

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
REGULAR MEETING
JUNE 23, 2015**

ATTENDANCE: Eneida Martinez, Co-Chair; Enrique Torres; Melanie Jackson;
Lydia Martinez; Thomas McCarthy, Council President

STAFF: Anne Kelly-Lenz, Finance Director; Mark Anastasi, City Attorney

OTHER: Robert Halstead, City Councilman (7:40)

CALL TO ORDER

Co-Chair Eneida Martinez called the meeting to order at 6:10 PM. A quorum was present.

APPROVAL OF COMMITTEE MINUTES: MAY 18, 2015 (PUBLIC HEARING)

**** COUNCIL MEMBER JACKSON MOVED TO APPROVE THE COMMITTEE
MINUTES OF MAY 18, 2015 (PUBLIC HEARING).
** COUNCIL PRESIDENT MCCARTHY SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.**

APPROVAL OF COMMITTEE MINUTES: MAY 27, 2015 (REGULAR MEETING)

**** COUNCIL MEMBER JACKSON MOVED TO APPROVE THE COMMITTEE
MINUTES OF MAY 27, 2015 (REGULAR MEETING).
** COUNCIL MEMBER L. MARTINEZ SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.**

APPROVAL OF COMMITTEE MINUTES: JUNE 5, 2015 (SPECIAL MEETING)

**** COUNCIL MEMBER JACKSON MOVED TO APPROVE THE COMMITTEE
MINUTES OF JUNE 5, 2015 (SPECIAL MEETING).
** COUNCIL MEMBER TORRES SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.**

16-13 COUNCIL REVIEW AND POSSIBLE REVISIONS TO THE CITY'S PURCHASING AND PROCUREMENT ORDINANCE, CHAPTER 3.08 CITY CONTRACT AND PURCHASING PROCEDURES.

- ** COUNCIL PRESIDENT MCCARTHY MOVED TO TABLE ITEM 16-13 RE: COUNCIL REVIEW AND POSSIBLE REVISIONS TO THE CITY'S PURCHASING AND PROCUREMENT ORDINANCE, CHAPTER 3.08 CITY CONTRACT AND PURCHASING PROCEDURES.
- ** COUNCIL MEMBER JACKSON SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

34-13 PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 3.08 CITY CONTRACT AND PURCHASING PROCEDURES, AMEND SECTION 3.08.070 PURCHASING PROCEDURE AND SECTION 3.08.090 DISQUALIFICATION OF VENDORS FROM DOING BUSINESS WITH THE CITY-PROCEDURE.

- ** COUNCIL PRESIDENT MCCARTHY MOVED TO TABLE ITEM 34-13 RE: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 3.08 CITY CONTRACT AND PURCHASING PROCEDURES, AMEND SECTION 3.08.070 PURCHASING PROCEDURE AND SECTION 3.08.090 DISQUALIFICATION OF VENDORS FROM DOING BUSINESS WITH THE CITY-PROCEDURE.
- ** COUNCIL MEMBER JACKSON SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

38-13 PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 3.12 EQUAL OPPORTUNITY REQUIREMENTS FOR CONTRACTORS, AMEND SECTION 3.12.130 MINORITY BUSINESS ENTERPRISE PROGRAM.

- ** COUNCIL PRESIDENT MCCARTHY MOVED TO TABLE ITEM 38-13 RE: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 3.12 EQUAL OPPORTUNITY REQUIREMENTS FOR CONTRACTORS, AMEND SECTION 3.12.130 MINORITY BUSINESS ENTERPRISE PROGRAM.
- ** COUNCIL MEMBER JACKSON SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

39-13 PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 8.76 ANTI-BLIGHT PROGRAM, AMEND SECTION 8.76.020 DEFINITIONS, SECTION 8.76.040 ENFORCEMENT AND ADDING NEW SECTION 8.76.052 ALLOCATION OF CAPITAL GAIN.

- ** COUNCIL MEMBER TORRES MOVED TO TABLE ITEM 39-13 RE: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 8.76 ANTI-BLIGHT PROGRAM, AMEND SECTION 8.76.020 DEFINITIONS, SECTION 8.76.040 ENFORCEMENT AND ADDING NEW SECTION 8.76.052 ALLOCATION OF CAPITAL GAIN.**
- ** COUNCIL MEMBER L. MARTINEZ SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

79-13 PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 12.28 PARK USE REGULATIONS, AMEND SECTION 12.28.090 ANIMALS PROHIBITED FROM PARKS.

