

MINUTES

LAW AND LEGISLATION COMMITTEE MEETING

Thursday, September 3, 1987

City Council Chambers
915 I Street, Second Floor
Sacramento, California

The meeting was called to order at the hour of 4:05 p.m. by Committee Member Dave Shore.

PRESENT: Committee Members Shore and Bradley.

ABSENT: Committee Members Kastanis and Pope.

1. An Ordinance Amending Sections 5.3-4 and 5.3-11 of the Sacramento City Code Relating to Cardrooms.

RECOMMENDATION OF STAFF: RECOMMEND APPROVAL AND FORWARD TO FULL COUNCIL.

REPORTS BACK: NONE.

COMMITTEE ACTION: APPROVED AND FORWARDED TO FULL COUNCIL.

VOTING RECORD: MOVED: BRADLEY; SECONDED: SHORE.
AYES: BRADLEY, SHORE.
ABSENT: KASTANIS, POPE.

MINUTES:

Diane Balter, Deputy City Attorney, and Captain Bob Benton of the Police Department, were present to discuss this matter. There was some discussion regarding whether or not the amendments included amending the types of games which can be played. It was pointed out that the games which can be played are still the same, except that the rules have been specified to avoid any misunderstandings by the cardroom owners/operators. Captain Benton also explained how the ordinance would affect the number of cardrooms allowed in the City, by reducing the number allowed from one per 30,000 population to one per 10,000 population. He also noted that we now have ten cardrooms in Sacramento, and a population of approximately 327,000.

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Albert Fisk of the Henderson Group on Arden Way spoke at this time. Mr. Fisk represents Yoeng C. Chang, who has one of the two applications pending before the City for issuance of a license to operate a cardroom. Mr. Fisk explained that Mr. Chang's application was presented prior to the preparation of this proposed ordinance, and that therefore he should be allowed to have his application considered. There was some discussion as to the date Mr. Chang submitted his application, when the other application was submitted, and when the proposed ordinance was first considered. Mr. Fisk explained that Mr. Chang's application has been approved by four agencies, and is now awaiting the last stage -- approval from the Police Department, which, he was told, takes from 30-60 days for approval and issuance of a license. Attorney Balter stated at this time that there is nothing specific in the ordinance saying that a decision must take 60 days or less.

Attorney Balter explained that Mr. Chang's application was not the reason for this proposed ordinance, but that it was merely a coincidence his application was submitted at the same time the proposed ordinance was prepared.

Mr. Carnick Georgian of Georgian's Cardroom spoke at this time. He asked why cardrooms were not allowed to play 7-Card Stud or other games not listed in this proposed ordinance. Attorney Balter pointed out that the games listed in this ordinance are the same games allowed by Ordinance 86-086, passed in 1986, but that the rules of these games have been detailed in this proposed ordinance. It was pointed out by Captain Benton that 7-Card Stud is illegal pursuant to California Penal Code Section 330, but that it is played in Nevada where it is legal.

Attorney Balter explained at this time that the proposal of one cardroom for every 30,000 people in the City of Sacramento is much more generous than other counties in California.

There was further discussion between Mr. Fisk of the Henderson Group, Attorney Balter, Captain Benton and the Committee members as to whether or not Mr. Chang's application for a license to operate a cardroom should be considered an exception to this proposed ordinance. It was explained that when the population reached 330,000 (it is now 325,000) an 11th cardroom could be added, and Mr. Chang's application would be the first in line for that cardroom.

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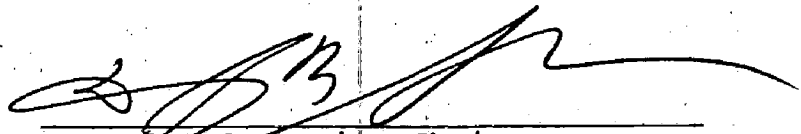
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Committee member Bradley motioned to approve the proposed ordinance, adding "and a portion thereof", which would in essence allow an 11th cardroom (Mr. Chang's) for the additional 27,000 population presently in excess of 300,000. There was no second. Committee member Shore asked Bradley if he was in favor of the proposed ordinance amendments, and Bradley said he was. Shore clarified that he and Bradley were both in favor of the ordinance, but split on whether or not to create an exception for the Chang application.

Committee member Bradley motioned to approve the proposed ordinance, and it was seconded by Shore. This matter will go before the full Council in about two weeks.


The meeting was adjourned at 4:30 p.m.

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DAVE SHORE, Acting Chairman

ATTEST:



JUDY VARVEL, Secretary

AMENDED MINUTES

LAW AND LEGISLATION COMMITTEE MEETING

Thursday, August 27, 1987

City Council Chambers
915 I Street, Second Floor
Sacramento, California

The meeting was called to order at the hour of 2:36 p.m. by Chairman Terry Kastanis.

PRESENT: Committee Members Kastanis, Bradley, Pope;
Councilman Serna.

ABSENT: Committee Member Shore.*

*Committee member Shore arrived at 2:45 p.m.

1. Resolution to support the "Dimes Against Crimes" initiative.

RECOMMENDATION OF STAFF:

RECOMMEND SUPPORT.

REPORTS BACK:

NONE.

COMMITTEE ACTION:

SUPPORTED.

