

## **ROLL CALL**

On a call of the roll the following Council Members reported present: Steve Olsen, Rae Hanstad, Joe DeVito, and Carol Smith. Also present were: City Manager, Jere Kersnar; City Attorney, Monte Widders; Ojai Police Department, Administrative Sgt. Maureen Hookstra; City Planner, Katrina Rice Schmidt; Transportation Manager, Mike Culver; and City Clerk, Carlon Strobel.

## **PLEDGE OF ALLEGIANCE**

## **INVOCATION**

## **PUBLIC COMMUNICATIONS**

## **DISCUSSION**

### **1. Discussion of Possible Regulation of Chain Stores Within the City, Including a Possible Moratorium of City Permits for Such Establishments**

City Manager Kersnar related that in January 2007 the Council requested a report regarding chain stores and how inclusion of chain stores affects the character of the City of Ojai. At that time Mr. Kersnar suggested some ways in which the City might pursue the regulation of chain stores. These ideas were then presented to the Planning Commission and as a result the Planning Commission directed staff to pursue two different tracts. First was the question of limiting sizes both in terms of lots within the commercial zones and allowable, build able square footage. Second was regulations restricting chain stores, particularly in historic districts.

Mr. Kersnar reported that staff researched the possibility of establishing a moratorium on issuance of building or other development permits for formula store operations within an area of the City. He noted that it would be possible to implement such a moratorium under an urgency ordinance, which is a regulation in State law that allows the City Council, without normal notice or without a formal public hearing, to adopt emergency regulations related to land use.

Council Member Hanstad asked if the urgency ordinance could be amended and/or extended on May 8, 2007. City Attorney Widders responded that it could be amended.

Since the urgency ordinance was on building and development permits, Council Member Hanstad asked if there was still a way a formula business could open shop in Ojai. City Manager Kersnar responded yes, as the urgency ordinance is written, if a formula store was located outside the statement of theme area.

Council Member Olsen confirmed that the proposed urgency ordinance could be amended.

The following persons spoke in support of regulation of chain stores within the City:

Nick Moller, Antonio's Mexican Restaurant  
Gregory Mackey

John Wells, Ojai Pizza  
Stan Greene  
Selim Sandoval, Earth Play  
Steven Sprinkel, Farmer and Cook  
Meg Goodwin  
Kenley Neufeld  
Leslie Davis  
Tyler Suchman, The Ojai Post  
Dennis Leary  
Pete LaFollette  
Nathaniel Wolper  
Cathy Cluff

City Manager Kersnar addressed the following issues:

*Business License.* It was suggested that the language reference “no business license should be issued”. Mr. Kersnar explained that Ojai’s business license was merely a certificate which provides evidence that a person or entity have paid the tax to do business in the City of Ojai. He noted that it was not a regulatory devise. It is only a tax collecting devise.

*Permits.* Mr. Kersnar reported that almost every new tenant, especially restaurants or food services, do require modifications to the interior of the space such that a building permit would be required.

Council Comments:

Council Member Hanstad recommended the Council ratchet down the number in the definition of formula stores and expand the area during the moratorium phase.

Olsen agreed with Council Member Hanstad and suggested extending the area to include the entire City.

Council Member Hanstad noted that she would like to see the number which would constitute formula stores to be smaller than ten.

Mayor Pro Tem DeVito noted that he approved of the direction the City was moving with the formula retail ordinance. However, he pointed out that the special meeting regarding the proposed urgency ordinance was being conducted without notice or formal hearing. Mayor Pro Tem DeVito urged notifying all property owners.

**MOTION: Council Member Olsen moved and Council Member Hanstad seconded to adopt the proposed urgency interim ordinance prohibiting the approval or issuance of building permits for formula retail businesses as amended, eliminating in the definition the number of stores which would constitute “formula stores” and**

**expanding the area to include the entire City of Ojai.**

The result of the roll call vote:

AYES: Olsen, Hanstad, Smith  
NOES: DeVito  
ABSENT: Horgan

An urgency ordinance requires a 4/5 vote of the Council. The motion failed.

**MOTION: Council Member Olsen moved and Mayor Pro Tem DeVito seconded to call a special meeting on May 1, 2007 (subject to the availability of all Council Members) to discuss an urgency ordinance prohibiting the approval or issuance of building permits for formula retail businesses in the City of Ojai.**

City Clerk Strobel asked if publication and/or posting of a Notice of Public Hearing display ad in the Ojai Valley News, Star News, the Ojai Post, Community Channel 10, Chamber of Commerce and the City's web-site would adequately meet Mayor Pro Tem DeVito's notification concerns. Mayor Pro Tem DeVito responded that it would.

The result of the roll call vote:

AYES: Olsen, Hanstad, DeVito, Smith  
NOES: None  
ABSENT: Horgan

**ADJOURNMENT**

There being no further business the meeting was adjourned at 9:45 pm.

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Carol Smith  
Mayor of the City of Ojai

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Carlton Strobel  
City Clerk for the City of Ojai