



# REPORT TO COUNCIL

## City of Sacramento

915 I Street, Sacramento, CA 95814-2604  
www. CityofSacramento.org

Consent  
February 9, 2010

**Honorable Mayor and  
Members of the City Council**

**Title:** Review and Approval of the Municipal Legislation Log

**Location/Council District:** Citywide

**Recommendation:** This report transmits the Municipal Legislation Log approved by the Law & Legislation Committee on February 2, 2010 to the Mayor and the City Council for review and approval.

**Contact:** Michelle Heppner, Special Projects Manager, 808-1226

**Presenters:** N/A

**Department:** City Manager's Office

**Division:** Governmental Affairs

**Organization No:** 09200

### **Description/Analysis**

**Issue:** This report transmits the current Municipal Legislation Log, approved by the Law & Legislation Committee at its February 2, 2010 meeting, to the Mayor and the City Council for review and approval.

**Policy Considerations:** The Municipal Legislation Log is tool used to track and schedule all requests for ordinance amendments and new ordinances made by Councilmembers and city staff. The log is approved by the Law & Legislation Committee at each of its meetings. This report transmits the log approved on February 2, 2010 to the Mayor and City Council for review and approval. Approval of the log does not constitute approval for any individual items listed on the log.

**Environmental Considerations:** None.

#### **California Environmental Quality Act (CEQA):**

Under the California Environmental Quality Act (CEQA) guidelines, continuing administrative activities do not constitute a project and are therefore exempt from review.

**Sustainability Considerations:** Not Applicable.

**Commission/Committee Action:** The Municipal Legislation Log is approved by the Law & Legislation Committee at each of its meetings. This report transmits the log approved

on February 2, 2009 to the Mayor and City Council for review and approval.

**Rationale for Recommendation:** Staff is seeking Mayor and City Council review and approval of the Municipal Legislation Log.

**Financial Considerations:** None.

**Emerging Small Business Development (ESBD):** No goods or services are being purchased.

Respectfully Submitted by: Michelle Heppner  
for Michelle Heppner, Special Projects Manager

Recommendation Approved:

for Ray Kerridge  
Ray Kerridge  
City Manager

**Table of Contents:**

|                             |       |
|-----------------------------|-------|
| Report                      | pg. 1 |
| <b>Attachments</b>          |       |
| 1 Municipal Legislation Log | pg. 3 |

**Attachment 1**

|   | Tracking # | Subject Matter                              | Ordinance Sponsor/ Staff                                    | Tentative Law & Legislation Hearing Date | Notes  |
|---|------------|---|---|--|--|
|   |            |   |   |  | <b>NEW ITEMS</b>   |
| 1 | 1.10.1     | Tobacco sales close to neighborhood schools | CM McCarty and CM Sheedy / Code Enforcement / Max Fernandez | <b>Pending</b>                           | As part of a continuing effort, staff is looking into the regulation of tobacco sales in our communities and the mitigation of second-hand smoke. Looking at restrictions for sales within certain distances of schools, limiting hours for sales for tobacco products and stripping licenses for establishments with multiple violations. |
| 2 | 1.10.2     | Social Host Ordinance                       | CM Waters / Police Department / TBD                         | <b>Pending</b>                           | To address the issue of underage drinking that is facilitated by adults at house parties.  |
| 3 | 1.10.3     | Utilities Vacancy Credits                   | Utilities / Shelle Smallwood                                | <b>2-Mar-10</b>                          | The Utility Vacancy Credit is an amendment to City Code Chapter 13, sections 13.04.810 and 13.08.460. The amendment clarifies when billing will be reinstated and the fixed costs that continue to bill, while on a vacancy, for services connected to the City water/sewer system.  |
|   |            |   |   |  | <b>DATE SCHEDULED</b>  |
| 4 | 10.09.1    | Sharps Ordinance Report                     | Solid Waste / Edison Hicks                                  | <b>16-Feb-10</b>                         | To protect the safety of the general public by providing for a safe and affordable disposal option for home-generated sharps.  |