Atty. Anastasi stated that by ordinance, the Parks Commission is empowered to adopt regulations with the permission of the City Council, and that these regulations would then have the power of an ordinance.

Co-Chair E. Martinez looked at the notes from the item's original agenda debut of May 28, 2014 and provided an overview of the primary issues. It was stated that people were allowing dogs into the water during off-season times, and that Atty. Anastasi stated by charter, the authority on a ratifying a solution rests with the Parks Director or Commission. It was determined that the best solution was to not let a dog go free without a leash.

Council Member L. Martinez suggested a public hearing.

- ** COUNCIL MEMBER L. MARTINEZ MOVED TO HAVE A PUBLIC HEARING ON ITEM 79-13 RE: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 12.28 PARK USE REGULATIONS, AMEND SECTION 12.28.090 ANIMALS PROHIBITED FROM PARKS.**
- ** COUNCIL MEMBER JACKSON SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

Atty. Anastasi noted that Council Member Torres had suggested inviting the Parks Department to the next meeting, and that this would be advantageous.

- ** COUNCIL PRESIDENT MCCARTHY MOVED TO TABLE ITEM 79-13 RE: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 12.28 PARK USE REGULATIONS, AMEND SECTION 12.28.090 ANIMALS PROHIBITED FROM PARKS.**
- ** COUNCIL MEMBER L. MARTINEZ SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

84-14 REQUEST THAT HOME FORECLOSURE ACTION MUST ONLY BE EMPLOYED AFTER CONSULTATION AND APPROVAL OF SAID ACTION BY COMMON COUNCIL, FIRST THROUGH APPROPRIATE COMMITTEE AND THEN AS A WHOLE COUNCIL.

Chair E. Martinez stated that as of the last meeting, they were waiting for the City Attorney's Office to do some interest regarding Item 84-14.

Atty. Anastasi stated that while he had no formal written opinion, he did not believe the city foreclosed in matters where taxes are the primary issue, and that the City Council approves requests to sell by tax lean. He stated that these were sold to third parties and that the City subsequently has no control over them or their procedures. He stated that the ability to collect taxes was fully under the discretion of the City's Tax Collector, and that members of legislation have no opportunity or jurisdiction to interfere. He further stated that the last thing they would want is elected officials injecting themselves into a mandatory statutory process, and that while they may have suggestions and conversations, they have no legal standing to determine the processes which she uses. He further stated that the tax collector was ill, and could not attend the meeting.

Council Member Torres stated that he felt it was appropriate for the council to review any foreclosures the city intends to engage in, and that they are asking solely for the discretion to inspect any action taken by the city in order to understand the foreclosure action being taken. He stated that the mayor appoints the tax collector and other officials, meaning that by definition there are politics involved with the mandatory statutory process already. He further stated that they, just as much as the mayor, have the right to examine whether or not action is prudent.

Atty. Anastasi stated that over the years, a number of tax collectors and assessors have informed the Mayors themselves that they do not play any role in the policy determination of how taxes are collected, regardless of appointment, and that they have historically taken their statutory duties very seriously.

Council Member Torres indicated that Council Member Jackson had done some research and determined that action taken varies from city to city, though the state may provide the guidelines. He further stated that it is up to the city to determine whether the tax collector is being over or under zealous.

Atty. Anastasi stated that this is correct to the extent that there are a wide variety of techniques employed in these scenarios, however it is not appropriate to suggest the elected officials determine which techniques be utilized.

Council President McCarthy requested information from the City's Attorney from the previous 2-3 years regarding the City's foreclosures and foreclosure action. He stated that he was aware they have sold leans, which have been approved by the Council, and that they were a large and essential part of the budget.

Council Member L. Martinez expressed her concern regarding the tax collector, stating that she found it disconcerting that one individual has the power to make so many unilateral decisions for the city and its citizens. She stated that she believed there should be more checks and balances, as the current arrangement seems non-beneficial to the residents of the city.

Atty. Anastasi stated that decisions are made to restrict the abilities of the tax collector, but that they do not involve elected officials, and that furthermore, it is advantageous to have professionals rather than politicians handling it. He stated that the tax collector is charged to treat everyone equally, and that while the concern from the city's politicians is legitimate, giving discretion to a greater number is less than advantageous. He further stated that the only thing the tax collector can truly do is exercise the powers bestowed from the state legislature to all tax collectors.

Ms. Kelly-Lenz elaborated on instances of bulk lean sale, stating that is properties cannot be sold, they may be packaged for another lean sale or foreclosure may happen if the property is completely unsellable. She stated that lean sales are a win-win scenario, and that foreclosure procedures would be considered largely in cases where the property is blighted.

