

MINUTES

OF THE

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

REGULAR MEETING

DECEMBER 9, 1997

CALL TO ORDER

The Regular Meeting of the Sacramento City Council was called to order by Mayor Serna at 7:05 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, Steinberg, Waters, Yee and Mayor Serna

Absent: None

PLEDGE OF ALLEGIANCE was led by Mayor Serna

9.0 SPECIAL PRESENTATIONS/GENERAL COMMUNICATIONS

- 9.1 Recognition and honoring of two firemen and one citizen for acts of heroism.
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Dennis Smith, Deputy Fire Chief, introduced each of the firemen who were being honored.

Fire Captain David Kevin rescued a woman trapped in a burning motor vehicle. Firefighter Kurt Dittig risked his life to save one adult and two children from a potential drowning. Retired Fire Captain Richard Carvalho administered emergency CPR to a 2 year old boy.

The resolutions were presented by Mayor Serna.

- 9.2 Resolutions commending the volunteers who performed demolition of the Wood Park Play Ground in the Valley Hi area. (D-7)
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The resolutions were presented by Mayor Serna.

- 9.3 Resolution honoring Joseph Martin Stevenson (Mayor)
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The resolution was presented by Mayor Serna honoring Dr. Stevenson upon the occasion of his new appointment as CEO and Provost for the Sacramento campus of Golden Gate University.

## 10.0 PUBLIC HEARINGS

- 10.1 *Klotz Ranch Commercial Center rezone* - for property located south of Pocket Road, west of Freeport Boulevard and east of the Interstate 5 freeway: (PFP'd 12-2-97) (D-4)
- A. Ratify the Negative Declaration;
  - B. Adopt Resolution approving the Mitigation Monitoring Plan;
  - C. Adopt Resolution approving the PUD Designation and adoption of Development Guidelines and a Schematic Plan for 18.6 ± vacant acres to be designated as the Klotz Ranch Commercial Center PUD.
  - D. Adopt Resolution approving the Pocket Community Plan Amendment for 18.6± vacant acres from Highway Commercial to Commercial/Shopping; and
  - E. Adopt Ordinance approving the Rezone of 17.6± net acres (18.6+ gross acres) from Agriculture (A) to: 13± acres of Shopping Center Planned Unit Development {SC(PUD)}; 1.0± acre of General Commercial Planned Unit Development {C-2(PUD)}; and 3.6± acres of Agriculture-Open Space Planned Unit Development {A-OS (PUD)}
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Dawn Holm, Associate Planner, stated that the owner was seeking entitlements to establish the Klotz Ranch Commercial Center Planned Unit Development (PUD) that would allow retail/commercial uses, including up to three restaurants with drive-through service and a gas/service station. Since the project was submitted in 1992, the uses and zoning have shifted from highway commercial to a mix of highway serving and community serving uses.

Ms. Holm said the project's primary issues related to neighborhood concerns about the number of proposed businesses to have drive-through service (three fast-food restaurants and one gas station), within the PUD. Planning staff had worked with the area residents, neighborhood associations, the property owner and the applicant to reach agreement on a project that would address issues/concerns and allow the retail/commercial development of the subject site.

According to Ms. Holm, the Planning Commission recommended approval of the Klotz Ranch Commercial Center PUD designation, Pocket Community Plan amendment, and rezoning of the subject site. In addition, the Planning Commission approved a tentative map and a street name change.

Mayor Serna confirmed with Ms. Holm that a compromise had been reached. Staff had distributed to Council changes to section "D" in the resolution.

### Public Testimony:

Maurice Roos spoke in opposition to the project saying that it did not make any sense to add businesses at this site. He said there were already traffic problems and they would only be increased if a new off ramp were not constructed.

Christy Anderson, representing the applicant, said that she concurred with staff's recommendations.

Councilman Yee said this issue had been around for many years and that design was a big factor. He said he was pleased that all the issues had been addressed and that a compromise had been reached. He thanked the Planning staff for their diligence.

Mayor Serna thanked Councilman Yee and the neighborhood associations for bringing this issue to conclusion.

A motion was made by Councilman Yee, seconded by Councilman Waters to close the hearing and to adopt Resolutions 97-665, 97-666, 97-667, and Ordinance 97-074 related to the project. The motion carried with a 8-0 roll call vote.

