

COUNCIL COMMITTEE MINUTES

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COMMITTEE NAME: LAW AND LEGISLATION
MEETING DATE: AUGUST 2, 1995
MEETING TIME: 12:00 P.M. (NOON)
LOCATION: 915 I STREET, 2ND FLOOR, COUNCIL CHAMBER

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The meeting was called to order at 12:05 p.m. by Deborah Ortiz, Chairperson.

PRESENT: Committee Members Ortiz, Fargo, Cohn, Steinberg

ABSENT: None

1.0 CONSENT CALENDAR

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.

1.1 SB61 (Kopp) City Charter Amendments: Signature Requirements

Michael Coleman, Senior Management Analyst for the City of Sacramento, discussed SB61. Staff recommended opposition to legislation. Motion by Committee Member Steinberg to approve staff recommendation. Passed unanimously. *seconded?*

1.2 SB646 (Kelley) Alcohol Sales Licensing

Michael Coleman, Senior Management Analyst for the City of Sacramento, discussed SB646. Staff recommended opposition to legislation which Committee Member Fargo made a motion to approve staff's recommendation. Seconded by Committee Member Steinberg. Passed unanimously.

2.0 STAFF REPORTS

2.1 Drinking Water Fluoridation

Michael Coleman, Senior Management Analyst for the City of Sacramento, presented report to provide information regarding the fiscal and policy implications of fluoridating the City's drinking water. He also discussed the merits of AB733 (Speier) which would mandate the fluoridation of public drinking water systems in California, provided that funds to cover capital and other costs are available from the State.

Committee Member Ortiz produced three letters in support of fluoridation. The letters were from John Orsi, D.D.S., Tammie Bissa, R.D.H., and Kent Draft, D.D.S.

Committee Member Steinberg questioned the medical evidence in support of fluoridation. Does it improve the oral health of children?

Michael Coleman answered Steinberg's question that there is evidence to show that fluoridated water has been proven to reduce tooth decay.

Liz Brenner, Administrative Analyst II for the City of Sacramento, recommended that the City remain neutral on the subject of "fluoridation."

Jim Sequeira, Director, Utilities Department for the City of Sacramento, also recommended the City remain neutral. This is a very controversial issue.

Committee Member Steinberg questioned how staff could say that City's policy is to remain neutral when this issue of fluoridation has not been brought up to the voters since 1960.

Jim Sequeira, Director, Utilities Department for the City of Sacramento, said this issue has come up from time-to-time since 1960.

Committee Member Cohn asked why is there controversy to fluoridation? Who is claiming health risks? What scientific evidence is there saying it is harmful?

Committee Member Fargo asked why the City Water Staff is asking the City to remain neutral on this issue?

Jim Sequeira, Director, Utilities Department for the City of Sacramento, answered that the City remains neutral at City Council's direction.

Committee Member Fargo said the Council should stop being neutral.

Committee Member Ortiz asked about the cost to fluoridate, if mandated by the State?

Jim Sequeira, Director, Utilities Department for the City of Sacramento, said the cost would be covered by the State, if the bill passes. The only real problem would be to fluoridate wells, but it can be done.

Dr. John Orsi, dentist in Sacramento, spoke in favor of fluoridation. He mentioned that if you have too much fluoride, you will get yellow teeth. He mentioned that the cost analysis for dental care \$4.6 billion (\$35-\$45 million to implement and \$15 million a year to keep fluoridation going). He asked the Committee to support AB733.

Committee Member Cohn mentioned that the savings from fluoridation will be coming out of the dentist's pocket because they won't have as many patients.

Dr. Dennis Wong, dentist in Sacramento, spoke in favor of fluoridation. He has gotten 250 signatures on a petition in support of fluoridation.

Committee Member Steinberg questioned if there are health hazards in regards to fluoridation, why leave it up to local government to implement?

Committee Member Cohn put a motion on the floor that Committee modifies staff recommendation that they support the bill in its current form.

Committee Member Ortiz agreed but with additional recommendation for full discussion by City Council.

Committee Member Fargo requested item is put on "Consent."

1st -
2nd - ?

Committee Member Ortiz agreed with "Consent" but wants recommendation to support legislation as proposed, that is, with no mandate unless there is State funding.

