

From: [Serge Bonte](#)
To: [City Council](#); [Hicks, Alison](#); [Kamei, Ellen](#); [Ramirez, Lucas](#); [Abe-Koga, Margaret](#); [Matichak, Lisa](#); [Showalter, Pat](#); [Emily Ann Ramos](#)
Subject: 2/28/23 Meeting Agenda Item 4.1 Seventy-Two (72) Hour Parking Ordinance Amendments (Second Reading)
Date: Friday, February 24, 2023 5:13:03 PM

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Honorable Mayor and City Council Members:

During the first hearing, even though the noticed agenda offered only two alternatives (accept or reject the amendment), you picked another alternative by changing the language on the fly. The changed written language was not shared with the public nor with the council which is always a recipe for confusion and misunderstanding.

The council report summarizes the on the fly change requests as:

" Delete all language requiring vehicles to “relocate to a different parking spot” wherever it appeared in the ordinance;"

Now the changed ordinance states:

"A vehicle shall be deemed to have been parked or left standing in violation of the seventy two (72) hour parking limit if:

1. the vehicle has not been moved at least one thousand (1000) feet (approximately two-tenths (2/10) of a mile) from the location or parking spot where it was originally parked or left standing for seventy-two (72) consecutive hours; or
2. less than twenty-four (24) hours after the vehicle is moved in accordance with this Section, the vehicle returns to the same parking spot where it was previously parked or left standing for seventy-two (72) consecutive hours. "

While the changed language doesn't use the word relocate, relocating to a different parking spot (for at least 24 hours) seems to be the only way to not be violating the 72 hours rule. Is this really what you had in mind when requesting the language change? If so, what was the point?

I would respectfully suggest you pull this agenda item from the consent calendar to at a minimum verbally confirm or infirm that the changed language matched your intent.

During the first hearing, there was also some discussion of the enforcement methods. The discussion left me with the impression that MVPD uses their own judgment when assessing if a vehicle "moved 1,000 feet". In the current ordinance, MVPD's judgment could be challenged via odometer reading. I am very concerned that in the modified ordinance, vehicle owners will no longer have a way to prove their "innocence" against MVPD's judgement. While MVPD always shows compassion, each officer is human and as the old saying goes "Errare Humanum Est". I feel you should take time to discuss how MVPD's judgment could be challenged with the new language.

Also, that part of the municipal code is under a broader parking regulations section along with other time limited parking. I couldn't find in the ordinance nor the municipal code any mention that the 72 hours rules would be complaint driven (unlike just about any other parking time limitations). It would be useful for the public and the city council to know when and why this was decided as well as details of the adopted complaints process.

Finally, I feel that if the 72 hours parking limit rule is that important for the community, it should not be enforced via complaints but systematically as any other time limitation on parking. I'll also reiterate my suggestion of ditching the 72 hours rule in favor of a stricter and more universal enforcement of existing street cleaning parking rules.

Sincerely,

Serge Bonte

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