



City of Sacramento Law and Legislation Committee

COMMITTEE MEMBERS:

LAUREN HAMMOND, Chair (D-5)

SANDY SHEEDY (D-2)
Councilmember

STEVE COHN (D-3)
Councilmember

ROBBIE WATERS (D-7)
Councilmember

CITY STAFF:

Shirley Concolino
City Clerk

Patti Bisharat
Government Affairs

Yvette Rincon
Legislative Analyst

Joe Robinson
Deputy City Attorney

*City Hall
915 I Street, 1st Floor – Council Chambers*

August 15, 2006 – 12:30 P.M.

The Law and Legislation Committee is a Standing Committee, a permanent committee of the City Council established to consider subjects of a particular class. Its purpose is to review state and federal legislation affecting the City and proposed changes to municipal ordinances in order to make recommendations to the full City Council.

NOTICE TO THE PUBLIC

You are welcomed and encouraged to participate in this meeting. Public comment is taken (3 minutes maximum) on items listed on the agenda when they are called. Public Comment on items not listed on the agenda will be heard at the end of the meeting as noted on the agenda. Comments on controversial items may be limited and large groups are encouraged to select 3-5 speakers to represent the opinion of the group.

Notice to Lobbyists: When addressing the Committee you must identify yourself as a lobbyist and announce the client/business/organization you are representing (City Code 2.15.160).

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Government Code 54950 (The Brown Act) requires that a brief description of each item to be transacted or discussed be posted at least 72 hours prior to a regular meeting. The City posts Agendas at City Hall as well as offsite meeting locations.

The order of Agenda items are listed for reference and may be taken in any order deemed appropriate by the legislative body. The Agenda provides a general description and staff recommendations; however, the legislative body may take action other than what is recommended. Full staff reports are available for public review on the City's website and include all attachments and exhibits. "To Be Delivered" and "Supplemental" reports will be published as they are received. Hard copies are available at the Office of the City Clerk. (25 cents per page)

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AGENDA

Tuesday August 15, 2006

City Hall

915 I Street - First Floor Council Chamber

All items listed are heard and acted upon by the Law and Legislation Committee unless otherwise noted.

Call to Order

Roll Call

Consent Calendar

All items listed under the Consent Calendar are considered and acted upon by one motion. A member of the legislative body or staff may request an item be removed for separate consideration.

1. **Approval of Minutes for August 1, 2006.**

Location: (Citywide)

Recommendation: Approve Committee minutes for August 1, 2006.

Contact: Yvette Rincon, Legislative Analyst, (916) 808-5827, City Manager's Office.

2. **Law and Legislation Log**

Location: (Citywide)

Recommendation: Approve legislative log

Contact: Yvette Rincon, Legislative Analyst, (916) 808-5827, City Manager's Office.

Staff Reports

Staff reports include oral presentations including those recommending receive and file. Each speaker is limited to a maximum of 3 minutes.

3. **Legislative Position: Support SB 1556 Relating to The Great California Delta Trail System**

Location: Citywide

Recommendation: Staff recommends the Committee approve a support position on SB 1556.

Contact: Robert G. Overstreet, Director of Parks & Rec, (916) 808-1190

4. **An Amendment to the Cardroom Ordinance**

Location: Citywide

Recommendation: Staff is seeking direction from the Committee on whether to amend the existing cardroom ordinance.

Contact: Kimberly Riley, Administrative Officer, (916)-433-0826

5. **An Emergency Ordinance Requiring Air-Cooling and Notice of Cooling Centers in Residential Hotels. (TO BE DELIVERED)**

Location: Citywide

Recommendation: Staff recommends that the Committee approve and forward the ordinance to the Mayor and City Council.

Contact: Max Fernandez, Code Enforcement Director, 808-7940

Public Comments- Matters Not on the Agenda

6. To be announced

Adjournment

7. To be announced

LAW AND LEGISLATION COMMITTEE
Preliminary Calendar
As of August 9, 2006

DISCLAIMER: The following information is tentative as to dates and subjects.

September 5, 2006

Amendments to Marina Ordinance– **Convention Culture & Leisure**

September 19, 2006

Front yard Landscaping – **Code Enforcement**

Ordinance Amendments to the History and Science Commission – **CC&L**

Ordinances creating a Design Commission and a Preservation Commission and establishing notice and hearing authority and procedures for design and preservation review – **Development Services Department**

PENDING ORDINANCES/REPORTS:

Report Back on Contract Standards – **Finance/Procurement Department**

Report Back on Representation of Neighborhood Associations - **Development Svcs/NSD**

Contractual Conflict of Interest of City Employees – **Finance Department**

Drug & Gun Free Zones and Creation of Civil Exclusion - **Police**

Illegal Dumping Vehicle Impound Ordinance – **Utilities Department**

Housing Trust Fund Nexus Study – **Planning Department**

Amend Ordinance Regarding Reward Program – **Utilities Department**

Amend Tree Ordinance – **Parks & Rec**

Public Financing of Campaigns – **City Clerk**

Report Back on Rental Inspection Pilot Program – **Code Enforcement**

Report Back on City Infill Housing Project – **Planning Department**

Amend Ordinance Relating to Recycling Centers – **Development Svcs**

Discussion paper on Truancy/Daytime Curfew for Teens – **Police Department**

Discussion paper on Trespassing Ordinance – **Code Enforcement & Police**

Amendments to Update Development Services Code – **Development Svcs**

Alcohol Use Permit Processing Ordinance – **Police Department**

Ordinance to Regulate Valet Parking – **Transportation Department**

AB 777 Relating to Tax Credits and Motion Picture Production – **City Manager's Office**

Report Back on City-wide Sign Ordinance and A-Frame Signs - **Development Svcs**

Tot Lot Ordinance – **Parks Department**

Docks Area Plan – **Economic Development**

Pedicab Ordinance – **Code Enforcement**

Ordinance Amendments to the Animal Care Code – **General Services**

Solid Waste and Recycling Facility Fee – **Solid Waste Department**

November Ballot Propositions – **City Manager's Office**

R Street Urban Design Plan and SPD Amendments – **Planning Department**

Discussion Paper on an Ordinance to Prohibit Smoking in Parks – **Parks Department**

An Ordinance Relating to Bi-Directional Amplification Devices in Newly Constructed Buildings – **Police Department**



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

1

Consent
August 15, 2006

Honorable Members of the
Law and Legislation Committee

Subject: Approval of Minutes – August 1, 2006

Location/Council District: All

Recommendation: Approve the minutes for the Committee meeting of August 1, 2006.

Contact: Yvette Rincon, Legislative Analyst - 808-5827

Presenters: None

Department: City Manager's Office

Division: Legislative Affairs

Organization No: 0300

Summary: Staff recommends the approval of the minutes for the Committee meeting of August 1, 2006.

