

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 19, 1994

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.

The meeting was called to order at 1:00 p.m. by Chair Deborah Ortiz.

PRESENT: Committeemembers Ortiz, Kastanis,* Pane** and Steinberg

* Committeemember Kastanis arrived at 1:10 p.m.

** Committeemember Pane arrived at 1:11 p.m.

1.0 CONSENT CALENDAR (Items 1.1 through 1.4)

ALL ITEMS LISTED ON THE CONSENT CALENDAR ARE CONSIDERED AND ACTED UPON BY ONE MOTION. A MEMBER OF THE COMMITTEE OR STAFF MAY REQUEST AN ITEM TO BE REMOVED FOR SEPARATE CONSIDERATION.

VOTING RECORD: Moved: Steinberg
 Seconded: Ortiz
 Ayes: Steinberg, Ortiz
 Absent: Kastanis, Pane

1.1 An ordinance adding Section 9.06.339 to Chapter 9.06 of Title 9 of the City Code to require electrical vehicle charging circuits in Group R-3 occupancy buildings.

COUNCIL ACTION: Supported and forwarded to Council.

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- 1.2 An ordinance amending Title 25 of the Sacramento City Code relating to stopping, standing, and parking on street during special events, and accompanying resolution setting penalty for violation.

COUNCIL ACTION: Supported and forwarded to Council.

- 1.3 An ordinance amending Sections 19.03.301(b)(1), 19.03.317 and 19.05.507, and deleting Section 19.05.508 of the Sacramento City Code to make technical modifications relating to the collection of garbage, rubbish, weeds, and waste matter.

COUNCIL ACTION: Supported and forwarded to Council.

- 1.4 A resolution memorializing the Congress and the President to enact the Natural Disaster Protection Act.

COUNCIL ACTION: Supported and forwarded to Council.

2.0 STAFF REPORTS

- 2.1 Update on State budget matters and pending legislation.

RECOMMENDATION OF STAFF: For Committee information.

MINUTES:

Ken Emanuels, the City's Legislative Advocate, presented a status report on pending legislation and the State budget proceedings. He said that Item 2.4 on today's agenda, AB 2788 relating to Maintenance of Effort requirements for Public Safety services, is the major pending budget item. He also pointed out that AB 1926 (Pat Johnson) relating to the authorization of construction downtown has been significantly amended and that this bill is dead for this session.

- 2.2 City policy regarding outdoor vending on private property.

RECOMMENDATION OF STAFF: Provide direction to staff.

COMMITTEE ACTION: Bring back to Committee in 60 days.

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2.2 ITEM CONTINUED FROM PREVIOUS PAGE.

MINUTES:

Margaret Freeman, Revenue Manager, explained that this report is merely a recap of the present policy regarding outdoor vending, which report was requested by Committeemember Pane. She said that without these requirements, there could be vendors on every street corner or vacant lot and it would be very difficult to regulate, particularly regarding public health and safety.

Committeemember Pane stated that this came about because someone in his district is selling coffee from a stand outdoors in front on the Senator Hotel, on Senator Hotel property, and has a lease with the hotel to do so. Apparently, this vendor was approached by someone from the City and told it was an improper operation and he would have to cease. Mr. Pane said the City Code excludes that kind of vending, but that he would like to have some exception for instances such as this -- outdoors in a cart but on private property.

Steinberg pointed out that the special permit process is costly, and asked whether that expense would weed out businesses that are transient from those that are serious. He suggested that the City require the owner to invest by purchasing a special permit. Margaret Freeman said that the enforcement cost is very expensive also, and even if a vendor applies for a special permit and pays the fees and taxes, the City still has to pay for enforcement against those who don't follow the rules. She also pointed out that they do not have enough enforcement agents to keep up with the growing number of people who don't comply with the rules. It was agreed that there are no regulations in the City Code that apply to the vendor in Committeemember Pane's district.

Pane asked that the legal staff look at a provision dealing with existing occupied buildings and the private property in front of those existing occupied buildings. He feels it is discriminatory for the City to say that it controls outside vending, whether public or private, and that it doesn't allow private property owners to have a vendor in front of their property. He agreed parking lots should be excluded. It was agreed to bring this back to the Committee in 60 days for further discussion.

2.3 AB 51 (Costa) regarding amendment to housing element law.

RECOMMENDATION OF STAFF: Provide direction to staff.

COMMITTEE ACTION: Continued to special Committee meeting August 2.

MINUTES:

Patricia Mendoza, Associate Planner, presented this bill to the Committee. She explained that several revisions have been made to the bill and the newest copy of the bill is not yet available.

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2.3 ITEM CONTINUED FROM PREVIOUS PAGE.

She then talked about another bill regarding housing element reform, SB 1839, which was previously supported by this Committee. Ortiz explained that even though the City of Sacramento was doing a very good job with their housing element, support of AB 51 would encourage those cities that aren't doing as well. She said staff recommends that the City either take a support position on AB 51 if it keeps intact what the City already has in place, or take its support position off the other bill. Gary Stonehouse, Planning Director, said that Ken Emanuels, the City's Legislative Advocate, mentioned to him that there is a possibility that the two bills would be merged. Ken Emanuels said that both the Senate and the Assembly bill will be heard the first week the Legislature is back, the week of August 8th. It was agreed to have a special meeting of the Law and Legislation Committee on August 2nd to discuss these two bills further. Patricia Mendoza will provide the latest version of the bills, and bring supporters to answer any questions.

2.4 AB 2788 (W. Brown) regarding Maintenance of Effort requirements for Public Safety services.

RECOMMENDATION OF STAFF: Oppose amendments and reiterate the City's opposition to the bill.

COMMITTEE ACTION: Opposed

VOTING RECORD: Moved: Steinberg
Seconded: Ortiz
Ayes: Kastanis
Absent: Pane

MINUTES:

Mike Coleman, Senior Management Analyst, presented this item to the Committee. He explained that there have been some amendments over the last couple of weeks that are particularly significant. He said this bill has some major financial implications for the City, because it would require the City to fund public safety (police and fire) at the 1992-1993 level, plus an escalating factor. He said staff's position is that the City has clearly complied with the intent of Proposition 172 by putting all the money received from that proposition toward public safety. This will would "lock up" three fourths of the discretionary general fund, and the City will lose the ability to decide how Proposition 172 funds would be spent.

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2.4 ITEM CONTINUED FROM PREVIOUS PAGE.

Steinberg moved to oppose this bill. Ortiz seconded the motion. Kastanis stated he would not oppose this bill, as he feels sometimes having full discretion results in some wrong decisions. There was some discussion. It was agreed that if the City wishes to maintain discretion in police and fire and, by opposing this bill, suffer a loss of \$2.6 million, the City would still be roughly \$9 million ahead. Kastanis maintained his support of this bill, and voted against staff recommendation to oppose it.

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DEBORAH ORTIZ, Chair

ATTEST:


JUDY SANDERS, Secretary