

TO: JAMES L. APP, CITY MANAGER

FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: NEWSRACK ORDINANCE AMENDMENT: AD HOC COMMITTEE

DATE: AUGUST 5, 2003

Needs: To consider appointing a Council Ad Hoc Committee to discuss amendments to the City's Newsrack Ordinance and to discuss possible adoption of a City Standard Newsrack Enclosure.

Facts:

1. The City's Newsrack Ordinance (Chapter 11.35 of the Municipal Code) was adopted in July 1999 and amended in September 1999 and in April 2000.
2. In December 2002, the California Court of Appeals rendered a judgment that was critical of certain provisions of the City's Newsrack Ordinance.
3. Some cities have adopted a standard design for newsrack enclosures (e.g. Santa Barbara, Carmel, and Glendale) as a means of reducing sidewalk clutter and improving the visual appearance of the streetscape.
4. A Council ad hoc committee would be of assistance in reviewing the City's options.

Analysis and Conclusion: Staff has begun to analyze the court's direction. There appear to be several options for addressing each point and for newsrack enclosure designs. Discussion of the options in an ad hoc committee setting would help focus the code amendment and streamline future discussion at Council meetings.

It is anticipated that the Committee would need to meet once, tentatively in the second week of September 2003 to discuss ordinance amendments, and maybe once or twice thereafter to discuss possible adoption of a City Standard Newsrack Enclosure. The work of the committee should be completed during 2003.

Policy Reference: City's Newsrack Ordinance; Judgment of the Appellate Court

Fiscal Impact: The costs of adoption, amendment, and defense of the Newsrack Ordinance are borne by the General Fund.

Options: After consideration of all public testimony, that the City Council consider the following options:

- a. Appoint an ad hoc committee to discuss amendments to the City's Newsrack Ordinance and to discuss possible adoption of a City Standard Newsrack Enclosure. The term of the committee is proposed to be through December 2003.
- b. Amend, modify or reject the foregoing option.