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JUL 22 2 57 PM '85

COUNCIL COMMITTEE ON
LAW & LEGISLATION
DOUGLAS N. POPE
CHAIRMAN
DAVID M. SHORE
LYNN ROBIE
WILLIAM A. SMALLMAN

MINUTES OF LAW AND LEGISLATION COMMITTEE

July 11, 1985

4:00 P.M.

The meeting was called to order at 4:10 p.m. by Chairman Doug Pope. Other Committee members present were Lynn Robie and Dave Shore.

1. Request for Non-Support of Senate Bill 590. This item was presented to the Committee by the Police Department, and if passed would authorize off-track betting. Because Dave Shore was not yet present at the meeting, no vote could be taken regarding this bill, so it was tabled until later in the meeting.

2. Regulating the Parking of Horse-Drawn Vehicles in Old Sacramento. Mark Morgan of the Parking Department discussed this issue. The ordinance would provide for red zones for parking of horse-drawn wagons and would restrict parking to 15 minutes. It would also allow for long-term parking of wagons in the Q Street Garage for an anticipated fee of \$38.00 per month. Mr. Morgan stated that he had met with the wagon operators and the Merchants' Association quite some time ago to discuss these issues, but that the 15-minute time limit was a staff recommendation.

Councilwoman Lynn Robie asked why this ordinance was necessary in the first place. Mr. Morgan replied that there have been complaints from merchants in Old Sacramento about wagons blocking entries, and about people getting into the empty wagons when parked on the street. Chairman Pope asked whether people have been storing wagons for long periods of time, and Mr. Morgan said they had. There was also some discussion regarding time limits for automobiles in Old Sacramento (2 hours).

Art Haarmeyer spoke at this time. He owns a horse-drawn tour wagon which operates in Old Sacramento. He feels the City should establish specific areas for long-term or overnight storage of wagons. He cited an example of a breakdown of a wagon where passengers could be transferred to another wagon if one was parked nearby, rather than having other wagons located a long distance away. He also discussed the inconvenience of having to take home a large wagon every night. He stated that he has never experienced vandalism when his wagons were parked on the street in Old Sacramento.

Councilwoman Lynn Robie asked where wagons are now stored. Mr. Haarmeyer said that they are now required to leave the wagons behind the Railroad Museum, but they often get blocked off by cars which end up parking there. He suggested the City consider loading and unloading zones, and additional parking zones for wagons in low or no traffic areas. There was some discussion about this, and Mr. Haarmeyer agreed that the parking area set aside at the Q Street parking garage would be a step in the right direction.

Mr. Haarmeyer then stated that he did not feel that allowing only 15 minutes in a parking area was adequate, because his wagons carry large tour groups and it takes longer to load and unload a large wagon than a small one. Also, he said that he needed more time because with tour groups, when they say they will be out at a certain time, they may be later, and the wagon should be there to pick them up. He felt that 30 minutes would be more logical.

At this time, Mr. Bob Thomas of Community Services addressed the Committee members. He stated that he feels wagons left unattended are trash collectors and that children tend to climb on them. Also, if provisions are made for special on-street parking places for unattended wagons, needed spaces for cars would be eliminated.

Some discussion was had about the 15-minute time limit for parking. Mr. Morgan of the Parking Department stated that if a wagon is seen loading or unloading, they certainly would not be cited; the time limit is mainly for unattended wagons, or for wagon operators waiting for potential passengers. There was also some discussion with regard to where wagons go when a tour group is touring (they usually go out to pick up another tour group); how the wagon spaces are now marked (red); and how many operators are now working in Old Sacramento (five, but only three are very active).

John Broussard, a horse-drawn wagon operator, spoke at this time. He said that he doesn't want overnight parking on the street, as it ties up the spaces for himself or other operators. Also, he feels that this creates a liability problem. If someone gets hurt on his unattended wagon, he is liable, and so is the City for allowing him to park it there. He also said he feels that 15 minutes is plenty of time, and that Old Sacramento should be used by passenger vehicles. He said that if you don't have a load of passengers in 15 minutes, it's time to move to another location. He said that he supports the proposed ordinance.

Another speaker was Kathy MacMillan, owner of the Firehouse Restaurant and member of the Merchants' Association. She wanted to go on record as supporting this ordinance.

Punky Brewer, a wagon operator, stated she feels this ordinance will stop hustling on the street. She also discussed lack of police patrol in Old Sacramento, especially on Sunday nights.