Council Member Jackson expressed her agreement with Council President McCarthy in their need for more information.

Ms. Kelly-Lenz elaborated upon the different varieties of options in foreclosure scenarios- strict foreclosure, foreclosure, auction, and lean sales.

Council Member Torres stated that he thought it would be advantageous to sell the properties to a local firm rather than in bulk to an outside firm. He stated that it is a matter of administrative competence rather than politics to ensure that the department head is not being overzealous. He stated that the point is not to abrogate the power, but instead to oversee to ensure the power is being used well and that the job is being effectuated properly. He further stated that foreclosure and lean sale was not the sole option, and that while it would potentially require more work and different methods, it is not an absolute certainty that there would be a budget deficit as a result.

Co-Chair Martinez stated that next year when sitting in on the budget, some money should be allocated for council members to have their own legal representation. She further recommended that 5 years of foreclosure procedures be provided rather than 2-3, with breakdowns of the amount and so forth.

Council Member Torres asked Council President McCarthy whether the council had any oversight capacity.

Atty. Anastasi stated that in Chapter 3, Section 1 of the charter it is stated- *the chief executive office of the city shall be a mayor. The mayor shall take care that the laws shall be executed properly and will exercise ultimate operational control all over all agencies and institutions.* Atty. Anastasi stated that this means the Mayor is the executive and administrative authority.

Council President McCarthy stated that from a technical legal interpretation, Atty. Anastasi is correct. However, he stated that he vehemently disagreed with him if he meant to imply that the committee doesn't have a role in shining a light on issues.

Atty. Anastasi stated, to correct the record, that he has made the statement multiple times that he opened this dialogue and that the issue in the dispute was the attempt to mandate versus the ability to effect change.

Ms. Kelly-Lenz stated that a deficit would be absolute, as in the event they could not sell the properties or if the individuals could not pay, it would use up the fund balance. She stated that companies and individuals the city works with want to see financial records, and if they were unable to move the properties it would reflect poorly on their record.

Council Member Torres stated that it was not an absolute, and that other options were available.

Ms. Kelly-Lenz stated that there were no other feasible options, and that strict foreclosures take months and sometimes years.

Council Member L. Martinez suggested the community be allowed to purchase some of the homes packaged in the lean sales as individual lots, as happened in previous years. She further stated that it would be advantageous to the community, and that she acquired her own home by these means.

Ms. Kelly-Lenz stated that she was open to any options, but that selling 25,000 properties under individual bid is unrealistic, and that they would have to pick and choose or sell all of the properties.

Atty. Anastasi clarified to the committee that while the council has legislative and contractual authority, not executive or administrative authority.

Council Member Feliciano requested Ms. Kelly-Lenz email all of the options and the specifications of how they works in sales procedures, including but not limited to tax liens, foreclosures and auctions.

**** COUNCIL MEMBER L. MARTINEZ MOVED TO TABLE ITEM 84-14 RE: REQUEST THAT HOME FORECLOSURE ACTION MUST ONLY BE EMPLOYED AFTER CONSULTATION AND APPROVAL OF SAID ACTION BY COMMON COUNCIL, FIRST THROUGH APPROPRIATE COMMITTEE AND THEN AS A WHOLE COUNCIL.**

**** COUNCIL MEMBER JACKSON SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

85-14 REQUEST THAT THE TAKING OF VEHICLES AND THE ACTION OF “BOOTING” MUST ONLY BE EMPLOYED AFTER MULTIPLE OFFENSES AND THAT A CERTIFIED LETTER BE SUBMITTED TO THE OWNERS OF VEHICLE AND THAT NOTICE IS PROVIDED TO THE APPROPRIATE CITY COUNCIL COMMITTEE FOR THEIR APPROVAL OF SAID ACTION.

Council Member Torres stated that based on the meeting yesterday, he had amended the resolution. He provided amended copies to the committee. He stated that the first change is to recognize that the voting program appears to have a trigger of \$100, and that he would like to recommend the trigger be moved up to \$750. He stated that the biggest problem is that the poorest of the poor are having their taxes doubled with the cost of the boot, tripled with the cost of the towing, and that it can only increase based on how long the vehicle remains, potentially leaving the car fiscally useless. He stated that while this may not be a binding resolution, it could be a council recommendation.

Council President McCarthy asked if it were legally possible for the city to come first.

