



TO: Mayor and Councilmembers

FROM: Michael Jenkins, City Attorney

CONTACT: Winnie Cai, Assistant City Attorney

SUBJECT: Resolutions to Allow for the Opening of Restaurants, Gyms, Fitness Centers, Movie Theaters, and Playgrounds

RECOMMENDATION:

- A. Adopt Resolution No. 20- __, entitled, “A Resolution of the City Council of Goleta, California, to Suspend Part of Resolution 20-18 to Allow for the Opening of Restaurants, Gyms, Fitness Centers, and Movie Theaters.”
- B. Adopt Resolution No. 20- __, entitled, “A Resolution of the City Council of Goleta, California, to Suspend Part of Resolution 20-18 to Allow for the Opening of Playgrounds.”

BACKGROUND:

On March 4, 2020, Governor Newsom declared a state of emergency for conditions caused by COVID-19, and on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic, and on March 17, 2020, the Goleta City Council adopted Resolution No. 20-18, approving and ratifying the City Manager’s declaration of emergency and attendant orders.

On March 19, 2020, the Governor of the State of California issued Executive Order N-33-20, an Order of the State Public Health Officer ordering all individuals living in California to stay home or at their place of residence except as needed to maintain continuity of operations of outlined federal critical infrastructure sectors.

On April 5, 2020, the Santa Barbara County Public Health Officer issued a second countywide order, the Stay Well at Home Order. This public health order prohibited all public and private group gatherings and events and required people to stay in their homes with limited exceptions; and required closure of all non-essential retail businesses, shopping centers, playgrounds for children, bars, nightclubs, movie theaters and all similar gathering places. The purpose of the order was to further restrict, and limit gathering of persons and require closures of non-essential retail businesses in an effort to stem or slow the spread of the virus.

On August 28, 2020, the Governor ordered an update to the State COVID-19 reopening framework and implemented a four-tier color-coding system. From August 28, 2020, through September 28, 2020, Santa Barbara County was classified as Tier One, or the purple tier for highest risk and widespread transmission of SARS-CoV-2.

On September 29, 2020, Santa Barbara County met State guidelines to move into Tier Two, or the red tier for substantial risk of SARS-CoV-2 transmission, which allowed for indoor dining at restaurants, indoor gyms and fitness centers to reopen so long as certain capacity limitations and safety guidelines are complied with.

On September 29, 2020, the Santa Barbara County Public Health Officer issued Health Officer Order No. 2020-12.10, which specified types of businesses that can open at certain capacities as allowed under the State's reopening framework for Tier Two ("red tier").

DISCUSSION:

Reopening of Restaurants, Gyms, Fitness Centers and Movie Theaters

On October 6, 2020, the City Manager issued Emergency Order No. 20-09 (Attachment 3) suspending part of Resolution No. 20-18 to allow for the opening of restaurants, gyms, fitness centers, and movie theaters. This order suspends Section 5(A)(1) and 5(A)2) of Resolution No. 20-18 to allow for restaurants, bars, commercial gyms, fitness centers and movie theaters to reopen under limited capacity. The businesses authorized to open must comply with the California Public Health Orders and Guidelines as well as comply with orders issued by the Santa Barbara County Public Health Department. Under recent State and County health orders.

Reopening of Playgrounds

On October 9, 2020, the City Manager issued Emergency Order No. 20-10 (Attachment 4) suspending part of Resolution No. 20-18 to allow for the opening of playgrounds. This order suspends Section 5(A)(3) of Resolution No. 20-18 to allow for the reopening of outdoor play structures and exercise equipment in all City parks, including but not limited to the Johnny D. Wallis Skatepark, and open spaces. All parks or open space visitors must follow the guideline provided by the California Department of Public Health.

The Public Works Department has completed reopening preparations including sanitizing all play structures and equipment and placed signage in English and Spanish around outdoor playgrounds and facilities reminding the public to maintain a six-foot distance as well as other safety recommendations.

Staff is requesting that City Council ratify Emergency Order No. 20-09 and Emergency Order No. 20-10 suspending part of Resolution 20-18 to allow for the opening of restaurants, gyms, fitness centers, movie theaters, and City playgrounds.

ALTERNATIVES:

The City Council could choose to not ratify the order, at which point the City Manager's order would become null.

FISCAL IMPACTS:

There is no direct fiscal impact from adopting this resolution.

Reviewed By:

Legal Review By:

Approved By:



Kristine Schmidt
Assistant City Manager



Michael Jenkins
City Attorney



Michelle Greene
City Manager

ATTACHMENTS:

1. Resolution 20-__ entitled, "A Resolution of the City Council of Goleta, California, to Suspend Part of Resolution 20-18 to Allow for the Opening of Restaurants, Gyms, Fitness Centers, and Movie Theaters."
2. Resolution 20-__ entitled, "A Resolution of the City Council of Goleta, California, to Suspend Part of Resolution 20-18 to Allow for the Opening of Playgrounds."
3. Emergency Order No. 20-09, entitled "An Emergency Order of the Director of Emergency Services of the City of Goleta, California, to Suspend Part of Resolution 20-18 to Allow for the Opening of Restaurants, Gyms, Fitness Centers and Movie Theaters."
4. Emergency Order No. 20-10, entitled "An Emergency Order of the Director of Emergency Services of the City of Goleta, California, to Suspend Part of Resolution 20-18 to Allow for the Opening of Playgrounds."