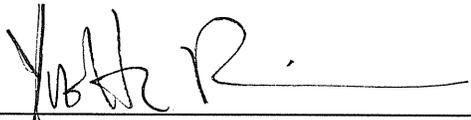
Committee/Commission Action: None.

Financial Considerations: None.

Environmental Considerations: None.

Policy Considerations: None.

Emerging Small Business Development (ESBD): None.

Respectfully Submitted by: 
Yvette Rincon, Legislative Analyst

Recommendation Approved:

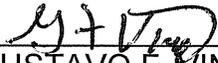

GUSTAVO F. VINA
Assistant City Manager

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MINUTES

City of Sacramento

Law and Legislation Committee

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Councilmember

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August 1, 2006 – 12:30 P.M.

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MINUTES

Tuesday August 1, 2006

City Hall

915 I Street - First Floor Council Chamber

All items listed are heard and acted upon by the Law and Legislation Committee unless otherwise noted.

Call to Order - 12:30 P.M.

Roll Call – Sheedy, Waters, and Hammond present. Cohn arrived at 12:42 P.M.

Consent Calendar

All items listed under the Consent Calendar are considered and acted upon by one motion. A member of the legislative body or staff may request an item be removed for separate consideration.

1. Approval of Minutes for July 18, 2006.

Location: (Citywide)

Recommendation: Approve Committee minutes for July 18, 2006.

Contact: Yvette Rincon, Legislative Analyst, (916) 808-5827, City Manager's Office.

ACTION: Moved/Seconded/Carried (Waters/Sheedy) approval of July 18, 2006 minutes.

2. Law and Legislation Log

Location: (Citywide)

Recommendation: Approve legislative log

Contact: Yvette Rincon, Legislative Analyst, (916) 808-5827, City Manager's Office.

ACTION: Moved/Seconded/Carried (Waters/Sheedy) approval of legislation log.

Staff Reports

Staff reports include oral presentations including those recommending receive and file. Each speaker is limited to a maximum of 3 minutes.

3. Legislative Position: Support SB 276 Relating to 58th Street Armory and St. Francis High School.

Location: District 3

Recommendation: Staff recommends the Committee approve a support position on SB 276.

Contact: Yvette Rincon, Legislative Analyst, 808-5827

ACTION: Moved/Seconded/Carried (Cohn/Sheedy) approval of support position on SB 276.

4. **Legislative Position: Support SB 1523 Relating to Development Projects: Superstore Retailers.**
Location: Citywide
Recommendation: Staff recommends the Committee approve a support position on SB 1523
Contact: Yvette Rincon, Legislative Analyst, 808-5827
Public testimony was given by Jeremy Smith and Nick Hardeman.
ACTION: Moved/Seconded/Carried (Sheedy/Cohn) approval of a support position on SB 1523.
5. **Discussion Paper: Development of an Ordinance to Implement the Disease Prevention Demonstration Project.**
Location: Citywide
Recommendation: This report is for information and direction by the Committee on whether to draft an ordinance to implement the Disease Prevention Demonstration Project.
Contact: Yvette Rincon, Legislative Analyst, 808-5827
Public testimony was given by Dr. Trochet, Brannon Polete, Dan Roth, Paul Curtis, Carla Lowe, Steven Hansen, Dr. Paolo Troia, Andrew Signey, Leslie Benson, Roy Sianez, Pelu Simpson.
ACTION: Moved/Seconded/Not Carried (Cohn/Hammond), vote was 2-2, on the motion to request staff to draft an ordinance to implement the disease prevention demonstration project and include a baseline study. Moved/Seconded/Not Carried (Cohn/Hammond), vote was 2-2, on the motion to forward this item to full council without a recommendation.
6. **Emergency Ordinance: Enforcement of California Vehicle Code Sections on Privately Owned Off-Street Parking Facilities and Roads.**
Location: Citywide
Recommendation: Approve and forward to City Council for adoption an Emergency Ordinance adding Chapter 10.42 to the Sacramento City Code relating to the enforcement of the California Vehicle Code on privately owned off-street parking facilities and roads.
Contact: Jeff Schiele, Captain, (916) 566-6464; Kevin Gardner, Lieutenant, (916) 566-6446.
ACTION: Moved/Seconded/Carried (Waters/Sheedy) approval of ordinance and forwarded on to full council.

Adjournment – 2:05 P.M.

Legislation Log

							Revised 8/9/06
Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date 1	Notes	Controversial or Significant Policy Issues	Anticipated Attorney Drafting Time for Completion 2	City Departments Possibly Affected
NEW OR UPDATED ITEMS							
1	An Ordinance to Prohibit Smoking in City Parks	CM Sheedy/ Parks	Pending	CM Sheedy, at the 7/18/06 council meeting requested staff to research an ordinance that would prohibit smoking in parks. The City of San Diego just recently adopted such an ordinance.	Possibly	TBD	Parks & Rec
2	Ordinances creating a Design Commission and a Preservation Commission and establishing notice and hearing authority and procedures for design and preservation review.	DevSrvs	19-Sep-06	Proposal to amend the City Code 1) to replace the Design Review and Preservation Board with a newly created Design Commission and a newly created Preservation Commission, 2) to establish notice and hearing authority and procedures for the new commissions, 3) to amend the notice and hearing authority and procedures for the design director and the preservation director, and 4) to amend various other sections of the City Code to make conforming changes and to delete outdated provisions.	No	Significant	DevSrvs
SCHEDULED LAW & LEG ITEMS							
3	Amendments to Marina Code	CC&L/Michelle Heppner	5-Sep-06	Amendments to the Marina Code to update and address administrative processes.	Yes	Moderate	CC&L
4	Front yard Landscaping Ordinance	NSD/Max Fernandez	19-Sep-06	Amend City Code related to front yard landscaping to allow maintained garden vegetation. Committee directed staff to return with more restrictive language.	Possibly	Moderate	Dev Svcs / NSD
5	Ordinance Amendment to the History and Science Commission	CC&L	19-Sep-06	On June 8, 2006, the L&L Committee approved staff's direction on the ordinance amendments. The draft ordinance will return to the committee on consent.	No	Moderate	CC&L
6	Discussion Paper on a Trespassing Ordinance	CM Trethaway/ Code & Police / Max Fernandez	August/Sept	Amend ordinance relating to trespassing on private property.	Possibly	TBD	Code/Police
7	Update on Rental Inspection Program Pilot	L&L Committee/Code	Fall 06	At the meeting of January 17, 2006 the Law & Leg Committee requested a report back on the Rental Inspection Pilot Program after six months.	No	Not Applicable	Code

1 Reflects city drafting time only not time required for the leg. process, incl. staff direction, public outreach, comm. meetings, wikstps, formal noticed public hearings req. for adoptions.
 2 Limited =<10 hrs, Moderate =10-40 hrs, Sig. => 40 hrs