Motion passes unanimously.

this was a info - item

2.2 Addition of Chapter 26.02 to Title 26 of the Sacramento City Code to prohibit loitering for drug activities

Jane Christenson, Administrative Analyst II, Office of the Chief of Police, presented report. The proposed ordinance would prohibit loitering for the purpose of engaging in drug-related activity. The intent of the ordinance is to provide law enforcement with an added tool in abating the sale of controlled substances and thereby minimize the disruptive impact which drug sales have on the quality of life in our City's neighborhoods.

Committee Member Steinberg asked what are we adding to the ordinance that wasn't there before?

Michon Johnson, Deputy City Attorney, City Attorney's Office, answered that the term "loitering" is defined.

Committee Member Steinberg asked if someone still has the right to hang out?

Michon Johnson, Deputy City Attorney, City Attorney's Office, answered that "loitering" can't be based on subjective feeling that an officer has, it is based on the totality of the circumstances.

City Police Officer Mandalla, Police Lieutenant, South Station, commented that this ordinance would give us an additional tool to stop loitering. This ordinance would be a great asset to neighborhood officers and POP's.

Committee Member Cohn asked if this ordinance was in place, can an arrest be made?

Police Officer Mandalla, Police Lieutenant, South Station, answered you have to watch activity taking place.

Committee Member Cohn questioned the list on pages 3 and 4 of the report that would allow police to make an arrest.

Committee Member Ortiz stated that loitering statistics are general and this ordinance will get us closer to stopping loitering.

Committee listened to eight (8) speakers in support of addition of Chapter 26.02 to Title 26 of the City Code to prohibit loitering for drug activities.

- Elaine Williams, 3724 47th Street, spoke on the loitering problem becoming a safety hazard.
- Margaret Hocker, 3426 40th Street, spoke about people loitering constantly. She is fed up with the constant selling of drugs from autos, etc.
- Daniel Butte, 4614 ½ 14th Avenue, spoke in favor of the ordinance. He wants the ordinance to have more "teeth in it." He feels intimidation is a constant problem. He wants loiterers off the streets.
- Lotar Lampe, 3933 35th Street, is also in support of the ordinance.
- Janelle Moran, 3231 X Street, reiterated all the concerns of the previous speakers.
- Rick DeGregorio, 5625 Stockton Boulevard, Sacramento Boulevard Merchants Association, wants to eradicate loitering. In fact, he has no loitering signs ready to put up once the ordinance is passed.
- Jesse Moore, 3433 41st Street, said she is fed up with loitering, prostitution and drugs. She is upset that she and her neighbors can't sit on their porches at any time of day.
- Savino Sanchez, 5301 Lawrence Drive, supports ordinance, but also said that different circumstances exist for different aged subjects.

Committee Member Cohn asked Ms. Hocker if "intimidation" is used? Ms. Hocker answered "yes."

Committee Member Ortiz asked of "what is loitering?"

Committee Member Cohn asked if the City has commitment from District Attorney's office to arrest these individuals? Committee Member Ortiz said there is no formal position from District Attorney's office. Committee Member Fargo mentioned going through Jan Skully's office and asking for their assistance.

Committee Member Steinberg asked if the police have to witness "loitering?" Police Officer Mandalla answered that the activity must be personally observed.

Committee Member Steinberg asked for clarification of 26.02.004 (page 4 of the report), specifically the terminology of "requisite intent." Is this needed in the ordinance? Jane Christenson, Chief of Police office, answered that this is commonly used language. Committee Member Steinberg

wants criteria defined. Committee Member Ortiz asked if this is catchall language that is used consistently? Committee Member Cohn said discretion should be used. Are we going to amend this ordinance each time circumstances change?

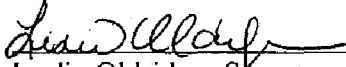
The Committee voted to approve staff recommendation for the addition of Chapter 26.02 of Title 26 of the Sacramento City Code to prohibit loitering for drug activities and forward item to City Council.

Motion: 1st - Committee Member Steinberg
2nd -
Ayes: Committee Members Ortiz, Fargo, Steinberg Cohn

The meeting was adjourned at the hour of 1:30 p.m.

Deborah Ortiz, Chair

ATTEST:



Leslie Oldridge, Secretary