ATTACHMENT 1 :

Resolution 20-__ entitled, "A Resolution of the City Council of Goleta, California, to Suspend Part of Resolution 20-18 to Allow for the Opening of Restaurants, Gyms, Fitness Centers, and Movie Theaters."

RESOLUTION NO. 20-__

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
GOLETA, CALIFORNIA, TO SUSPEND PART OF
RESOLUTION 20-18 TO ALLOW FOR THE OPENING OF
RESTAURANTS, GYMS, FITNESS CENTERS, AND
MOVIE THEATERS**

The City Council of the City of Goleta does hereby find, order and resolve as follows:

SECTION 1. For the reasons set forth in the order, Emergency Order 20-09 dated October 6, 2020 issued by the Director of Emergency Services to suspend Section 5(A)(1) and 5(A)(2) of Resolution 20-18 to allow for the opening of restaurants, gyms, fitness centers and movie theaters is ratified.

SECTION 2. The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 20th day of October 2020.

PAULA PEROTTE
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MICHAEL JENKINS
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA)
CITY OF GOLETA) ss.

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO
HEREBY CERTIFY that the foregoing Resolution No. 20-__ was duly adopted by
the City Council of the City of Goleta at a regular meeting held on the 20th day of
October 2020, by the following roll call vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

ATTACHMENT 2 :

Resolution 20-__ entitled, "A Resolution of the City Council of Goleta, California, to Suspend Part of Resolution 20-18 to Allow for the Opening of Playgrounds."

RESOLUTION NO. 20-__

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
GOLETA, CALIFORNIA, TO SUSPEND PART OF
RESOLUTION 20-18 TO ALLOW FOR THE OPENING OF
PLAYGROUNDS**

The City Council of the City of Goleta does hereby find, order and resolve as follows:

SECTION 1. For the reasons set forth in the order, Emergency Order 20-10 dated October 9, 2020 issued by the Director of Emergency Services to suspend Section 5(A)(3) of Resolution 20-18 to allow for the opening play structures and exercise equipment in all City parks, including but not limited to the Jonny D. Wallis Skatepark, and open spaces is ratified.

SECTION 2. The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 20th day of October 2020.

PAULA PEROTTE
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MICHAEL JENKINS
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO
HEREBY CERTIFY that the foregoing Resolution No. 20-__ was duly adopted by
the City Council of the City of Goleta at a regular meeting held on the 20th day of
October 2020, by the following roll call vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

ATTACHMENT 3 :

Emergency Order No. 20-09, entitled "An Emergency Order of the Director of Emergency Services of the City of Goleta, California, to Suspend Part of Resolution 20-18 to Allow for the Opening of Restaurants, Gyms, Fitness Centers and Movie Theaters."

EMERGENCY ORDER NO. 20-09

AN EMERGENCY ORDER OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF GOLETA, CALIFORNIA, TO SUSPEND PART OF RESOLUTION 20-18 TO ALLOW FOR THE OPENING OF RESTAURANTS, GYMS, FITNESS CENTERS, AND MOVIE THEATERS

The Director of Emergency Services of the City of Goleta does hereby find as follows:

SECTION 1. Recitals.

- A. International, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes which has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19").
- B. On March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a broader spread of COVID-19.
- C. On March 12, 2020, the Santa Barbara County Public Health Officer declared a local and public health emergency in response to increased COVID-19 spread across the country and Santa Barbara County.
- D. On March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19.
- E. On March 14, 2020, the City Manager, as the Director of Emergency Services, declared an existence of local emergency.
- F. On March 17, 2020, the City Council adopted Resolution 20-18 which ratified the City Manager's emergency declaration and imposed attendant orders to close restaurants, gyms, movie theaters and the like; to prohibit the use of City play structures and exercise equipment in its parks; and to prohibit residential and commercial evictions based on nonpayment of rent due to loss of income from the COVID-19 pandemic.
- G. On March 19, 2020, the Governor of the State of California, also issued

Executive Order N-33-20, an Order of the State Public Health Officer ordering all individuals living in California to stay home or at their place of residence except as needed to maintain continuity of operations of outlined federal critical infrastructure sectors.