Miss Kelly-Lenz stated that once the warrant is issued, the car is seized by a private company and they have to notify the taxpayer. She stated from that point on, they have to give a timeline, but in between they have to reach out to the DMV because they lack the proper title, otherwise the car will continue to sit on the lot ad infinitum. She stated that once they secure the title, the city is no longer the top lean on the car.

Atty. Anastasi stated that, from a practical standpoint, marshals will not serve if they're not going to be paid, and thus it does not work from a contractual or legal standpoint.

Council President McCarthy stated that he understood why the first lean isn't a practical option, and asked if there was an upfront fee that could be charged based on the value of the car. He further stated that there must be a way to incorporate the value somehow, potentially by utilizing the Kelly Blue Book Value.

Council Member Torres stated that there are some cars with so little value they should not be bothered with, as they will not bring any profit to the city, and that towing a low value car is in fact an action against the healthy and welfare of the city itself.

Council President McCarthy stated that \$750 seemed to be a high trigger number, and that he is not opposed to changing it to something higher than \$100.

Ms. Kelly-Lenz stated that 82% of individuals paid before the cars were towed, and that the act of towing is the deterrent and incentive to pay. She further stated that basing an upfront fee on the Blue Book Value is problematic in regards to the antique car market, as the value may be more than indicated.

Council Member Torres stated that they should research where the individual lives, with a system in place that has their residential address rather than the address where they are booted.

Ms. Kelly-Lenz stated that this could be researched and looked up, but that she did not have the information off-hand as the records number up to 10,000.

Council Member Feliciano asked who set the amount for the trigger, and Council President McCarthy stated that the administration did. Council Member Feliciano asked what it would take to move the number from \$100 to \$500, and Council President McCarthy stated that the council would need to make a clear rationale about the benefit of \$500 vs. \$100.

Council President McCarthy stated that the research should be done to properly come to a conclusion about the appropriate number, as the deterrent was valuable but seemed high. He asked Ms. Kelly-Lenz if there was an analysis done on the number of tows vs. the values.

Ms. Kelly-Lenz stated that upon booting the car they run the plates, get the name of the owner, find any other cars under their name, and that the individual must pay anything under their name to have the car released. She stated that there were 106,000 records.

Council President McCarthy asked if it were possible to know how many people fall in between the range of \$100 and \$500, in order to see different levels and see if there is a breaking point in the distribution.

Council Member Torres further asked if there was a number to be figured out to determine when the car was not of use or profit for the city.

Ms. Kelly-Lenz stated that this would constitute preferential treatment if that were to impact whether or not they would be towed. She further stated that they track what the individual paid, not what they originally owed.

Atty. Anastasi stated that they can categorize through a threshold number, but cannot distinguish between the value of the vehicle in terms of the taxpayer. He stated that they can determine the tools utilized in terms of place, but that the amount they end up paying does not ultimately matter.

Council Member Jackson asked, in terms of the trigger amount, whether (if she did not pay the first year, should it not trigger the proposed \$750) she could drive around for two years without being booted. Ms. Kelly-Lenz answered in the affirmative. Council Member Jackson stated that the number was important to ensure it was not being abused. Ms. Kelly-Lenz stated that, in line with state legislation going in, they are lowering the level of taxes that must be paid on top of it, making the differential much lower. Council Member Jackson asked if they could possibly get a scenario account showing how long it takes to get to the trigger. She further stated that they need to find a number that incentivizes paying but does not disadvantage low income families. Ms. Kelly-Lenz stated that it would depend on the trigger specifics.

Council Member L. Martinez suggested a public hearing in order to gather information and input from the city's occupants, then determine a direction from there.

Council Member Brannelly pointed out that the change in taxation should also be considered when formulating the new number. She asked if Ms. Kelly-Lenz would be able to determine how many automobiles were outstanding at certain increments (\$100, \$250, \$500). Ms. Kelly-Lenz stated that she would be unable to do this.

Council Member Feliciano asked what information was being purveyed to individuals on the mailers sent for their tax bills. Ms. Kelly-Lenz stated that while the amounts are not broken down, any back taxes are included on the yellow tax bills in bold letters.

Council President McCarthy asked if there was information available that talks about the average tax bill or value for cars in the city, and if they knew what the median was. Ms. Kelly-Lenz stated it was possible to do values and supplementals. Council President McCarthy asked for the mean and median figures on this, as well as the bill. He further asked if she could estimate how the lowered car tax over the next two years would impact the value.