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| 5 | 4.04.1 | Solid Waste Facility Inspection Fee       | CM McCarty / Solid Waste / Edison Hicks  | 16-Mar-10   | Ordinance to establish inspection program for solid waste facilities. The Law & Leg Committee first heard a staff report on this issue on November 4, 2004 and directed staff to get input from an advisory committee and report back to the L&L Committee with recommendations on fees. Staff has been working with the current Council Member and the community on this issue. <b>STATUS: Looking at a different approach to this item. Council Member McCarty is meeting with staff and stakeholders to discuss options.</b>   |
|   |        |   |  |             | <b>LONG TERM ITEMS</b>  |
| 6 | 1.04.2 | Update on Sign Ordinance and Sign Program | CM Waters/CDD/ Joy Patterson / CAO / TBD | Spring 2010 | Staff is doing a citywide study and will come back to the committee when it is completed. Staff held several council workshops to get feedback and direction before returning with a comprehensive proposed ordinance for committee consideration in early 2009. The Committee provided feedback and directed staff to report back. CM Cohn asked that staff review the City of Portland's program for A-Frame signs and report as to whether this program can be implemented in the City as a pilot program. <b>STATUS: Staff is working on the digital billboard component of the sign code. Community outreach is scheduled for January and February 2010, and the department anticipates that the ordinance will come before the committee in late March or April 2010.</b> |
| 7 | 1.05.2 | Amend Tree Ordinance                      | DOT/Joe Benassini                        | Late 2010   | Minor changes were approved by L&L April 2008 and by City Council June 2008. Revised draft ordinance and outreach efforts underway. Item is going to Council June 2009. Amend the City's Tree Ordinance to add section to amend the tree permit appeals process. <b>STATUS: This item is being reviewed by an outside consultant and will probably be heard in late 2010.</b>   |

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| 8  | 5.05.2 | Housing Trust Fund Ordinance Revisions                                | Community Development Dept/ Greg Sandlund | Summer 2010 | Staff is preparing an off-agenda memo for Nexus study and will be bringing the Housing Trust Fund portion forward in early 2009 for minor technical revisions. Item heard by Council on April 18 as part of the Affordable Housing Workshop. Based on the recommendations by Council, staff will bring this item to L&L. <b>STATUS: An off agenda memo was sent to the Council on July 25, 2008 detailing proposed revisions to the Housing Trust Fund Ordinance. Recommended revisions to the ordinance are anticipated to be before the L&amp;L in Summer 2010.</b>  |
| 9  | 8.05.1 | Amend Ordinance Relating to Illegal Dumping Conviction Reward Program | CM Waters / Utilities / Edison Hicks      | Pending     | Amend ordinance relating to reward program to allow payment of reward at arrest and prosecution for illegal dumping. <b>STATUS: No update at this time.</b>  |
| 10 | 4.07.1 | Home Occupation Permit re: Somatic Massage                            | L&L Committee/ Finance Dept./ Brad Wasson | Spring 2010 | As of July 30, 2008 Revenue Division and Code Enforcement staff will be providing a joint report back on both Items 7.06.1 and 4.07.1. At the 4/17/07 L&L meeting the Committee directed staff to come back with options to amend the home occupation permit. <b>STATUS: The State has enacted new requirements for message practitioners. City code will need to be updated to comply with the State changes. The request to allow somatic massage practitioners to operate out of their home with a Home Occupation permit will be folded in with the State review. The Revenue Division is meeting with the CAO to determine what needs to change. We are hoping to go to L&amp;L in Spring 2010.</b> |

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| 11 | 4.07.3 | Discussion Paper on Portable Gas Leaf Blowers  | CM Waters / Code Enforcement / Tina Lee-Vogt & CMO | Pending     | Off Agenda memo sent to City Council on July 15, 2008 recommending no further action. At the 08/19/08 Committee meeting, CM Waters asked that this item remain on the log and that staff report back to the committee regarding noise complaints and their responses. <b>STATUS: Code staff is researching other cities' regulation policies and is preparing an update for L&amp;L.</b>   |
| 12 | 6.08.1 | Tobacco Retailers  | Code Enforcement / David Paul                      | Pending     | This item was heard on 05/06/08, where the committee directed staff to return in order to provide additional, clarifying language to include further sanctions. The City Attorney's Office is working on a memo to this effect. An Ordinance amending Chapter 5.138 of the Sacramento City Code relating to the expiration of tobacco retailer licenses. <b>STATUS: Code staff is working with the CAO, which is working on a legal brief regarding the tobacco licensing issue and should have something back by Winter 2010.</b> |
| 13 | 3.09.5 | Ordinance Amendment: Police Alarms   | Police Department / Jim Maccoun                    | Winter 2010 | This ordinance amendment is a revision of Chapter 8.36 of the City Code, regarding alarm systems, regulation and false alarm reduction. <b>STATUS: The draft ordinance is being reviewed by the City Attorney's office.</b>  |
| 14 | 3.09.8 | Resolution on potential divestiture of all deposits in banking and other financial institutions that fail to cooperate with foreclosure prevention efforts | City Treasurer's Office / Russ Fehr                | Pending     | CM Hammond asked that a resolution be brought to Law and Leg regarding asking for a report on potential divestiture of all deposits in banking and other financial institutions that fail to cooperate with foreclosure prevention efforts similar to the reso passed by City of Los Angeles. <b>STATUS: No update at this time.</b>   |