Legislation Log

Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date 1	Notes	Controversial or Significant Policy Issues	Anticipated Attorney Drafting Time for Completion 2	City Departments Possibly Affected
8	3.06.3 Report Back on City Infill Housing Project	L&L Committee Planning Dept/ Luncinda Wilcox	September 2006	The Law & Leg Committee heard this item on 3/7/06 and requested a report back in six months on the status of the project to include the housing plans that have been approved to date.	No	N/A	DSD
9	3.06.1 Amend Animal Care Ordinance	DGS/ Hector Cazares	November	On July 18, 2006, the L&L Committee approved staff's direction on amendments to the animal care ordinance. Staff will return in 90 days to the committee with amendment language	TBD	Moderate	DGS
10	6.06.1 Docks Area Plan Ordinance	Econ Development/ Laura Sainz	5-Dec-06	Adopt, by ordinance, the Docks Area Specific Plan and Special Planning District.	TBD	TBD	TBD
11	1.05.02 Amend Tree Ordinance	Parks & Rec/Joe Benassini	Fall 2006	Amend the City's Tree Ordinance to add section to: allow assessment of fees; prohibit topping of trees; and amend the tree permit appeals process.	To be Determined	To be determined	Parks & Rec
12	03.05.05 Public Campaign Financing	CMO/Clerk	Winter 2006	Staff returning to committee, per City Council direction, to review what other cities do regarding qualifications on use of public funds for campaigns and oversight.	Yes	Moderate	CMO/Clerk
				LAW AND LEG COMMITTEE ORDINANCE & REPORTS - DATE PENDING			
13	3.04.3 Contractual Conflict of Interest of City Employees	Finance	Pending	Amendment of code related to prohibition on city employees having a financial interest in a city contract.	No	Limited	Citywide
14	11.04.2 Establish Drug & Gun Free Zones and Creation of Civil Exclusion	Police/Sherri Scruggs	Pending	Subject heard by Committee on 12/7/04. Staff met with Portland DA and federal agencies to share information. CAO reviewing information provided. There are concerns regarding the differences in the Oregon and California state constitutions which could impact the ordinance. Staff will follow-up with a date to return to the committee.	Possibly	Significant	Police/CAO
15	1.2 Update on Sign Ordinance and Sign Program	CM Waters/Dev Svcs/ NSD	Pending	Development Svcs staff will meet with CM Waters to provide an update. Report presented to Committee in January 2004. Committee provided feedback and directed staff to report back. Staff is reviewing the issue and preparing its report back to the Committee.	Yes	Significant	Dev Svcs/ NSD
16	09.04.02 Illegal Dumping Vehicle Impound Ordinance	CM Hammond Utilities/Harold Duffy	Pending	Provide for seizure and impound for a specified time for vehicles involved in illegal dumping. Code and CAO working on options. Pending court decision.	Potentially Yes	Significant	Utilities/Code

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Legislation Log

Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date 1	Notes	Controversial or Significant Policy Issues	Anticipated Attorney Drafting Time for Completion 2	City Departments Possibly Affected
17	05.05.02 Housing Trust Fund Nexus Study	Planning Dept	Pending	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.	Possibly	To Be Determined	Dev Svcs
18	08.05.1 Amend Ordinance Relating to Reward Program	Waters/Utilities/ Harold Dufy	Pending	Amend ordinance relating to reward program to allow payment of reward at arrest and prosecution.	Unlikely	Limited	Utilities
19	6.03.02 Report Back on Representation of Neighborhood Associations	CM Sheedy/DSD/ NSD	Pending	On June 3, 2003 the Law & Leg Committee requested a report back regarding the noticing process and reliance on Neighborhood Associations that do not always represent a majority of residence on an issue. Staff will update the Neighborhood Assoc. list and discuss options to public outreach.	To Be Determined	To Be Determined	DSD/NSD
20	5.03.02 Report Back on Contract Standards	CM Sheedy/ Finance/Procurement	Pending	Law & Leg Committee heard a report on SB163 on 5/20/03. Report back requested on what contract standards the city currently uses, an evaluation of the proposed standards of SB163 and how they may help the city improve its standards and a recommendation from staff for other contracting standards we should apply in the City.	Potentially	To Be Determined	Finance
21	3.06.4 Amend Ordinance relating to Recycling Centers	CM Hammond/ DSD	Pending	Address design guidelines for recycling cubicles (dumpsters), definition of recycling and developing siting criteria.	TBD	TBD	DSD
22	3.06.5 Truancy/ Daytime Curfew for Teens	CM McCarty/ Police	Pending	Research possible ordinance regarding truancy/daytime curfew for teens.	TBD	TBD	Police
23	2.06.1 Amendments to Development Svcs code	DSD/Julia McGinnis	Pending	An Ordinance amendment updating various sections of chapters 3, 5, 12, 16, and 18 of the City Code referencing City Engineer and Director of Public Works and adding a definition for City Manager's Designee	No	Limited	Dev Svcs
24	12.04.1 Approved Alcohol Use Permits Processing	CM Hammond/ Police/Sherrri Scuggs	Pending	Amend Chapter 17 of the City Code regarding deemed approved alcohol use permits processing. Heard by the Law & Leg Committee on 9/20/05. Directed staff to report back with draft ordinance in 120 days.	Possibly	To be determined	Police/Code
25	04.06.1 Ordinance to Regulate Valet Parking Operations	DOT/Howard Chan	Pending	Any valet parking operator who performs valet parking services at a restaurant or other place of public assembly will be required to have a valet parking permit.	TBD	TBD	DOT

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Legislation Log

	Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date ¹	Notes	Controversial or Significant Policy Issues	Anticipated Attorney Drafting Time for Completion ²	City Departments Possibly Affected
26	5.06.1	Tot Lot Ordinance	CM Sheedy/Parks & Rec/Alan Boyd	Pending	CM Sheedy asked staff to research an ordinance that would give the city the necessary authority to keep tot lots available for use for only children and not adults.	TBD	TBD	Parks & Rec
27	5.06.5	A-Frame Sign Ordinance or Pilot Program	CM Cohn/ Bill Thomas	Pending	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.	TBD	TBD	TBD
28	9.05.1	Pedicab Ordinance	CM Trethway/ Code/ Max Fernandez	Pending	On April 4, 2006, the L&L Committee directed staff to draft a pedicab ordinance. The ordinance, once drafted, will return to the committee for its approval.	TBD	TBD	Code
29	4.04.1	Solid Waste Facility Fee	General Svcs/Harold Duffy	Pending	Ordinance to mitigate potential impacts to a geographic area relative to locating a solid waste facility. The Law & Leg Committee 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.	To be Determined	To be Determined	Solid Waste/ Dev Svcs
30	7.04.2	Amendments to R Street SPD	Planning Dept/Tara Goddard	Pending	Amendments to R Street Special Planning District to Facilitate Development	No	Moderate	Planning
31	5.06.4	An Ordinance Relating to Bi-Directional Amplification Devices in Newly Constructed Buildings	Police/ Kim Riley	5-Sep-06	The proposed ordinance would require that all new buildings over 5,000 square feet be required to install bi-directional amplification (BDA) devices, as needed, in newly constructed buildings. Ninety days after the certificate of occupancy is issued the building owner will have to provide certification that a test was done to determine if the BDA is necessary. If it is necessary, then a BDA must be installed. The State has implemented legislation that will begin January 1, 2008. This ordinance is intended to carry us through until the State legislation becomes effective.	TBD	TBD	TBD

