



City Council Agenda Item

City Council Meeting Date: July 6, 2021

TO: Mayor and Members of the City Council

FROM: Jeff Malawy, City Attorney
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Jim Throop, City Manager
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SUBJECT: Adoption of Urgency Ordinance to Permit Outdoor Dining Until December 31, 2021

Recommendation:

Staff recommends the City Council adopt an urgency ordinance to allow outdoor dining at City restaurants and food service establishments, under certain conditions, until December 31, 2021 (Attachment 1).

Background:

On July 16, 2020, the City's Director of Emergency Services issued Proclamation No. 4 (2020) (Attachment 2) temporarily suspending City regulations that would prohibit outdoor operation of City businesses, and that Proclamation was ratified and approved by the City Council on July 21, 2020. Proclamation No. 4 (2020) will remain in effect until terminated by the City Council or until the City Council declares an end to the local state of emergency caused by COVID-19.

On May 4, 2021, a City Council request was made for a future agenda item to consider ways to extend the ability of restaurants to have outdoor dining. This urgency ordinance would extend outdoor dining until December 31, 2021, even if the state of emergency for COVID-19 is ended prior to that date.

Discussion:

Although the COVID-19 infection rate and hospitalization rate have decreased considerably in recent months, and California has signaled that the state economy can effectively re-open on June 15, the effects of the COVID-19 business-related impacts and disruptions will likely still be felt by Lompoc businesses, business owners, and workers, long after the pandemic is declared to be ended.

The ability for Lompoc restaurants and food service establishments to carry on dining in outdoor areas adjacent to their building has provided new opportunities for economic growth, provided new ways for businesses to attract customers, has increased the amount of patrons that restaurants are able to serve, and has provided a safer option for customers concerned about the health risks of going inside restaurants.

In order to ensure that restaurants and food service establishments can continue to take advantage of the outdoor option provided by Proclamation No. 4, even after the state of emergency ends, staff recommends that the City Council adopt an urgency ordinance that will extend the option to operate outdoor dining until December 31, 2021. The proposed ordinance is attached to this staff report.

The proposed ordinance is an urgency ordinance, which means it requires a four-fifths vote of the City Council for adoption, and would go into effect immediately without a second reading. Urgency ordinances are permitted where the purpose of the ordinance is for the immediate preservation of the public peace, health, or safety.

Staff believes that an urgency ordinance is justified in this case as the ordinance in question will promote recovery from a devastating economic downturn and economic stability is essential for the preservation of public peace, health, and safety. Additional findings required to support the urgency ordinance are stated in the proposed ordinance.

Fiscal Impact:

None.

Conclusion:

Staff recommends the City Council adopt the proposed urgency ordinance to ensure that outdoor dining can continue even after the COVID-19 state of emergency ends.

Respectfully submitted,



Jeff Malawy, City Attorney

Jim Throop, City Manager

- Attachments: 1) Proposed Urgency Ordinance 1682(21)
2) Emergency Proclamation No. 4 (2020)