



City Council Agenda Item

City Council Meeting Date: March 5, 2019

TO: Mayor and Members of the City Council

FROM: Jim Throop, City Manager
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SUBJECT: Introduction of Ordinance No. 1666(19) to Prohibit Overnight Parking on Cordoba Avenue and Aviation Drive, Provide for the Creation of Parking Permit Programs for Restricted Parking Zones, and to Create an Exception to the Safe Parking Ordinance to Comply with *Martin v. City of Boise*; Adoption of Resolution No. 6243(19) to Create a Permit Parking Program on Aviation Drive and Cordoba Avenue

Recommendation:

Staff recommends the City Council:

- 1) Introduce, for first reading by title only with further reading waived, Ordinance No. 1666(19) (Attachment 1), which prohibits overnight parking on Cordoba Avenue and Aviation Drive, provides for the creation of parking permit programs for restricted parking zones, and creates an exception to the Safe Parking Ordinance (Lompoc Municipal Code [LMC] Chapter 10.30) to comply with *Martin v. City of Boise*; and
- 2) Adopt Resolution No. 6243(19) (Attachment 2), which creates a parking permit program for Aviation Drive and Cordoba Avenue.

Background:

The City has experienced consistent nuisance issues and other adverse impacts resulting from the parking of vehicles on Aviation Drive and Cordoba Avenue. Since January 2016, there have been 195 police contacts with persons and/or vehicles for various crimes in the 800-1000 Block of Aviation Drive and 800 Block of Cordoba Avenue.

The majority of those contacts are for enforcement of the existing 72-hour parking time limit. Other calls for response related to parked vehicles on those streets have involved unlicensed/suspended license drivers, leaking sewage on the ground, dumping of trash,

petty thefts, domestic violence, violations of restraining orders, parole violations, vehicle fires, warrant arrests, and suicidal subjects. Recently there is increased business activity in the area, resulting in more frequent calls to the Police Department for assistance.

Most vehicles parked on Aviation and Cordoba are there, in effect, for periods of time well past the 72-hour parking time limit. Most, if not all, the vehicles periodically move just far enough to reset the 72-hour clock.

In addition to the calls for assistance described above, police officers and community services officers spend time patrolling the Aviation/Cordoba area to monitor and prevent issues from arising. Generally multiple times a day the Police Department has a presence in these areas. This is valuable time that could be used patrolling other areas.

Discussion:

The proposed ordinance makes three changes to the LMC. First, the ordinance prohibits parking of any vehicle on Cordoba Avenue and Aviation Drive between the hours of 11:00 p.m. and 6:00 a.m. That change is intended to address the public peace, health, and safety issues currently existing on those streets, which are discussed above. The City must install signs on those streets before the restriction can be enforced.

Second, the ordinance creates a new section in Chapter 10.28 of the LMC (Stopping, Standing and Parking) to allow the City to create permit parking programs for restricted parking zones. That change will allow the City to limit parking on certain streets to, for example, residents of adjacent homes, or employees of adjacent businesses, or members of other designated groups. The LMC already includes a similar provision allowing the City to create a temporary parking permit program for streets in the vicinity of special events. It is anticipated the parking permits will be issued free of charge at this time, however, there is also a provision for the City Council to establish fees at a later date. Such fees, if imposed, would be incorporated into the Master Fee Schedule.

Third, the ordinance adds an exemption to the Safe Parking Ordinance – Chapter 10.30 of the LMC. The Safe Parking Ordinance imposes a City-wide ban on using a motor vehicle for any residential purpose on any City street or other City-owned parking area and provides an exemption for parking in areas operating a Safe Parking Program. After the Safe Parking Ordinance was adopted, the Ninth Circuit Court of Appeals decided *Martin v. City of Boise*. That decision limits the ability of government agencies to issue citations for sleeping on public property when there are no shelters or other similar locations available for sleeping. The proposed amendment adds an exemption to the Safe Parking Ordinance to comply with the *City of Boise* case. The exemption provides no citation shall be issued to any person for a violation of the Safe Parking Ordinance unless there is an available bed in a shelter or an available parking space in a Safe Parking Program at that time.

The exemption added to the Safe Parking Ordinance does not affect the City's ability to enforce the separate parking ban on Cordoba Avenue and Aviation Drive.

(Attachment 3 is a redlined version of the ordinance highlighting the proposed changes to the LMC.)

Resolution No. 6243(19) creates the parking permit program for Cordoba Avenue and Aviation Drive, allowing only employees, patrons, and guests of adjacent businesses to park on those streets between the hours of 11:00 p.m. and 6:00 a.m. The intent of the overnight parking ban will be maintained while accommodating the needs of adjacent businesses. This resolution will not be enforced unless and until the proposed ordinance is adopted and becomes effective.

Fiscal Impact:

If the new parking restrictions are adopted, then Police Department staff time will be spent enforcing the ordinance, although it may be a reduction in time compared to the Police Department resources devoted to the area currently. Some staff time will also be spent administering the parking permit program. Revenue which may be generated from fines imposed for violations of the resolution will serve to only partially offset costs of enforcement. Finally, prior to enforcement, the City will need to purchase and install signs on Aviation Drive and Cordoba Avenue to provide notice of the parking restrictions.

Conclusion:

Ordinance No. 1666(19) and Resolution No. 6243(19) address the public peace, health, and safety issues currently existing on Cordoba Avenue and Aviation Drive, and the need to bring the Safe Parking Ordinance into compliance with *Martin v. City of Boise*.

Respectfully submitted,

Jim Throop, City Manager

Jeff Malawy, City Attorney

Attachments: 1) Ordinance No. 1666(19)
2) Resolution No. 6243(19)
3) Redlined Version of Ordinance No. 1666(19)