community, coming to solicit business in this community, yet we will not be welcome there, will be refused medical treatment, etc. We have laws here that restrict people who advertise if they discriminate on the basis of race, so our public facilities should not be allowed to be used to advertise for that same reason.

Professor Dwayne Campbell of CSUS expressed his congratulations to the City on the original ordinance, and said he wouldn't repeat the debate over sanctions. He said he sees this as a moral issue, not an issue of political free speech. He feels the City should act in a moral way, and that City facilities should not be used to support international terrorism.

Mueller moved and Kastanis seconded support of the amendments to the original divestiture ordinance. Pope abstained, saying that he had no problem supporting this, but needs to have his questions answered first. This will now go to the full Council.

Councilmember Serna stated at this time that Stella Levy touched on an important issue: would a black Sacramentan be welcome in South Africa? He said he would doubt it, and that it brought to his mind that we really are re-building this City, and that this is a city of conscience.

Because Committeemember Pope had to leave at 4:30, he requested that Item 14 be discussed at this time.

COMMITTEE ACTION SHEET

14. Ordinance adding Section 24.9 through 24.13 to Chapter 24 of the Sacramento City Code and repealing Section 24.5, relating to the furnishing of tobacco products to minors.

RECOMMENDATION OF STAFF: REVIEW AND MAKE RECOMMENDATION TO COUNCIL

COMMITTEE ACTION: APPROVED WITH AMENDMENTS AND FORWARD TO COUNCIL.

VOTING RECORD: MOVED: Mueller; SECONDED: Kastanis.
AYES: Kastanis, Mueller, Pope.
ABSENT: Shore.

MINUTES:

Mayor Anne Rudin was present for this item, stating that Councilmember Lynn Robie had asked her to come and see that the Committee did "the right thing".

Committeemember Pope stated that he is inclined to support the proposal from the Lung Association, but that another bill is pending in the Legislature which may be adopted shortly, and perhaps we shouldn't act until then. He said he is not willing to sit around and wait ad infinitum, but perhaps for 60 days. Chairman Kastanis asked if anyone knew when the bill would be heard in the Legislature. Deputy City Attorney Diane Balter said she didn't know, but that she has made some calls and received no answers. Committeemember Mueller said that perhaps the City can insure action by the Legislature if we take action today; it may help them in reaching a decision.

Deputy City Attorney Diane Balter stated that an identical proposal was brought to the County Board of Supervisors, and is scheduled for hearing June 7th.

*Committeemember Pope left at this time, expressing his support of this ordinance.

Deputy City Attorney Balter explained that it would be an infraction to distribute tobacco products to persons under age 18, whether or not the seller knows that person is under 18. The second issue involves vending machines only. There will be fines of \$100, \$200, and \$500 for violations within one year. There is also a potential for injunctive relief for continued violations. She said that it is unlawful now for vending machines to be used by people under age 18, and that the State Lottery is having the same problem. This will make vending machine sales more difficult in the future. Committeemember Mueller said that some people have

CONTINUED ON FOLLOWING PAGE.

COMMITTEE ACTION SHEET

14. CONTINUED FROM PREVIOUS PAGE.

suggested fines that would also apply to the purchaser. Attorney Balter said she believes this would probably be legal. There was some discussion as to how this would be handled.

Cindy Holst of the Coalition for a Healthy Sacramento expressed her support of this ordinance. She said that 90% of people begin smoking by the age of 19, and that it is easy right now in Sacramento to get tobacco.

Dennis Loper, who represents the vending machine industry, expressed his concern over vending machine sales. He feels the responsibility should also be on the purchaser. Also, he said that placement of the vending machine by the vending company is not always where they originally put it. Vendors should not be held responsible if minors purchase cigarettes. He said they are not able to control the location after the machine has been placed. He said that the bill discussed is SB 1690, and he feels that it would be best if all cities had the same laws instead of one law for Sacramento, another for San Diego, another for somewhere else. He asked that the Committee wait for sixty days, and feels that SB 1690 is moving quickly. Mr. Loper noted that the proposed state law has some posting requirements on vending machines and store locations, and feels this would be a very good time to reeducate everyone in the industry.

Gary Hill, representative of the American Cancer Society, spoke. He explained how a study was conducted by 12-year-old and 14-year-old children, who were successful in 76% of their attempts to purchase cigarettes. He said they were successful 100% of the time with purchases from vending machines. He discussed studies made in other states with similar results. He supports this ordinance.

Frank Moffatt, representing the Grocers' Association, stated that they endorse prohibiting sale of tobacco products to minors, but their concern with this ordinance is that it opens up the situation that the City or County could have different laws, which creates confusion. He said they endorse penalties on the purchaser. His closing comment was: "Let's make one law work for everyone throughout the State of California."

Chairman Kastanis asked Attorney Balter what would happen if we pass our ordinance and SB 1690 also passes. Attorney Balter said that the local ordinance would be effective unless the State bill specifically preempts local ordinances.

Diane Kaiser of the American Heart Association expressed her support of this ordinance at this time.

CONTINUED ON FOLLOWING PAGE.