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REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
August 15, 2006

Honorable Members of the
Law and Legislation Committee

Subject: Legislative Position: Support Senate Bill 1556 – The Great California Delta Trail System

Location/Council District: Citywide

Recommendation:

Staff recommends the Law and Legislation Committee adopt a support position on Senate Bill 1556 authorizing development of the Great California Delta Trail System which would include a link to the planned Sacramento River trail in Sacramento County.

Contact: Robert G. Overstreet, Director of Parks and Recreation, 808-190, Lori Harder, Support Services Manager, 808-5172

Presenters: Robert G. Overstreet, Director of Parks and Recreation

Department: Parks and Recreation

Division: Administration

Organization No: 4511

Summary:

On May 4, 2006, staff presented this bill to the Council Law and Legislative Committee and recommended action be delayed until the bill was amended to include the east side of the Sacramento River. On May 16, 2006, the bill was amended to include a requirement to link the trail system to planned Sacramento River trails in Sacramento County. Given this amendment, staff recommends the Law and Legislation Committee support the bill. Both Senator Ortiz and Assemblymember Jones are co-authors of the bill.

Committee/Commission Action: None.

Background Information:

SB 1556 would require the Delta Protection Commission to establish a continuous recreation corridor, including a bicycle and hiking trail, around the perimeter of the

Sacramento-San Joaquin Delta, linking the San Francisco Bay Trail System to planned Sacramento River trails in Sacramento and Yolo Counties. The trail/recreation corridor described in SB 1556 would include linkages to the east bank of the Sacramento River within the limits of the City of Sacramento.

Senate Bill 1556 would require the Delta Protection Commission to plan an approximately 1,000 mile recreation corridor around the perimeter of the Sacramento-San Joaquin Delta, as defined in Water Code Section 12220. This new recreation opportunity will be called the Great California Delta Trail System and would travel through Contra Costa, San Joaquin, Solano, Sacramento, and Yolo Counties. It will be required to relate to existing park and recreational facilities, existing and proposed public transportation facilities, and existing land and water trail systems, including the San Francisco Bay Trail System.

Currently, much of the Delta is inaccessible except by boat, or in some cases, by car. Delta Protection Commission surveys over the past 10 years have found that there are many unmet recreational needs for the Delta region, including trails for hiking and bicycling, facilities for wildlife observation and education, water sports access, and improved historic and cultural sites with interpretive information. The plan for the Great California Delta Trail System would be submitted to the Legislature and each of the involved counties within two years after the Commission determines that sufficient funds are available to complete the plan and implementation program.

Local transportation planning agencies are required by law to allocate funds in the local transportation fund for establishing and maintaining pedestrian and bicycle trails. The Metropolitan Transportation Commission is similarly authorized to allocate funds to establish a recreation corridor, including a bicycle and hiking trail, around the perimeter of the San Francisco and San Pablo Bays. This bill would authorize the transportation planning agencies that allocate funds to the cities and counties with jurisdiction or a sphere of influence within the Sacramento-San Joaquin Delta to allocate funds to the Delta Protection Commission for development of the Trail. The Great California Delta Trail System would provide new recreational opportunities and connect the region to many of the existing and planned trail systems developed by cities, counties, and recreation agencies in the region.

Plans for a recreation corridor on both the east and west sides of the Sacramento River are detailed in the *2003 Riverfront Master Plan*, which was accepted by the Cities of Sacramento and West Sacramento in July 2003.

Organizations formally supporting the SB 1556 include:

- California Parks and Recreation Society
- City of West Sacramento, California
- The Delta Protection Commission
- Trust for Public Land
- Yolo County Board of Supervisors
- City of Pittsburg, California
- East Bay Regional Park District

- Audubon California

Financial Considerations:

Senate Bill 1556 allows transportation planning agencies having jurisdiction within the Sacramento-San Joaquin Delta to allocate funds for plan development and program implementation for the California Delta Trail. The plan for the Great California Delta Trail System would be submitted to the Legislature and each of the involved counties within two years after the Commission determines that sufficient funds are available to complete the plan and implementation program. To this end, per State Senator Torlakson, principal author of the bill, Contra Costa County's local transportation agency has committed to support \$3 million towards planning and environmental processes for the project.

Environmental Considerations:

This activity does not constitute a "project" and is therefore exempt from the California Environmental Quality Act (CEQA), per CEQA Guidelines Sections 15061(B) and 15378(b)(3).

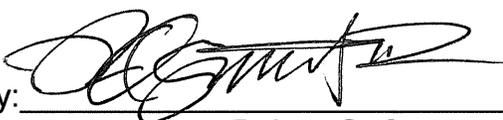
Policy Considerations:

During a joint meeting on July 31, 2003, the City Councils of Sacramento and West Sacramento accepted the *2003 Master Plan* as the vision for the future of the urbanized areas of the Sacramento Riverfront. On May 4, 2004, the City Council approved a work program for implementing the *2003 Master Plan*. The work program included the development of both sides of the Sacramento River as envisioned in the *2003 Master Plan*, as well as collaborative legislative efforts to secure funding.

As described in Senate Bill 1556, the Great California Delta Trail includes development of a recreation corridor with linkages to planned river trails in Sacramento and Yolo Counties.

Emerging Small Business Development (ESBD):

Not applicable, as no goods or services are being purchased as part of this report.

Respectfully Submitted by: 
Robert G. Overstreet,
Director of Parks and Recreation

Recommendation Approved:


GUSTAVO F. VINA
Assistant City Manager

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August 15, 2006

The Honorable Tom Torlakson
California State Senate
State Capitol, Room 4032
Sacramento, CA 95814

Support: Senate Bill 1556 – The Great California Delta Trail System

Dear Senator Torlakson:

On behalf of the City of Sacramento, I am pleased to express the City's support of Senate Bill 1556 – The Great California Delta Trail System. We must create innovative recreation access opportunities for our families and future generations to truly achieve sustainability and enhance livability in the Sacramento-San Joaquin Delta region. The California Delta Trail will be a tremendous step forward to accomplishing this goal.

