



## City Council Agenda Item

**City Council Meeting Date:** December 4, 2018

**TO:** Mayor and Members of the City Council

**FROM:** Jim Throop, City Manager  
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**SUBJECT:** Introduction of Ordinance No. 1658(18) and Adoption of Urgency Ordinance No. 1659(18) to Prohibit Overnight Parking on Cordoba Avenue and Aviation Drive, and to Create an Exception to the Safe Parking Ordinance to Comply with *Martin v. City of Boise*

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### **Recommendation:**

Staff recommends the City Council:

- 1) Introduce, for first reading by title only with further reading waived, Ordinance No. 1658(18) (Attachment 1), which prohibits overnight parking on Cordoba Avenue and Aviation Drive 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 Urgency Ordinance No. 1659(18) (Attachment 2), which prohibits overnight parking on Cordoba Avenue and Aviation Drive and creates an exception to the Safe Parking Ordinance (LMC Chapter 10.30) to comply with *Martin v. City of Boise*. This urgency ordinance requires a 4/5 vote.

### **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 (Aviation/Cordoba).

The majority of those contacts were 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/Cordova 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 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/Cordova area to monitor and prevent issues from arising. Generally multiple times a day the Police Department has a presence in the Aviation/Cordova area. This is valuable time that could be used patrolling other areas.

### **Discussion:**

The proposed ordinances make two changes to the LMC. First, the ordinances prohibit parking of any vehicle on Aviation/Cordova between the hours of 11:00 p.m. and 6:00 a.m. This 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 at Aviation/Cordova before the restriction can be enforced.

Second, the ordinances add 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 ordinances add 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 a separate parking ban on Aviation/Cordova.

There are two proposed ordinances for the City Council's consideration. Both make the two changes described above. One is an urgency ordinance that will take effect immediately and must be adopted by a 4/5 vote of the City Council. The urgency ordinance contains findings that its immediate effect is necessary for preservation of the public peace, health, and safety. The other is a standard ordinance that will take effect 30 days after adoption and requires only three Councilmember votes.

**Fiscal Impact:**

The adoption of Ordinance No. 1658(18) and Urgency Ordinance No.1659(18) will not have a fiscal impact to the City or to the City's General Fund. If adopted, the implementation of the new parking restriction may require Police Department staff time to enforce the ordinance, although it may be a reduction in time compared to the Police Department resources devoted to the area currently. Some General Fund revenue may be generated from fines imposed for violations of the ordinance. Prior to enforcement, the City will need to acquire and install signs at Aviation/Cordova to provide notice of the parking restrictions. The City's Street Maintenance Division budgets for installation of signs in various right-of-ways in the City. The installation of signs at Aviation/Cordova would be within the authorized appropriations of the Street Maintenance Division's 2018-19 budget.

**Conclusion:**

Introduction of Ordinance No. 1658(18) and Adoption of Urgency Ordinance No. 1659(18) will address the public peace, health, and safety issues currently existing at Aviation/Cordova, and the need to bring the Safe Parking Ordinance into compliance with *Martin v. City of Boise*.

Respectfully submitted,

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Jim Throop, City Manager



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Jeff Malawy, Assistant City Attorney

Attachments: 1) Ordinance No. 1658(18)  
2) Urgency Ordinance No. 1659(18)