COMMITTEE ACTION SHEET

CONTINUED FROM PREVIOUS PAGE.

Curtis Mekemson of the American Lung Association stated at this time that this ordinance won't resolve the issue of kids smoking, but it's a start. He feels that the reason for local ordinances is that it's impossible to get things through the Legislature, and that there is no assurance that this state law will go through.

Chairman Kastanis stated that he is interested in Kim's suggestions of a provision for penalties for minors who purchase tobacco products, and also for posting provisions.

Mueller moved for adoption of the ordinance with two amendments (penalties for purchaser and posting requirements), Kastanis seconded, and it was unanimously agreed to support this ordinance. This will be forwarded to full Council.

6. Request for support for state low-income housing bonds; SB 1692 and SB 1693 (Roberti).

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT.

COMMITTEE ACTION: SUPPORTED.

VOTING RECORD: MOVED: Mueller; SECONDED: Kastanis.
ABSENT: Pope; Shore.

MINUTES:

Kurt Findeisen was present to answer any questions regarding this matter. There was no discussion. Mueller moved and Kastanis seconded SB 1692 and SB 1693.

7. Report on the Community Forum of the 1990 Census.

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT AND FORWARD TO COUNCIL.

COMMITTEE ACTION: SUPPORTED AND FORWARDED TO COUNCIL.

VOTING RECORD: MOVED: Mueller; SECONDED: Kastanis.
ABSENT: Pope; Shore.

ITEM CONTINUED ON FOLLOWING PAGE.

COMMITTEE ACTION SHEET

7. CONTINUED FROM PREVIOUS PAGE.

MINUTES:

Robin Randolph, Executive Director of the Sacramento Housing and Redevelopment Agency, explained this issue. There was discussion as to how the Census identifies the homeless. Mueller moved and Kastanis seconded adoption of the report and recommendations relating to the 1990 Census. This will be forwarded to full Council.

8. SB 2525 (Garamendi) relating to the State Map Repository.

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT.

COMMITTEE ACTION: SUPPORTED.

VOTING RECORD: MOVED: Kastanis; SECONDED: Mueller.
ABSENT: Pope; Shore.

MINUTES:

There was no discussion regarding this item. Kastanis moved and Mueller seconded support of SB 2525.

9. AB 4498 (Sher) relating to recycled oil.

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT.

COMMITTEE ACTION: SUPPORTED.

VOTING RECORD: MOVED: Mueller; SECONDED: Kastanis.
ABSENT: Pope; Shore.

MINUTES:

Gene Moore of Fleet Management discussed this bill, and the importance of regulating recycled oil. Mueller moved and Kastanis seconded support of AB 4498.

COMMITTEE ACTION SHEET

10. State support for public libraries budget augmentation.

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT.

COMMITTEE ACTION: SUPPORTED.

VOTING RECORD: MOVED: Kastanis; SECONDED: Mueller.
ABSENT: Pope; Shore.

MINUTES:

There was no discussion on this item. Kastanis moved and Mueller seconded support of state support for public libraries budget augmentation.

11. AB 3287 (La Follette) relating to abandoned vehicle abatement.

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT.

COMMITTEE ACTION: SUPPORTED.

VOTING RECORD: MOVED: Mueller; SECONDED: Kastanis.
ABSENT: Pope; Shore.

MINUTES:

Tom Long, Chief of Nuisance Abatement, was present to discuss this item. He explained that this bill allows the City to be reimbursed by the registered owner for the removal of abandoned vehicles. Mueller moved and Kastanis seconded support of AB 3287.

12. SB 144 (McCorquodale) relating to abandoned vehicles.

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT.

COMMITTEE ACTION: SUPPORTED.

VOTING RECORD: MOVED: Mueller; SECONDED: Kastanis.
ABSENT: Pope; Shore.

MINUTES:

Tom Long, Chief of Nuisance Abatement, briefly discussed this bill. Mueller moved and Kastanis seconded support of SB 144.

COMMITTEE ACTION SHEET

13. AB 4089 (Johnston) relating to local agency finances.

RECOMMENDATION OF STAFF: RECOMMEND OPPOSITION.

COMMITTEE ACTION: OPPOSED.

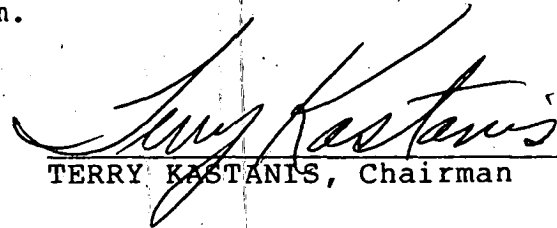
VOTING RECORD: MOVED: Mueller; SECONDED: Kastanis.
ABSENT: Pope; Shore.

MINUTES:

Tom Friery, City Treasurer, briefly discussed this bill. Mueller moved and Kastanis seconded opposition to AB 4089. Mr. Friery will send a letter to the author.

* * * * *

The meeting was adjourned at 5:10 p.m.


TERRY KASTANIS, Chairman

ATTEST:


JUDY VARVEL, Secretary