The City of Sacramento is actively working to link innovative recreational opportunities with flood control solutions, brownfields site clean-ups, alternative transportation choices, and habitat restoration along the east and west sides of the Sacramento River in downtown. The *2003 Riverfront Master Plan* is the vision for the future of the urbanized areas of the Sacramento Riverfront, as co-authored by the Cities of Sacramento and West Sacramento, Sacramento and Yolo Counties, and the Sacramento Area Flood Control Agency. As planned, mixed-use neighborhoods, destination attractions, public gathering places, street circulation, bicycle/pedestrian connectivity, and new public recreation access points on the Sacramento River will become regional jewels. The Riverfront project will bring mixed-income housing for 30,000 new residents and 110,000 new jobs to the region.

We appreciate your assistance in amending SB 1556 to include development of a recreation corridor with linkages to the east side of the Sacramento River to visually complement the west side recreation corridor constructed as part of the Great California Delta Trail.

Thank you for introducing this important piece of legislation.

Sincerely,

Lauren Hammond, Chair
Law and Legislation Committee

cc: Mayor Fargo and Members of the City Council
Senator Dave Cox
Senator Deborah Ortiz
Assembly member Dave Jones
Assembly member Alan Nakanishi
Assembly member Roger Niello

AMENDED IN ASSEMBLY JUNE 21, 2006

AMENDED IN SENATE MAY 16, 2006

AMENDED IN SENATE MARCH 27, 2006

SENATE BILL

No. 1556

Introduced by Senator Torlakson
(Principal coauthor: Assembly Member Wolk)
(Coauthors: Senators Chesbro, Machado, and Ortiz)
(Coauthor: Assembly Member Jones)

February 23, 2006

An act to add Chapter 12 (commencing with Section 5852) to Division 5 of the Public Resources Code, and to amend Section 99234 of the Public Utilities Code, relating to parks and recreation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1556, as amended, Torlakson. Parks: The Great California Delta Trail System.

Existing law establishes the Delta Protection Commission to preserve, protect, maintain, and enhance the Sacramento-San Joaquin Delta region's environmental resources and quality, including preserving and protecting agriculture, wildlife habitats, open spaces, outdoor recreational activities, public access, and use of public lands.

This bill would additionally require the Delta Protection Commission to establish a continuous recreation corridor, including bicycle and hiking trails, around the delta, as defined. *The bill would also require the plan to link the San Francisco Bay Trail system to planned Sacramento River trails in Yolo and Sacramento Counties.*

Existing law requires local transportation planning agencies to allocate funds in the local transportation fund, as defined, for

establishing and maintaining pedestrian and bicycle trails. Existing law authorizes the Metropolitan Transportation Commission to allocate those funds to establish a recreation corridor, including a bicycle and hiking trail, around the perimeter of the San Francisco and San Pablo Bays.

This bill would authorize the transportation planning agencies that allocate those funds to the cities and counties with jurisdiction or a sphere of influence within the delta, to allocate those funds to the Delta Protection Commission for specified activities around the delta.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature hereby finds all of the
2 following:

3 (1) The Great California Delta region is a wondrous state and
4 national treasure, with its natural resources and fertile soils for
5 agriculture, its access to recreation and science research, and its
6 rich history and beauty.

7 (2) The California Delta provides two-thirds of the state's
8 drinking and irrigation water, that flows through the delta's over
9 1,000 miles of waterways, levees, and shoreline.

10 (3) The California Delta is of great ecological significance,
11 with its two most prominent waterways, the Sacramento and the
12 San Joaquin Rivers, carrying fresh water from the Sierra Nevada
13 Range and the Central Valley to the San Francisco Bay.

14 (4) The California Delta is a key part of the Pacific Flyway,
15 and its rich ecosystem serves as home to thousands of unique
16 birds, fish, animals, and plants, and is enjoyed by outdoor
17 enthusiasts, water-sport fans, hunters, fishermen and naturalists.

18 (5) The California Delta is a complicated and fragile system
19 that needs the appreciation and protection of future generations
20 of Californians.

21 (6) The California Delta is characterized by its numerous
22 scenic waterways, levee-top roadways, historic towns, idyllic
23 marinas, and eucalyptus tree windrows.

24 (7) There are 22 public recreation areas in the Sacramento-San
25 Joaquin Delta region, with fishing, park day use facilities,
26 campgrounds, trails and boating access that support numerous

1 recreational activities including boating, water skiing, jet skiing,
2 windsurfing, sailing, fishing, relaxing, hiking and jogging,
3 horseback riding, swimming, picnicking, and cycling.

4 (8) California is challenged by a growing obesity crisis and
5 state and local leaders must address the need for more
6 opportunities for exercise, movement, and recreation in public
7 settings.

8 (9) The Delta Protection Commission surveys have found that
9 there are unmet recreational needs in the delta region, including a
10 trail for bicycling and hiking, around the perimeter of the
11 Sacramento-San Joaquin Delta.

12 (10) A bicycle and pedestrian trail along the perimeter would
13 provide an important link between the people of California and
14 one of our most precious natural resources.

15 (11) A bicycle and pedestrian trail connecting the delta region,
16 with adjacent areas, would provide a great link between our
17 fascinating delta communities and foster a connection between
18 our rich histories and present challenges.

19 (b) The Legislature declares its support for the creation of a
20 *Great California Delta Trail*, linking the San Francisco Bay Trail
21 system to the present and future trailways around the perimeter
22 of and the planned Sacramento River trails in Yolo and
23 Sacramento Counties to the present and future trailways around
24 the delta, including but not limited to, the delta's shorelines in
25 Contra Costa, San Joaquin, Solano, Sacramento and Yolo
26 Counties.

27 SEC. 2. Chapter 12 (commencing with Section 5852) is
28 added to Division 5 of the Public Resources Code, to read:

29

30 CHAPTER 12. THE GREAT CALIFORNIA DELTA TRAIL SYSTEM

31

32 5852. "Delta" means the Sacramento-San Joaquin Delta, as
33 defined in Section 12220 of the Water Code minus the area
34 contained in Alameda County.

35 5853. "Commission" means Delta Protection Commission as
36 defined in Section 29721.

37 5854. (a) In accordance with the requirements of subdivision
38 (c), the commission shall develop and adopt a plan and
39 implementation program, including a finance and maintenance
40 plan, for a continuous regional recreational corridor that will

1 extend around the delta, including, but not limited to, the delta's
2 shorelines in Contra Costa, Solano, San Joaquin, Sacramento and
3 Yolo Counties. *This plan shall link the San Francisco Bay Trail*
4 *system to the planned Sacramento River trails in Yolo and*
5 *Sacramento Counties.* This plan shall include a specific route of
6 a bicycling and hiking trail, the relationship of the route to
7 existing and proposed park and recreational facilities and land
8 and water trail systems, and links to existing and proposed public
9 transportation and transit. The transportation and transit links
10 may include, but are not limited to, roadside bus stops, transit
11 facilities, and transportation facilities. The continuous regional
12 recreational corridor planned and executed pursuant to this
13 chapter shall be called the Great California Delta Trail. The
14 continuous regional recreational corridor shall include, but not be
15 limited to, bikeway systems, and hiking and bicycling trails.