Co-Chair E. Martinez asked if the towing companies deal with the city abandoned vehicles tagged by police. Ms. Kelly-Lenz stated that abandoned vehicles are different that simple towed cars and are under the realm of the police department, and that they have no profit value for the city. Co-Chair E. Martinez asked who authorizes tagging for out of state plates, and Ms. Kelly-Lenz stated that this information was related to the assessor. She further stated that the police would place a notification of the car, and then the person must come to the assessor's office to address the issue.

Co-Chair E. Martinez noted an incident involving a constituent where a bill of \$86.13 in 2013 led to their vehicle being towed. Ms. Kelly-Lenz stated that the 2 years worth of interest likely put them over the edge, as the interest is 1.5% per month, and every month simple interest is added. Co-Chair E. Martinez suggested that the number be changed to \$250, and that the delinquency not exceed 13 months.

Council Member Torres stated that in 1999, with no measures in place, the city collected almost 80% of the fees, and that by not threatening the people with booting, it does not automatically mean the city will go to 0% collection. He further stated that any time taxes go down, looking at national statistics, participation in tax paying goes up, and they should expect a better participation in paying. He stated that the idea that they have to maintain threat of the booting system is not sound.

Council President McCarthy stated that, as they have asked for significant information before making a decision, he would advise a public hearing. He stated they would receive the requested information from Ann, digest it and then find an appropriate number.

Ms. Kelly-Lenz stated, regarding Council Member Torres' comments, that dropping to a collection rate of 78% from the city's current 90% would result in a loss of nearly \$2.5 million dollars.

**** COUNCIL PRESIDENT MCCARTHY MOVED TO ORDER A PUBLIC HEARING ON ITEM 85-14 RE: REQUEST THAT THE TAKING OF VEHICLES AND THE ACTION OF "BOOTING" MUST ONLY BE EMPLOYED AFTER MULTIPLE OFFENSES AND THAT A CERTIFIED LETTER BE SUBMITTED TO THE OWNERS OF VEHICLE AND THAT NOTICE IS PROVIDED TO THE APPROPRIATE CITY COUNCIL COMMITTEE FOR THEIR APPROVAL OF SAID ACTION.**

**** COUNCIL MEMBER L. MARTINEZ SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

86-14 REQUEST THAT LEANING OR THE TAKING OF HOMES BY FORECLOSURE ACTION BY THE WPCA OR THE CITY OF BRIDGEPORT MUST ONLY BE EMPLOYED AFTER CONSULTATION AND APPROVAL OF SAID ACTION BY THE COMMON COUNCIL, FIRST THROUGH APPROPRIATE COMMITTEE AND THEN AS A WHOLE COUNCIL.

**** COUNCIL MEMBER L. MARTINEZ MOVED TO TABLE ITEM 86-14 RE: REQUEST THAT LEANING OR THE TAKING OF HOMES BY FORECLOSURE ACTION BY THE WPCA OR THE CITY OF BRIDGEPORT MUST ONLY BE EMPLOYED AFTER CONSULTATION AND APPROVAL OF SAID ACTION BY THE COMMON COUNCIL, FIRST THROUGH APPROPRIATE COMMITTEE AND THEN AS A WHOLE COUNCIL.**

**** COUNCIL PRESIDENT MCCARTHY SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.**

**80-13 PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES,
CHAPTER 12.28 PARK USE REGULATIONS, AMEND TO ADD NEW SECTION 12.28.210
REGULATION BANNING SMOKING IN CITY PARKS.**

Council Member Brannelly provided the amended resolution to the committee. She stated that the goal was to reduce the amount of smoking going on around children. She stated that a professor from Sacred Heart University and her students did research on the effects of smoking on small children. She stated that when the amendment was originally brought to the committee it seemed restrictive, and to scale it down, they have specified the locations where children tend to populate rather than the whole park (i.e. city playgrounds, sports fields and any beach).

Council President McCarthy asked if vaping and e-cigarettes were taken into account. Council Member Brannelly stated that they would need to glean more information regarding both, and that it was possible to look at the Boston and NYC ordinances to check. She further stated that the concern was not solely secondhand smoke, but also the presentation of smoking to a child.

Council Member Robert Halstead stated that he had concerns about enforcement, and that signage may be valuable.

Council Member Feliciano stated that if there were containers to place cigarette butts into, they would be better contained. She stated that she approved of Council Member Halstead's signage suggestion.

Council Member Brannelly affirmed that signage is a positive idea, and that the problem with readily available ashtrays is that they appear to encourage the use of cigarettes. She stated that they could discuss putting them out in grilling areas not near restricted sections.