Mark Morgan stated that there is a security guard at the Q Street parking garage, and that additional lighting will be installed.

Wagon owner Henry Newborne stated that he would rather leave his vehicle in Old Sacramento in the parking garage than on the street. He also said that the 15-minute parking limit is plenty of time, although some senior citizens take longer to board than others.

Chairman Doug Pope explained that no one would be cited if they are loading or unloading, but the time limit is set for actual parking.

Art Haarmeyer again spoke, addressing the time-limit matter, and he stated that "tour wagons and little buggies are two different cats."

A representative of the D'Agostini Winery was present, and she said that horse-drawn wagons do block their entries and that they are inconvenienced when they need to load and unload delivery trucks. She feels that 15 minutes for parking is adequate, as merchants do need to use their curbsides for business.

Councilman Shore moved, Councilwoman Robie seconded, and it was unanimously agreed to present this ordinance to the full Council. Lynn Robie asked if there was a possibility of finding one area for Haarmeyer's wagons to go when waiting. Bob Thomas stated that if an exception is made in one case, everyone will want the City to make an exception. Councilwoman Robie asked Mark Morgan to check into this matter to see if it would be possible to make it easier for Haarmeyer's needs, and to try to work something out with him.

3. City-Wide Regulation of Horse-Drawn Carriages. Bob Thomas of Parks and Community Services discussed this issue. The main reasons for this ordinance is that, at present, anyone can own and operate a horse-drawn vehicle without any safety regulations. The ordinance would require that operators obtain a permit and pass a proficiency test. It would also require documentation that the wagons are historical and that the animals are certified safe. He also said that this was an emergency ordinance that would go into effect August 1st.

Rick Stevenson spoke at this time. He said he was the first person in Old Sacramento to operate this type of vehicle, and that

he had a few small points in the ordinance he wished to have clarified. He wanted to know how a copy of a permit could be displayed on an antique vehicle without damaging or at least distracting from the looks of the vehicle. (It was stated that it could be displayed anywhere and did not necessarily need to be permanently tacked to the vehicle itself.) He also noted that Section 25.257(2) requests an accurate sketch of the vehicle. He feels that a photo should be allowed, and may even be better to show authenticity. Therefore, he requested the words "or photograph" be added to that section.

Next to speak was John Broussard, a horse-drawn vehicle operator. He was concerned about Section 25.259(1) regarding Workers' Compensation. He is self-employed, and wondered why he would be required to have this insurance. Diane Balter, Deputy City Attorney, stated that this section was included so that everyone would comply with State law. Therefore, if someone employs others, they would need to have Workers' Compensation. She also stated that if Workers' Compensation is required, the City wants it to be for \$1,000,000.00, even if the State requires less.

A representative of an Old Sacramento music box store stated that he wanted it clarified, in Section 25.258(b), as to hawking of tickets for passengers. He felt that the issue of all noise be included, as some operators use banjos and other musical instruments to attract customers. Because they sometimes park in front of his music box store, the customers are unable to hear the music boxes and he therefore loses sales. (Councilman Dave Shore asked that the Merchants' Association look into this matter.) He also noted that the ordinance requires cleaning up after the animals, and although feces was mentioned, the urine problem outside of the businesses was also very bad. He also said he did not like the method of enforcement suggested in the ordinance. He feels that the district Attorney's office was already overloaded. He feels there should be a regulatory agency appointed to enforce this ordinance. Councilman Shore explained that enforcement would be in the form of a revocation or suspension of the permit.

Councilwoman Lynn Robie moved, Dave Shore seconded, and it was unanimously agreed to present this ordinance to the full Council for their recommendation, taking into account those identified changes regarding noise, Workers' Compensation insurance, and the use of photographs of the vehicles.

4. Outdoor Advertising (AB 1279). This item was an add-on from the Department of Planning and Development regarding billboard relocation, and it was requested that the Law and Legislation Committee oppose this measure, as it would negate the purpose of landscaped freeways, since it contains no restrictions upon the numbers or spacing of billboards. Councilwoman Lynn Robie moved, Dave Shore seconded, and it was unanimously agreed to oppose this bill.

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At this time the Committee members voted on SB 590 (Item No. 1 on the agenda). Lynn Robie moved, Dave Shore seconded, and it was unanimously agreed to oppose SB 590 regarding off-track betting.

The meeting was adjourned at 5:10 p.m.

jmv