16 (b) The Great California Delta Trail plan shall do all of the
17 following:

18 (1) Provide that designated environmentally sensitive areas,
19 including wildlife habitats and wetlands, shall not be adversely
20 affected by the trail.

21 (2) Provide for appropriate buffer zones along those portions
22 of the bikeway system adjacent to designated environmentally
23 sensitive areas and areas with private uses, when appropriate.

24 (3) Provide that the land and funds used for any purposes
25 under this chapter are not considered mitigation for wetlands
26 losses.

27 (4) Provide alternative routes to avoid impingement on
28 environmentally sensitive areas, *traditional hunting and fishing*
29 *areas*, and areas with private uses, when appropriate.

30 (5) Provide that no motorized vehicles, except to the extent
31 necessary for emergency services, including, but not limited to,
32 medical and structural emergencies, and for handicap access, be
33 allowed on the trail.

34 (c) The commission may develop and adopt the plan and the
35 implementation program if it receives sufficient funds to finance
36 the full costs of developing and adopting the plan. The
37 ~~Commission~~ *commission* shall submit the plan and the
38 implementation program to the Legislature and each of the
39 counties within the commission's service area not later than two
40 years after the ~~Commission~~ *commission* determines that

1 sufficient funds will be available to complete the plan and
2 implementation program.

3 (d) The commission shall administer the funds used in the
4 planning of the trail.

5 5855. (a) The commission shall establish a technical
6 advisory committee that shall review the trail's planning,
7 implementation, and funding proposals. The committee shall
8 include members and staff of appropriate regional government
9 associations, local jurisdictions, and districts. Participation in the
10 committee is voluntary and its members are not eligible for
11 reimbursement from the state for costs incurred to participate.
12 The committee may make recommendations, to the ~~Commission~~
13 *commission*, on the trail's planning, implementation, and
14 funding. The executive director of the ~~Commission~~ *commission*
15 shall convene the meetings of the committee.

16 (b) A cooperative working relationship shall be established
17 with state and federal agencies, and all other cities, counties,
18 districts, including school districts, and regional government
19 associations that are affected by the proposed trail.

20 (c) The commission shall establish a stakeholder advisory
21 committee representing groups concerned with environmental
22 and ecological protection of the delta, groups representing
23 agricultural, private, and other business uses of the delta's land
24 and water, and groups representing bicycling, walking, boating,
25 horseback riding, and other relevant recreational activities. The
26 stakeholder advisory committee shall advise the ~~Commission~~
27 *commission* on the trail's impacts on and uses for committee
28 member constituencies. Participation in the committee is
29 voluntary and its members are not eligible for reimbursement
30 from the state for costs incurred to participate. The committee
31 may make recommendations, to the ~~Commission~~ *commission*, on
32 the trail's planning, implementation, and funding. The executive
33 director of the ~~Commission~~ *commission* shall convene the
34 meetings of the stakeholder advisory committee.

35 (d) The meetings of the committees established in subdivisions
36 (a) and (c) shall be subject to the provisions of the Bagley-Keene
37 Open Meeting Act (Article 9 (commencing with Section 11120)
38 of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government
39 Code).

1 SEC. 3. Section 99234 of the Public Utilities Code is
2 amended to read:

3 99234. (a) Claims for facilities provided for the exclusive use
4 of pedestrians and bicycles or for bicycle safety education
5 programs shall be filed according to the rules and regulations
6 adopted by the transportation planning agency.

7 (b) The money shall be allocated for the construction,
8 including related engineering expenses, of those facilities
9 pursuant to procedures or criteria established by the
10 transportation planning agency for the area within its jurisdiction,
11 or for bicycle safety education programs.

12 (c) The money may be allocated for the maintenance of
13 bicycling trails that are closed to motorized traffic pursuant to
14 procedures or criteria established by the transportation planning
15 agency for the area within its jurisdiction.

16 (d) The money may be allocated without respect to Section
17 99231 and shall not be included in determining the
18 apportionments to a city or county for purposes of Sections
19 99233.7 to 99233.9, inclusive.

20 (e) Facilities provided for the use of bicycles may include
21 projects that serve the needs of commuting bicyclists, including,
22 but not limited to, new trails serving major transportation
23 corridors, secure bicycle parking at employment centers, park
24 and ride lots, and transit terminals where other funds are
25 unavailable.

26 (f) Notwithstanding any other provision of this section, a
27 planning agency established in Title 7.1 (commencing with
28 Section 66500) of the Government Code may allocate the money
29 to the Association of Bay Area Governments for activities
30 required by Chapter 11 (commencing with Section 5850) of
31 Division 5 of the Public Resources Code.

32 (g) Notwithstanding any other provision of this section, the
33 transportation planning agencies that allocate funds, pursuant to
34 this section, to the cities and counties with jurisdiction or a
35 sphere of influence within the delta, as defined in Section 5852
36 of the Public Resources Code, may allocate the money to the
37 Delta Protection Commission for activities required by Chapter
38 12 (commencing with Section 5852) of Division 5 of the Public
39 Resources Code.

1 (h) Within 30 days after receiving a request for a review from
2 any city or county, the transportation planning agency shall
3 review its allocations made pursuant to Section 99233.3.

4 (i) In addition to the purposes authorized in this section, a
5 portion of the amount available to a city or county pursuant to
6 Section 99233.3 may be allocated to develop a comprehensive
7 bicycle and pedestrian facilities plan, with an emphasis on
8 bicycle projects intended to accommodate bicycle commuters
9 rather than recreational bicycle users. An allocation under this
10 subdivision may not be made more than once every five years.

11 (j) Up to 20 percent of the amount available each year to a city
12 or county pursuant to Section 99233.3 may be allocated to
13 restripe class II bicycle lanes.