RESOLUTION 97-665

RESOLUTION ADOPTING THE KLOTZ RANCH  
COMMERCIAL CENTER PLANNED UNIT DEVELOPMENT  
MITIGATION MONITORING PLAN (P92-230)

RESOLUTION 97-666

RESOLUTION TO APPROVE THE DESIGNATION OF A  
PLANNED UNIT DEVELOPMENT (PUD) OF 17.6 NET  
ACRES TO BE KNOWN AS THE "KLOTZ RANCH  
COMMERCIAL CENTER PUD" AND TO APPROVE  
THE SCHEMATIC PLAN AND DEVELOPMENT  
GUIDELINES FOR THE PUD (P92-230)

RESOLUTION 97-667

RESOLUTION TO AMEND THE POCKET COMMUNITY  
PLAN FOR 17.6 ACRES FROM HIGHWAY COMMERCIAL  
TO COMMERCIAL/SHOPPING FOR PROPERTY LOCATED  
SOUTH OF POCKET ROAD, WEST OF FREEPORT  
BOULEVARD/STATE ROUTE 160 AND EAST OF THE  
INTERSTATE 5 FREEWAY (P92-230)

ORDINANCE 97-074

AN ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE  
COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO,  
ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED, BY REMOVING  
17.6 NET ACRES OF PROPERTY LOCATED SOUTH OF POCKET ROAD,  
WEST SIDE OF FREEPORT BOULEVARD AND EAST OF THE INTERSTATE  
5 FREEWAY, FROM THE AGRICULTURE (A) ZONE AND PLACING 13 ACRES  
IN THE SHOPPING CENTER PLANNED UNIT DEVELOPMENT (SC-PUD) ZONE,  
1 ACRE IN THE GENERAL COMMERCIAL PLANNED UNIT DEVELOPMENT  
(C-2 PUD) ZONE AND 3.6 ACRES OF AGRICULTURE OPEN SPACE  
PLANNED UNIT DEVELOPMENT (AOS PUD) ZONE FOR THE KLOTZ RANCH  
COMMERCIAL CENTER PLANNED UNIT DEVELOPMENT (PUD) (P92-230)

11.0 STAFF REPORTS

- 11.1 Recommendation on procuring a Solid Waste Transfer, Transport, Disposal, Processing and Recovered Materials Diversion Service Agreement: (D-All)
- A. Select BLT Enterprises as the sole potential vendor
  - B. Authorize staff to continue negotiations with BLT Enterprises on final terms of the agreement; and
  - C. Authorize staff to prepare the necessary documentation, including environmental review, to allow the City Council to consider the final award of the agreement to BLT Enterprises.
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Reina Schwartz, Solid Waste Manager, stated that this bid process had begun over 18 months ago and had been very competitive. Staff was requesting Council to adopt the resolution selecting BLT Enterprises as the sole potential vendor for the City's solid waste transfer, transport, disposal, processing and recovered materials diversion service agreement. Action on the other components of the project would be differed until after the EIR was completed.

Ms. Schwartz also discussed the environmental consideration, saying that no decision on the project or the agreement with BLT Enterprises could be made until the requirements of the California Environmental Quality Act (CEQA) were satisfied. The environmental impact report (EIR) would be prepared for the project, and during the EIR process an appropriate range of alternatives to the project would be identified and analyzed. Only upon completion of the CEQA process and

certification of the EIR by the council may the Council consider whether to proceed with the proposed project and agreement with BLT Enterprises.

Public Testimony:

Fred Schuller said he hoped that the project would be clean.

Annette Daglow, representing the Neighborhood Garbage Committee, spoke in opposition to staff's recommendations.

Councilman Steinberg thanked the staff and the neighborhood associations for their interest and hard work with this project. He said he felt the site would be an asset in the district.

A motion was made by Councilman Steinberg, seconded by Councilman Cohn to adopt Resolution 97-668 approving staff's recommendations for the project. The motion carried with an 8-0 roll call vote, with Councilwoman Hammond being absent.

RESOLUTION 97-668

RESOLUTION SELECTING BLT ENTERPRISES AS THE SOLE POTENTIAL VENDOR FOR THE CITY OF SACRAMENTO'S SOLID WASTE TRANSFER, TRANSPORT, DISPOSAL, PROCESSING AND RECOVERED MATERIALS DIVERSION SERVICE AGREEMENT; AUTHORIZING STAFF TO NEGOTIATE WITH BLT ENTERPRISES TO FINALIZE THE TERMS OF THE AGREEMENT; AUTHORIZING STAFF TO PREPARE THE NECESSARY DOCUMENTATION, INCLUDING ENVIRONMENTAL REVIEW, TO ALLOW THE CITY COUNCIL TO CONSIDER THE FINAL AWARD OF THE AGREEMENT TO BLT ENTERPRISES; AND ELIMINATING ROOSEVELT LANDFILL AS A POTENTIAL DISPOSAL SITE

11.2 Ordinance prohibiting the sales of "Saturday Night Specials" in the City (Law and Legislation 11-4-97; PFP'D 12-02-97, item 1.4 ) (D-All)

Councilman Steinberg asked to have discussion of the item by Council, public testimony, closing of the hearing, and continuation to December 16th at 2:00 p.m for a vote.