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| 15 | 4.09.3 | Exemption to Green Waste Collection Ordinance                   | Utilities / Edison Hicks                            | Winter 2010 | Adds an exemption to Sacramento's Green Waste Collection ordinance to include single family residential homes whose green waste is 100% maintained by a Homeowner's Association. <b>STATUS: A memo was sent in regards to preparation for a ballot measure on this topic. This item is projected to be heard in late Winter 2010.</b>                      |
| 16 | 4.09.4 | Medical Marijuana Dispensaries                                  | Michelle Heppner / City Manager's Office            | Pending     | This item was heard on 12/01/09. Staff was given direction on crafting an ordinance. <b>STATUS: Departments are in the process of meeting, performing outreach and crafting the ordinance per the Committee's instructions with regard to the key policy discussion points outlined in the meeting.</b>  |
| 17 | 5.09.1 | Feasibility of Citywide Newsrack Program                        | CM Hammond / Economic Development / Denise Malvetti | Pending     | The proposed ordinance will eliminate the individual newsracks of varied shapes, sizes and colors and replace them with City-owned, modular racks. <b>STATUS: Staff is focused on implementing the first phase and hopes to get it up and running to learn how to best implement future phases. Newsracks will be installed on K Street in early 2010.</b> |
| 18 | 5.09.2 | Citywide Policy regarding Plastic Bags and Styrofoam Containers | CM McCarty / Utilities / Edison Hicks               | Pending     | Staff will present a discussion paper on possible ordinances for citywide policies regarding plastic bags in supermarkets and Styrofoam containers in restaurants. <b>STATUS: No update at this time.</b>  |
| 19 | 7.09.3 | Local Business Preference Ordinance                             | CM Hammond/ Economic Development/ Trevor Walton     | Pending     | Discussion paper regarding a proposed ordinance that would provide that a bid evaluation preference be given to local small businesses in order to support business retention and as an economic development stimulus effort. <b>STATUS: Need to work further with Small Business Advisory Board and operating departments.</b>                            |

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| 20 | 8.09.1  | Regulating Mortgage Consultants | CAO / Eileen Teichert                                      | Pending | The City Attorney is reviewing policies adopted by the City of Los Angeles which regulate mortgage consultants who prey on homeowners facing foreclosure. The City of Sacramento may wish to pursue something similar. <b>STATUS: No update at this time.</b>   |
| 21 | 8.09.5  | Treatment of Circus Animals     | CMO / Michelle Heppner                                     | Pending | Staff is bringing forward a discussion paper regarding a possible ordinance outlining the humane treatment of circus animals while they are within the City of Sacramento. <b>STATUS: Staff is currently conducting research in preparation for a discussion paper.</b>   |
| 22 | 8.09.6  | Egg-Laying Chickens             | CMO / Michelle Heppner                                     | Pending | Staff is bringing forward a discussion paper with regard to a possible ordinance that would allow egg-laying chickens in back yards. <b>STATUS: Staff is currently conducting research in preparation for a discussion paper.</b>   |
| 23 | 10.09.2 | False Fire Alarms               | Fire / Troy Malaspino                                      | Pending | Adopt City Code Chapter 8.38 relating to false fire alarms. The proposed Ordinance seeks to reduce the number of false fire alarms by promoting responsible maintenance practices from fire alarm system owners. Also, the proposed Ordinance seeks to impose a false fire alarm penalty after multiple false fire alarms from the same system within a 365 day period. <b>STATUS: Outreach completed and tentative final draft is being revised. Will be meeting with CAO for final review before legislative process.</b> |
| 24 | 10.09.4 | Storage Boxes                   | CM Sheedy / Code Enforcement / Dennis Kubo & Tina Lee-Vogt | Pending | Staff is being asked to have the "storage boxes" code brought back to the committee to clarify what "temporary basis" means. <b>STATUS: Code staff is coordinating with the City Attorney's Office and the Community Development Department to draft an ordinance for the Law and Legislation Committee.</b>  |



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| 25 | 12.09.3 | Rezone Ordinance for Solid Waste Overlay Zone  | Community Development / David Kwong                   | Pending | Develop a rezone ordinance to implement the Solid Waste Overlay Zone in District 2 and in any other district where the overlay zone might be necessary, as described in Title 17 of the City Code. <b>STATUS: Marty Hanneman (DOU) distributed a memo on this subject on 12/03/09; the item has been referred to CDD for follow-up.</b> |
| 26 | 11.09.1 | Interim Ordinance for Beverage Bottling Plants | Community Development / Joy Patterson and David Kwong | Pending | Council directed staff to refer to the Law & Legislation Committee an Ordinance amending the City Zoning Code to require special permits and consider tiered water rates for commercial beverage bottling plants. <b>STATUS: Part of regulatory reform schedule.</b>  |