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Date of Hearing: June 27, 2006

ASSEMBLY COMMITTEE ON WATER, PARKS AND WILDLIFE
Lois Wolk, Chair
SB 1556 (Torlakson) - As Amended: June 21, 2006

SENATE VOTE : 23-13

SUBJECT : Parks: The Great California Delta Trails System

SUMMARY : Requires the Delta Protection Commission to establish a continuous trail around the Sacramento-San Joaquin Delta. Specifically, this bill :

- 1) Requires the Delta Protection Commission, if they receive sufficient funds to cover the costs, to develop a plan and implementation program for a continuous regional recreational corridor that extends around the Delta, including the Delta's shorelines in Contra Costa, Solano, San Joaquin, Sacramento and Yolo Counties. Requires that the plan include a bicycle and hiking trail, and consider the relationship of the route to existing and proposed parks and public transportation.
- 2) Requires that the Great California Delta Trail plan provide that environmentally sensitive areas, including wildlife habitats and wetlands, not be adversely affected and that the plan provide for buffer zones. Specifies that the land used for the trail will not be considered mitigation for wetlands losses. Further requires that alternative routes be provided to avoid environmentally sensitive areas and private use areas when appropriate. Requires that the plan also prohibit non-emergency motorized vehicles on the trail.
- 3) Requires the Commission to submit the plan and recommendations to the Legislature and each county within its service area within two years after the Commission determines that sufficient funds are available to complete the plan and implementation program.
- 4) Requires the Commission to establish a technical advisory committee to review proposals, and a stakeholder advisory committee to advise the Commission on the trail's impacts and uses. Meetings of both these committees are subject to the Bagley-Keene Open Meeting Act.

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- 5) Authorizes transportation planning agencies that allocate funds to cities and counties with jurisdiction or spheres of influence within the Delta to allocate money to the Delta Protection Commission for the purposes of the Great California Delta Trail System plan.
- 6) States legislative findings regarding the values of the Great California Delta region, including its natural resources, agriculture, recreation, science, history, water, ecosystems and beauty, the growing obesity crisis and need for more recreational opportunities, and the values of a bicycle and pedestrian trail to link the Delta and other areas, including the San Francisco Bay Trail system.

EXISTING LAW : Establishes the Delta Protection Commission to preserve, protect, maintain and enhance the Sacramento-San Joaquin Delta region's environmental resources and quality, including preserving and protecting agriculture, wildlife habitat, open space, outdoor recreation, and public access to public lands. Requires local transportation planning agencies to allocate funds in the local transportation fund for establishing and maintaining pedestrian and bicycle trails. Authorizes the Metropolitan Transportation Commission to allocate funds to establish a recreational corridor, including a bicycle and hiking trail, around the perimeter of the San Francisco and San Pablo Bays.

FISCAL EFFECT : According to the Senate Appropriations Committee analysis, estimated cost of \$250,000 in the first year, and \$500,000 per year in two subsequent years. The bill does not appropriate funds and the requirements of the bill are not triggered until funding is made available. To fund the costs of planning and constructing the trail, the Legislature could appropriate General Fund, special funds or bond funds. The Commission is currently funded with appropriations from the Environmental License Plate Fund and Harbors and Watercraft Revolving Fund.

COMMENTS :

1)Background : According to the author, the Delta Trail vision was inspired by the San Francisco Bay Trail, which serves as a model for the Delta Trail and its planning process. The Great California Delta Trail system will be a bike and pedestrian trail system and recreation corridor covering more than 1,000

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miles of Delta waterfront in five counties. The Delta Trail

will provide a valuable recreational resource and alternate transportation system for the Delta region, linking existing and planned recreational resources, including the Sacramento River trails and Brannan Island State Park. The Delta Trail will provide an opportunity for Californians to appreciate the Delta first-hand and learn about its unique historical land uses and important services to our entire state. The author has worked closely with the Delta Protection Commission and their staff on development of this bill.

Delta Protection Commission surveys over the past ten years have found that there are many unmet recreational needs for the Delta region, including trails for hiking and bicycling, facilities for wildlife observation and education, water sports access, bank fishing areas, and improved historic and cultural sites with interpretive information. The Delta Trail will help to link the many diverse areas of the Delta and provide enhanced access through a contiguous corridor that will be planned and developed through a collaborative visioning process.

2)Recent Amendments : The most recent author's amendments state Legislative intent that the Delta Trail link to the planned Sacramento River trails in Yolo and Sacramento Counties, require that the plan link the San Francisco Bay Trail System to the planned Sacramento River trails, and require that the plan provide alternative routes to avoid impinging on traditional hunting and fishing areas in the Delta.

REGISTERED SUPPORT / OPPOSITION :

Support

AFSCME
Alliance of Concerned Citizens of the Sacramento River Delta
Ambrose Recreation and Park District
American Land Conservancy
Association of Bay Area Governments
Audubon California
Support - continued

California Park & Recreation Society
California Waterfowl
City of Pittsburg

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City of West Sacramento
Contra Costa County Supervisor Mary Piepho
The Dangermond Group
Delta Protection Commission
Delta Wetlands Project

Discover the Delta Foundation
East Bay Bicycle Coalition
East Bay Regional Park District
Knightsen Town Advisory Council
Marin Cyclists Club
Planning and Conservation League
Save Mount Diablo
Sierra Club, San Francisco Bay Chapter
Trust for Public Land
Yolo County Board of Supervisors
Water Resorts Inc.
Numerous individuals

Opposition

Department of Finance

Analysis Prepared by : Diane Colborn / W., P. & W. / (916)
319-2096



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

STAFF
August 15, 2006

Honorable Members of the
Law & Legislation Committee

Subject: Ordinance: Amendment to Cardroom Ordinance (SCC 5.32)

Location/Council District: Citywide

Recommendation:

This is an information report for the Law and Legislation Committee's review. Staff is seeking direction on whether to revise the existing cardroom ordinance (Sacramento City Code (SCC) Chapter 5.32).

Contact: Kimberly Riley, Administrative Officer, 433-0826

Presenters: Kimberly Riley, Administrative Officer

Department: Police

Division: Office of the Chief

Organization No: 2111

Summary:

Councilmember Robbie Waters, per a request made by Capitol Casino, recently requested the Police Department review the existing cardroom ordinance (SCC Chapter 5.32). The review was requested to accommodate recent changes in the Gambling Control Act (California Business and Professions Code Sections 19801 et seq.) and to ensure the ordinance allows cardrooms located within the City to remain competitive within the region. Consistent with protocols established by the Committee and the City Council, staff has submitted this report with information on the proposed amendments to the cardroom ordinance to receive direction from the Committee on whether to revise the existing ordinance.

Committee/Commission Action: None

Background Information:

The Capitol Casino recently requested that the City review the existing cardroom ordinance. The Police Department has reviewed the proposal and has discussed acceptable revisions with Capitol Casino and the remaining 3 cardroom licensees. The goal of the revisions is to enable City cardrooms to remain competitive with other gaming establishments within the region and to allow some flexibility within the existing

ordinance to change in conjunction with state law while still maintaining the necessary controls to prevent increased police services. The proposed amendments include the following:

1. *Increase the maximum number of tables at any one cardroom from eight to nine, unless future judicial or legislative action with respect to the Gaming Control Act allows for a greater increase; in such case, the maximum amount may not exceed 15.*

Assembly Bill 635 was signed into law on October 7, 2005, which amended the Gambling Control Act to allow an increase in the number of tables of either 25% or two tables from the number of tables permitted as of January 1, 1996 without voter approval. Previously, the Act only provided for an increase of 25%. Under the new law, the cardrooms would be able to add one additional table. Also, this revision would enable the ordinance to be more flexible with the changes in state law by allowing the number of tables to increase up to a maximum of 15 tables if at a future date state law changes.