Art Venegas, Chief of Police, said this issue was brought forward at the request of Councilman Steinberg. It had gone before the Law and Legislation Committee and was recommended to be forwarded to the full Council.

Chief Venegas noted that 37 other jurisdictions had passed a similar ordinance , and felt it should have a significant impact on low-income neighborhoods where these type of guns are frequently used to commit crimes. He advised that poor people want these guns out of their neighborhoods and away from their children.

Chief Venegas introduced Ellen Robinson-Haynes, from the U.C. Davis Violence Prevention Research Program, who presented statistics from a case study of gun confiscation in the City of Sacramento in 1995.

Ms. Haynes stated that crimes in the City of Sacramento were higher than in New York City or large metropolitan areas of Texas. She said hand guns were the gun of choice for criminals in Sacramento, with "Saturday night specials" (SNS) dominating the choices. Most of the guns used in crimes in Sacramento had no ownership record.

Ms. Haynes said 46% of the seized guns were SNS; nearly half of these weapons were confiscated from people under age 24. Forty-three percent (43%) of all seizures were from the North Sacramento and East Broadway areas. The more densely populated low-income areas of the City had more guns.

According to Ms. Haynes, special attention needed to be paid to domestic violence incidents that involved guns. In these incidents, the guns needed to be removed from the premises by the Police.

Chief Venegas spoke about using other alternatives for this problem, including the technology of hand-held scanners to determine if people were carrying guns. He also spoke about linkages to other agencies for tracking purposes.

Councilman Waters asked the Chief to estimate the cost of enforcing this ordinance; Chief Venegas replied approximately \$3-4 thousand dollars yearly.

Mr. Waters asked if there was a search and seizure problem with using scanners; Chief Venegas replied he did not believe there was because the police would not be stopping the individuals.

Mr. Waters confirmed that none of the retired or off-duty officers' guns would be affected by this ordinance.

Chief Venegas replied that was correct.

Mr. Waters asked how long the police could keep a confiscated gun; Chief Venegas replied for three days.

Mr. Waters asked Ms. Haynes what percentage of guns in her study were junk guns; Ms. Haynes replied 42%.

Mr. Water asked Chief Venegas if his department had a problem with local gun dealers recording gun sales, and if this prohibition would cut into the City's revenue base.

Chief Venegas replied that the department had not experienced problems with local gun dealers, and that he hoped the County and neighboring cities would also adopt this ordinance.

Councilman Steinberg stated that the City needed to improve its technology to trace the sale of guns.

Councilman Kerth asked Ms. Haynes for the source of her statistics; Ms. Haynes replied the Sacramento Police department records.

Mr. Kerth stated that the statistics were higher in his district because more searches were conducted. He argued that the gun possession statistics in East Sacramento would increase significantly if more vehicles were searched in East Sacramento.

Mr. Kerth asked how many guns were in Sacramento and what percentage of them were Saturday night specials?

Ms. Haynes replied no one knew for sure how many guns were in Sacramento. The 1995 statistics disclosed that 1900 guns were confiscated; 1228 were hand guns; 875 were involved in crimes and 42% of those involved in crimes were Saturday night specials.

Mr. Kerth stated that statistics could be misleading or manipulated and added that he was not convinced that the Saturday night special presented an especially large threat.

Councilman Yee informed Ms. Haynes that he was interested in her statistics, especially those from the Pocket area.

Mr. Steinberg informed Mr. Kerth that Ms. Haynes' report was strictly coincidental to his request for an ordinance prohibiting the sale of Saturday night specials in the City of Sacramento. He urged the Council to read the New England Medical Journal's report on junk guns and reiterated that the Police Chiefs Association of California was in

support of the proposed ordinance.

Mr. Kerth assured Ms. Haynes that he did not question her credibility.