Co-Chair E. Martinez asked what legal technicalities were alluded to earlier, and Atty. Anastasi stated that the City's Attorney's Office will have to submit a written legal opinion during the proceedings.

Council Member Brannelly stated that the amendment was taken through the Parks Commission originally. Co-Chair E. Martinez asked if there had been a public hearing, and Council Member Brannelly answered in the negative.

Council Member Torres stated that he thought there should be additional language in the amendment in order to carve out specific areas in the specified parks.

**** COUNCIL PRESIDENT MCCARTHY MOVED TO ORDER A PUBLIC HEARING ON
ITEM 80-13 RE: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF
ORDINANCES, CHAPTER 12.28 PARK USE REGULATIONS, AMEND TO ADD NEW
SECTION 12.28.210 REGULATION BANNING SMOKING IN CITY PARKS.**

- ** COUNCIL MEMBER JACKSON SECONDED THE MOTION.**
- ** MOTION PASSED WITH 4 VOTES IN FAVOR (E. MARTINEZ, MCCARTHY, JACKSON, TORRES) AND 1 ABSTENTION (L. MARTINEZ).**
- ** COUNCIL PRESIDENT MCCARTHY MOVED TO TABLE ITEM 80-13 RE: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 12.28 PARK USE REGULATIONS, AMEND TO ADD NEW SECTION 12.28.210 REGULATION BANNING SMOKING IN CITY PARKS.**
- ** COUNCIL MEMBER TORRES SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

96-14 PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 8.80 NOISE CONTROL REGULATIONS, AMEND SECTION 8.80.020 DEFINITIONS AND 8.80.050 PROHIBITED NOISE ACTIVITIES BY ADDING NEW SUBSECTION “C” (10).

Council Member Brannelly stated that the current noise ordinance refers strictly to noise levels and decibel levels, and that they are specifically looking to address the issue of restaurants that have a garage door as their front wall. She stated that these venues often have live entertainment going until as late as 1 AM. The amendment seeks to have the open air space closed at a certain time, and that exterior liquor service noise (any sounds that are caused by exterior dining, entertainment or amplification of speakers after 8 PM Monday through Friday or 10 PM Friday through Saturday) be considered to exceed Class B noise levels after the specified time.

Atty. Anastasi asked if there was a definition of excessive. Council Member Brannelly stated that the new definition of Class B noise was on the first page of the ordinance at the bottom of the page. Atty. Anastasi expressed his desire to confer with Atty. Ed Schmidt on the matter.

Council Member Torres stated that it would require some sort of decibel measuring apparatus to determine whether or not something exceeds a Class B noise level. Council Member McCarthy stated that the problem with the ordinance is that it requires decibel level readers, and that they must be approved by the DEA. Council Member Torres stated that having something in writing may be sufficient to discourage the behavior.

Council Member Jackson referenced Section C2, and asked if it applied to the average person as it currently stands. Council Member Brannelly stated that the only changes are marked as new, and that the rest of the document is the existing ordinance. She further stated that the addition of the new items are to be relative to this particular phenomenon involving the garage door entrances. Council Member Jackson inquired as to the enforcement. Council Member Brannelly stated that if someone calls, the police are notified, and that it will be enforceable because it is a nuisance that can be ended by putting the door down.

Atty. Anastasi stated that none of the sounds described in the amendment are predicated upon an establishment having a liquor license, and that he would like to discuss it with the office.

**** COUNCIL PRESIDENT MCCARTHY MOVED TO ORDER A PUBLIC HEARING ON ITEM 96-14 RE: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 8.80 NOISE CONTROL REGULATIONS, AMEND SECTION 8.80.020 DEFINITIONS AND 8.80.050 PROHIBITED NOISE ACTIVITIES BY ADDING NEW SUBSECTION "C" (10).**

**** COUNCIL MEMBER L. MARTINEZ SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

**** COUNCIL PRESIDENT MCCARTHY MOVED TO TABLE ITEM 96-14 RE: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 8.80 NOISE CONTROL REGULATIONS, AMEND SECTION 8.80.020 DEFINITIONS AND 8.80.050 PROHIBITED NOISE ACTIVITIES BY ADDING NEW SUBSECTION "C" (10).**

**** COUNCIL MEMBER L. MARTINEZ SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** COUNCIL MEMBER L. MARTINEZ MOVED TO ADJOURN THE MEETING.**

**** COUNCIL PRESIDENT MCCARTHY SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:30 PM.

Respectfully submitted,

Catherine Ramos

Telesco Secretarial Services