2. *Add two exceptions -- death and "exceptional circumstances" -- to the automatic license revocation that currently occurs if a cardroom fails to be operational for 90 days.*

The existing ordinance does not provide any exceptions to the 90 day operation requirement. These two exceptions will enable cardroom licensees that are taking all reasonable steps to become operational to maintain their license with the City.

3. *Allow the spouse and/or children of a licensee to be added to the license if all application guidelines are met.*

Under the current ordinance, a successor in interest is permitted to apply for the transfer of the cardroom license upon the death of the licensee provided that a state gambling license is first obtained. This provision would enable the licensee to add the spouse and/or children to the license prior to death to enable a smooth transition upon death.

4. *Eliminate the maximum number of card games allowed at a cardroom, currently set at six, eliminate the requirement that all cardrooms within the City play the same six games, and eliminate the requirement to have unanimous, notarized approval from the cardroom licensees for a new card game.*

By removing these requirements, the cardrooms can be more competitive amongst each other by eliminating the arduous process of getting unanimous approval on what six games should be played.

5. *Eliminate the Chief of Police's current discretion to approve or deny either a new card game or deviation in the rules of any card game, by requiring the Chief of*

Police to approve a cardroom's proposed deviation or change so long as the rules are in compliance with state law.

The State of California's Division of Gambling Control has ample gambling regulations for the authorized card games in California. The additional discretion currently allocated to the Chief of Police has a minimal public safety benefit and is not a necessary requirement in the overall method of minimizing the impact on police services. Due to the minimal impact, the Police Department is willing to remove this provision to accommodate the cardroom licensees by easing the current burdensome process in implementing a new card game.

6. *Allow "back-line bettors" absent a fully occupied table.*

Back-line betting provides bettors an opportunity to bet an active participant's hand without themselves having to participate. Currently, the ordinance allows back-line betting but only with a full table. This provision would enable bettors who do not want to actively participate to still be able to bet absent a full table.

7. *Increase the maximum bet from \$49 to \$1000, if future judicial or legislative action with respect to the Gaming Control Act allows for such an increase. If such increases occur, additional safety provisions will be required as determined on a proportional basis.*

Currently, the maximum allowable bet under state law is \$49, but by adding this provision it will enable some flexibility with the current ordinance to change in accordance with state law. By requiring any future increases to be linked to additional safety requirements and limiting the maximum bet to \$1000, there is a sufficient balance between the cardrooms ability to compete and the minimization of increased police services.

8. *Revise non-substantive changes to conform the ordinance to the numbering of the state statutes.*

Financial Considerations:

The proposed amendments to the cardroom ordinance have no current fiscal effects.

Environmental Considerations:

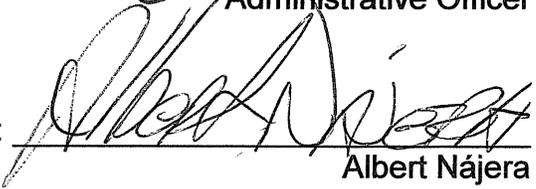
This report is not considered a project and is therefore exempt from the California Environment Quality Act (CEQA), CEQA Guidelines Sections 15061(b) and 15378(b)(3).

Policy Considerations:

The City cardrooms have operated reputable businesses that provide alternative social activities to the residents of the City. The implementation of the proposed amendments would adequately accommodate the cardrooms' business ventures while still minimizing the potential increase in police services.

Emerging Small Business Development (ESBD): Not applicable

Respectfully Submitted by: 
Kimberly Riley
Administrative Officer

Approved by: 
Albert Nájera
Chief of Police

Recommendation Approved:


GUSTAVO F. VINA
Assistant City Manager

Ref: COP 8-3

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Pg 5-6 Attachment 1 - Discussion Paper

**Discussion Paper on
Proposed Amendment to Cardroom Ordinance Sacramento City
Code Chapter 5.32**

At the direction of Councilmember Robbie Waters, the Police Department is proposing an amendment to the existing cardroom ordinance. The specific request was submitted by Capitol Casino, which is owned by Clarke Rosa. The Police Department has reviewed the proposal and has discussed the revisions that we are willing to support with Capitol Casino and the remaining 3 cardroom licensees. The goal of the revisions is to enable City cardrooms to remain competitive with other gaming establishments within the region and to allow some flexibility in the existing ordinance to change in conjunction with state law while still maintaining the necessary controls to prevent increased police services.

Historically, the City and County had identical cardroom ordinances. When Citrus Heights incorporated and created their own ordinances, they changed the ordinance regulations so they differed from Sacramento City and County. On April 13, 2004, Chapter 5.32 relating to cardrooms was amended for Sacramento City cardrooms to remain competitive with the changes in other ordinances throughout the region. The current amendments that are proposed are in response to both recent changes in the Gambling Control Act and a reevaluation of what controls are necessary to prevent increases in police services.

After reviewing the specific request from Capitol Casino, the Police Department supports the following proposed amendments:

- Increase the maximum number of tables at any one cardroom from eight to nine, unless future judicial or legislative action with respect to the Gaming Control Act allows for a greater increase; in such case, the maximum amount may not exceed 15.
- Add two exceptions -- death and "exceptional circumstances" -- to the automatic license revocation that currently occurs if a cardroom fails to be operational for 90 days.
- Allow the spouse and/or children of a licensee to be added to the license if all application guidelines are met.
- Eliminate the maximum number of card games allowed at a cardroom, currently set at six, eliminate the requirement that all cardrooms within the City play the same six games, and eliminate the requirement to have unanimous, notarized approval from the cardroom licensees for a new card game.
- Eliminate the Chief of Police's current discretion to approve or deny either a new card game or deviation in the rules of any card game, by requiring the

Chief of Police to approve a cardroom's proposed deviation or change so long as the rules are in compliance with state law.

- Allow "back-line bettors" absent a fully occupied table.
- Increase the maximum bet from \$49 to \$1000, if future judicial or legislative action with respect to the Gaming Control Act allows for such an increase. If such increases occur, additional safety provisions will be required as determined on a proportional basis.
- Revise some non-substantive changes to conform the ordinance to the numbering of the state statutes.

Under the current ordinance, the City cardrooms have operated reputable businesses that provide alternative social activities to the residents of the City. The Police Department supports these amendments as an adequate balance between increasing the competitiveness of the cardrooms and minimizing the increase to police services.