**Public Testimony:**

The following people spoke in opposition to the ordinance: Frank Karaglanis; Edward Worley; Chuck Michel; Rich Stevenson; Louis Arcuri; Jim Clubb; George Alger; Charles Garzoni; Charles Stowell; and Eldon Brandenburty. They argued that if junk guns were banned, criminals would steal and use more expensive guns. They also stated that most cities and police departments were not in favor of this ordinance. According to Mr. Michel, an attorney for the National Rifle Association (NRA), the Attorney General's office had said this proposed law was pre-empted, and therefore illegal.

Councilman Yee asked City Attorney Jackson about the Attorney General's opinion.

Mr. Jackson replied that one court has opined that it was pre-empted and one court has opined that it was not pre-empted. The Attorney General was just giving his opinion.

The following people spoke in support of the proposed ordinance: Andres Soto; Jim Murphy; Mr. Ford; Red Banes; Mary Walton; Robert Miller; Andy Stroud; Crystal Vang; Mark Carlson; Ronald Morales; Tom Bright; and Dexter McNamara. They said they were proud of the Chief of Police for his leadership on this issue. Mr. Stroud, an attorney, stated his group: "Sacramento Lawyers Against Guns" would defend a lawsuit against this ordinance pro bono, as would other attorneys in Sacramento.

Mr. Waters asked the president of the Sacramento Police Officers Association (SPOA) what their stand was on this issue.

Steve Campos, president of SPOA, replied that his organization did not support this ordinance, as it did not go far enough to address youth violence and guns. He called it a divisive and emotional issue.

A motion was made by Councilman Steinberg, seconded by Councilwoman Fargo to close public testimony and to continue this issue to December 16th at 2:00 p.m. The motion carried with a 7-0 roll call vote, with Councilwoman Hammond being absent.

**12.0 SHRA**

None

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

None

**14.0 COUNCIL IDEAS AND QUESTIONS**

**14.1 Re-naming of Meadowview Community Center. [Mayor]**

Mayor Serna spoke of Councilman Pannell's contributions to the City and his recommendation to rename the Meadowview Community Center in Mr. Pannell's memory.

Councilwoman Fargo stated that she felt this was an appropriate suggestion.

Councilman Kerth said that he had admired Mr. Pannell and his ability to move people to make things better.

Councilman Cohn said there was nothing phony about Mr. Pannell. Mr. Cohn read a poem entitled "The Mighty Sam Pannell" in his honor.

Councilman Yee stated that he had good memories of Mr. Pannell, as they had both grown up in the same neighborhood. He said that Mr. Pannell fought hard for the benefit of the City.

City Manager Edgar said he had learned a lot from Mr. Pannell, and that his political instincts were unmatched.

Councilwoman Hammond said that she had met Mr. Pannell as a teenager. Mr. Pannell taught her how to pitch a softball. She added that Mr. Pannell had a vision about the community.

Councilman Steinberg said that Mr. Pannell had a great depth of knowledge about the community.

Councilman Waters said he learned a lot from Sam sitting next to him for three years.

Robert Pernell and Mike Barbaum spoke in support of the motion.

Doris Hamilton spoke on behalf of the residents of North Sacramento. She said they had raised \$5,000 for a scholarship fund in Mr. Pannell's name.

Mayor Serna stated that the Mayor's Commission on Education would donate \$1,500 to this fund.

City Attorney Jackson read a poem entitled "The Honorable Samuel C. Pannell, He Really Made a Difference" into the record.

A motion was made by Mayor Serna, seconded by Council members Cohn, Fargo, Hammond, Kerth, Steinberg, Waters, and Yee to adopt Resolution 97-669, renaming the Meadowview Community Center in Sam Pannell's honor. The motion carried with a 8-0 roll call vote.

RESOLUTION 97-669

RESOLUTION APPROVING THE RENAMING OF THE  
MEADOWVIEW COMMUNITY CENTER IN MEMORY OF  
COUNCIL MEMBER SAMUEL C. PANNELL

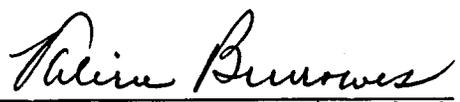
15.0 ANNOUNCEMENTS

None

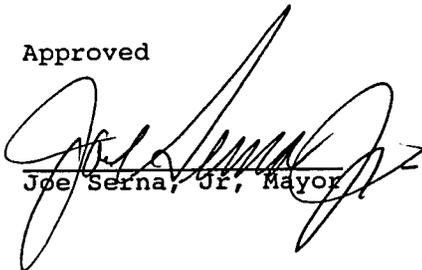
ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 11:40 in memory of Councilman Sam Pannell.

Submitted

  
Valerie A. Burrowes, City Clerk

Approved

  
Joe Serna, Jr., Mayor