

## REPORT TO CITY COUNCIL

**DATE:** FEBRUARY 10, 2021

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** NATHAN HAMBURGER, CITY MANAGER

**BY:** RAMIRO ADEVA, ASSISTANT CITY MANAGER

**SUBJECT:** ADOPTION OF URGENCY ORDINANCE NO. 21-455U OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, REPEALING URGENCY ORDINANCE NO. 20-450U, REGARDING TEMPORARY OUTDOOR DINING PERMITS; AND REPEALING AND RESCINDING CITY OF AGOURA HILLS EXECUTIVE ORDER 2020-03, REGARDING TEMPORARY OUTDOOR COMMERCIAL EXPANSION PERMITS, AND EXECUTIVE ORDER 2020-04, REGARDING TEMPORARY OUTDOOR NON-COMMERCIAL EXPANSION PERMITS, AND DECLARING THE URGENCY THEREOF

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On January 27, 2021, Executive Order 2021-01 was issued by the City's Director of Emergency Services, establishing a streamlined process to issue Temporary Outdoor Operations Permits, consistent with the County of Los Angeles Department of Health Reopening Protocols.

The Temporary Outdoor Operations Permit program puts all outdoor activity permits under one umbrella and eliminates confusion of having multiple outdoor permit processes. Therefore, it is immediately necessary to repeal Urgency Ordinance No. 20-450U, regarding temporary outdoor dining permits, as well as Executive Order No. 2020-03, regarding temporary outdoor commercial expansion permits, and Executive Order No. 2020-04, regarding temporary outdoor non-commercial expansion permits, to preserve the public peace, health and safety, and to avoid confusion of the current applicable Temporary Outdoor Operations Permit process established under Executive Order No. 2021-01. All of the issued permits have expired and thus there is no need for the previous orders.

### RECOMMENDATION

Staff respectfully recommends the City Council adopt Urgency Ordinance No. 21-455U, repealing Urgency Ordinance No. 20-450U, regarding Temporary Outdoor Dining Permits; and repealing and rescinding Executive Order No. 2020-03, regarding Temporary Outdoor Commercial Expansion Permits, and Executive Order No. 2020-04, regarding Temporary Outdoor Non-Commercial Expansion Permits, and declaring the urgency thereof.

Attachment: Urgency Ordinance No. 21-455U

## URGENCY ORDINANCE NO. 21-455U

### AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA REPEALING URGENCY ORDINANCE NO. 20-450U, REGARDING TEMPORARY OUTDOOR DINING PERMITS; AND REPEALING AND RESCINDING CITY OF AGOURA HILLS EXECUTIVE ORDER 2020-03, REGARDING TEMPORARY OUTDOOR COMMERCIAL EXPANSION PERMITS, AND EXECUTIVE ORDER 2020-04, REGARDING TEMPORARY OUTDOOR NON-COMMERCIAL EXPANSION PERMITS, AND DECLARING THE URGENCY THEREOF

#### I. Recitals.

A. On March 17, 2020, the City Council adopted Resolution No. 20-1926 ratifying the Director of Emergency Services' proclamation of the existence of a local emergency concerning the COVID-19 virus pursuant to Government Code Section 8630 and Section 3605 of the Agoura Hills Municipal Code; and

B. On June 4, 2020, the City Council approved and adopted Urgency Ordinance No. 20-450U creating a Temporary Outdoor Dining Permit Program for Restaurants; and

C. On July 31, 2020 and August 25, 2020, the City created various programs for temporary outdoor permits to assist businesses affected by the COVID-19 pandemic; and

D. All City issued Temporary Outdoor Dining Permits, Temporary Outdoor Commercial Expansion Permits and Temporary Outdoor Non-Commercial Expansion Permits expired on January 15, 2021;

E. On January 25, 2021, the Governor of California lifted the Regional Stay-At-Home Order, thereby allowing restaurants and certain businesses to reopen certain outdoor services consistent with the framework in the appropriate tier under the Blueprint for a Safer Economy; and

F. On January 25, 2021, Los Angeles County announced its intent to revise the County Health Order to align with the State of California Order by adopting a new health order that was issued on January 29, 2021, which allowed for the reopening of only specified outdoor activities for uses such as restaurants, museums, galleries, gymnasiums, fitness facilities, hair salons, barbershops, personal care services, (including esthetician, skin care and cosmetology businesses, nail salons and massage establishments), and places of worship.

G. On January 27, 2021, the City's Director of Emergency Services issued Executive Order No. 2021-01, establishing a new streamlined process to issue only one

type of temporary outdoor permit, a "Temporary Outdoor Operations Permit", for eligible Designated Establishments, consistent with the County of Los Angeles Department of Health Reopening Protocols; and

H. The new Temporary Outdoor Operations Permit program streamlines and improves the City's procedures and requirements for all City approved temporary outdoor operations into one Temporary Outdoor Operations Permit program;

I. It is immediately necessary to repeal Ordinance No. 20-450U, and Executive Order Nos. 2020-03 and 2020-04 to preserve the public peace, health and safety to avoid any confusion about the current applicable Temporary Outdoor Operations Permit process under Executive Order 2021-01 and make it clear that the provisions of Executive Order 2021-01 provide the sole framework, process and requirements for Temporary Outdoor Operations Permits and the activities authorized under any City approved Temporary Outdoor Operations Permits.

II. Ordinance.

The City Council of the City of the City of Agoura Hills does hereby ordain as follows:

SECTION 1. Repeal of Urgency Ordinance No. 20-450U. The City Council of the City of Agoura Hills hereby repeals Urgency Ordinance No. 20-450U in its entirety.

SECTION 2. Repeal/Rescission of Executive Order Nos. 2020-03 and 2020-04. The City Council of the City of Agoura Hills hereby repeals and rescinds City of Agoura Hills Executive Order Nos. 2020-03 and 2020-04 and hereby declares that Executive Order No. 2021-01 supersedes Urgency Ordinance No. 20-450U, and Executive Order Nos. 2020-03 and 2020-04.

SECTION 3. Effective Date. The City Council finds that this Ordinance is necessary to avoid any confusion between its previous adoption of Ordinance No. 20-450U and its ratification and confirmation of Executive Order 2021-01 and therefore is immediately necessary for the preservation of the public peace, health and safety. This Ordinance is, therefore, adopted as an urgency ordinance for the immediate preservation of the public peace, health and safety, within the meaning of Government Code Section 36937(b), and, therefore, shall be passed immediately upon its introduction and shall become effective immediately upon its adoption by a minimum 4/5 vote of the City Council.

SECTION 4. Uncodified. This Urgency Ordinance shall not be codified.

SECTION 5. Severability. The City Council declares that, should any section, subsection, subdivision, sentence, clause, phrase, or portion of this Urgency Ordinance for any reason be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance. The City Council hereby declares that it would have adopted this Urgency Ordinance and each section, subsection, subdivision, sentence, clause, phrase,

or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. Certification and Publication. The City Clerk shall certify to the adoption of this Urgency Ordinance and shall cause it to be published in the manner required by law.

PASSED, APPROVED, AND ADOPTED this 10<sup>th</sup> day of February, 2021, by the following vote to wit:

AYES:           ( )  
NOES:           ( )  
ABSENT:       ( )  
ABSTAIN:       ( )

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Denis Weber, Mayor

ATTEST:

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Kimberly M. Rodrigues, City Clerk

APPROVED AS TO FORM:

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Candice K. Lee, City Attorney