VOTING RECORD:

MOVED: BRADLEY; SECONDED: POPE
AYES: KASTANIS, BRADLEY, POPE
ABSENT: SHORE

MINUTES:

Lt. Jim White of the Sacramento Police Department, Inspections and Standards, was present to discuss this matter. He stated that this resolution would mean 2 million dollars to the Police Department from a small tax on liquor, and that statistics show that alcohol is involved in a high number of crimes in the City.

Committee Member Bradley moved, Pope seconded, and it was unanimously agreed to forward the resolution supporting the "Dimes Against Crimes" initiative to the full Council.

COMMITTEE ACTION SHEET

2. Resolution relating to Police Department Fee and Charges for fingerprinting and processing.

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT AND FORWARD TO COUNCIL.

REPORTS BACK: NONE.

COMMITTEE ACTION: SUPPORTED AND FORWARDED TO FULL COUNCIL.

VOTING RECORD: MOVED: POPE; SECONDED: BRADLEY
AYES: KASTANIS, POPE, BRADLEY
ABSENT: SHORE

MINUTES:

Diane Balter, Deputy City Attorney, was present to discuss this matter. She explained that this resolution would reduce the charge for fingerprinting from \$12.50 to \$10.00.

Committee Member Pope moved, Committee Member Bradley seconded, and it was unanimously agreed to support the resolution relating to Police Department Fee and Charges for fingerprinting and processing. This will now go before the full Council.

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3. An ordinance adding Article X, Chapter 6 of the Sacramento City Code, relating to pit bull dogs.

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT AND FORWARD TO FULL COUNCIL.

REPORTS BACK: NONE.

COMMITTEE ACTION: NO RECOMMENDATION. FORWARDED TO FULL COUNCIL.

VOTING RECORD: MOVED: BRADLEY;
SECONDED: KASTANIS
AYES: KASTANIS, BRADLEY.
NOES: POPE, SHORE

MINUTES:

Diane Balter, Deputy City Attorney, was present to discuss this proposed ordinance. Also present was Ruben Mora, Chief Animal Control Officer. Attorney Balter explained that the City has a

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COMMITTEE ACTION SHEET

3. ITEM CONTINUED FROM PREVIOUS PAGE

vicious dog ordinance, but that it is generally effective only after the dog has been involved in an incident (threatening, biting or attacking). In contrast, the proposed ordinance is designed to reduce the likelihood of a first incident involving pit bulls. She continued by explaining that available statistics have shown pit bull dogs to be a particular risk, and that the City of Sacramento has had problems with that breed of dog in the past.

*Dave Shore arrived at 2:45 p.m.

Attorney Balter discussed some of the serious dog bite incidents in the past in the City, and cited statistics relating to pit bull dogs compared to other breeds. She also discussed some successful ordinances enacted by other cities throughout the United States, from which this proposed ordinance was fashioned.

There was considerable discussion between Attorney Balter, Animal Control Officer Mora, and members of the Council concerning this proposed ordinance as relates to other dangerous breeds of dogs, the cited statistics, how the ordinance would be enforced, and what the procedure has been in the past relating to dog attacks.

** At this time the meeting was turned over to members of the audience who were in favor of this proposed ordinance. Several people cited incidents involving pit bull dog attacks or fear of attack, including an employee of Pacific Bell who was bitten by a pit bull dog subsequently destroyed by the City; a representative of the U.S. Postal Service workers; an attorney and his client who was viciously bitten by a pit bull dog; a man who was attacked by two pit bull dogs which jumped over a 6-foot-high fence into his back yard; and a woman whose dog was killed in her back yard by a pit bull dog.

** Next, the Council members heard from those people in the audience who were against the proposed ordinance, including a representative of the California State Veterinary Medical Association; the Executive Director of the Sacramento SPCA; a representative of the Humane Society of the United States; pit bull dog owners; dog trainers and breeders; and representatives of local kennel clubs. Most of these people were in agreement that there should be a stronger vicious dog ordinance, but that it was unfair to have a breed specific ordinance. It was also emphasized that the majority of problems with vicious dogs is not with the dog, but with the

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** Amended.

COMMITTEE ACTION SHEET

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dog's owner; the irresponsible owners cause problems for the responsible owners, and this ordinance would not be effective in preventing problems with dogs with irresponsible owners, who most likely would not license their dogs or obtain the necessary insurance anyway.

After testimony from the audience, there was further discussion from the Councilmembers. Committee Member Bradley moved to support this proposed ordinance; Committee Member Kastanis seconded. There was no vote; however, there was further discussion. Then Committee Member Pope moved to table this matter for 30 days, and it was seconded by Committee Member Shore. Committee Members Kastanis and Bradley voted against this motion, and it failed. The vote on the first motion, to support this proposed ordinance, was re-introduced: Moved, Bradley; seconded, Kastanis; Pope, no; Shore, no.

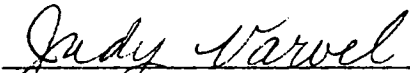
Because the vote was split 2-2 on the matter of the proposed pit bull dog ordinance, it will be brought before the City Council on September 8, 1987, with no recommendation from the Law and Legislation Committee.

The meeting was adjourned at 5:42 p.m.

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TERRY KASTANIS, Chairman

ATTEST:


JUDY VARVEL, Secretary