- H. The Centers for Disease Control and Prevention, the California Department of Health, and the Santa Barbara County Department of Public Health have all issued recommendations including but not limited to strict adherence to social distancing guidelines, canceling or postponing group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus. Other counties throughout the state have similar directives.
- I. On April 5, 2020 the Santa Barbara County Public Health Officer issued a second countywide order, the Stay Well at Home Order. This public health order prohibited all public and private group gatherings and events and required people to stay in their homes with limited exceptions; and required closure of all non-essential retail businesses, shopping centers, playgrounds for children, bars, nightclubs, movie theaters and all similar gathering places. The purpose of the order was to further restrict, and limit gathering of persons and require closures of non-essential retail businesses in an effort to stem or slow the spread of the virus.
- J. On August 28, 2020, the Governor ordered an update to the State COVID-19 reopening framework and implemented a four-tier color-coding system. From August 28, 2020 through September 28, 2020, Santa Barbara County was classified as Tier One, or the purple tier for highest risk and widespread transmission of SARS-CoV-2.
- K. On September 29, 2020, Santa Barbara County met State guidelines to move into Tier Two, or the red tier for substantial risk of SARS-CoV-2 transmission, which allowed for indoor dining at restaurants, indoor gyms and fitness centers to reopen so long as certain capacity limitations and safety guidelines are complied with.
- L. On September 29, 2020, the Santa Barbara County Public Health Officer issued Health Officer Order No. 2020-12.9, which specified types of businesses that can open at certain capacities as allowed under the State's reopening framework for Tier Two ("red tier").
- M. This Order is an exercise of the Director of Emergency Services' emergency powers as provided for under State law and Chapter 2.10 of the Goleta Municipal Code, is temporary in nature and intended to protect the peace, health, and safety of the public, and to protect life and property as affected by the emergency, in that this Order allows for the opening of restaurants, gyms,

fitness centers, movie theaters and City playgrounds and equipment in compliance with State and County orders and guidelines with the public purpose of slowing the spread of COVID-19.

- N. The City Council of the City of Goleta is not in session (and cannot immediately be called into session).

SECTION 2. Subject to the requirements of Section 3 herein, and pursuant to Section 5 of Resolution No. 20-18, the Director of Emergency Services hereby suspends the following sections of Resolution 20-18:

- A. Section 5(A)(1) to the extent it prohibited onsite patronage for restaurants and bars;
- B. Section 5(A)(2) to the extent it ordered the closure of commercial gyms, fitness centers and movie theaters;

SECTION 3. This Emergency Order and the activities permitted hereby are subject to compliance with California Public Health Orders and Guidelines and Santa Barbara County Public Health Orders relating to COVID-19, including but not limited to the following orders relating to restaurants, commercial gyms, fitness centers, and movie theaters:

- A. Restaurants – dine in with indoor dining occupancy limited to 25% capacity or 100 people, whichever is less. No more than ten (10) people shall be together at one table pushed together as one table. Take-out and delivery is allowed. This section does not apply to bars, breweries, brewpubs and pubs. (County Public Health Order 2020-12.10.)
- B. Bars – must remain closed unless they are providing sit-down, dine-in meals. Alcohol may be sold in the same transaction as a meal.
 - 1. Bars that provide sit-down meals must follow the California Department of Public Health (“CDPH”) dine-in restaurant guidance, with indoor dining occupancy limited to 25% capacity or 100 people, whichever is less. No more than ten (10) people shall be together at one table or tables pushed together as one table. These establishments should continue to encourage takeout and delivery service whenever possible.
 - 2. Bars that do not provide sit-down meals but wish to operate must obtain an Emergency Food Permit from the Santa Barbara County Health Department.
 - 3. Venues that are currently authorized to provide off sale beer, wine, and spirits to be consumed off premises and do not offer sit-down, dine-in meals shall follow CDPH guidance for retail operations and are limited to 50% indoor capacity for retail operations only.
 - 4. Producers of beer, wine, and spirits must follow CDPH guidance for

manufacturing operations.

5. Bars must offer food service during all hours of operation.
6. This section also applies to bars located at permitted food facilities.
(County Public Health Order 2020-12.10.)
- C. Gyms and fitness centers – indoor occupancy limited to 10% capacity.
(County Public Health Order 2020-12.10.)
- D. Movie theaters – indoor occupancy limited to 25% capacity or 100 people,
whichever is less. (County Public Health Order 2020-12.10.)

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or word of this order is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this order.

SECTION 5. Effective Date and Termination. This Order shall become effective immediately and shall continue until the earlier to occur of: (1) the conclusion of the local emergency; (2) its termination is ordered by the City Manager/Director of Emergency Services; or (3) it is duly terminated by the City Council. The Order may also be superseded by a duly enacted ordinance or order of the City Council expressly superseding this Order.

October 6, 2020 at 1:15pm
Date and Time

Michelle Greene
Michelle, Greene
City Manager & Director of
Emergency Services

APPROVED AS TO FORM:

Michael Jenkins

Michael Jenkins, City Attorney

ATTACHMENT 4 :

Emergency Order No. 20-10, entitled “An Emergency Order of the Director of Emergency Services of the City of Goleta, California, to Suspend Part of Resolution 20-18 to Allow for the Opening of Playgrounds.”

EMERGENCY ORDER NO. 20-10

AN EMERGENCY ORDER OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF GOLETA, CALIFORNIA, TO SUSPEND PART OF RESOLUTION 20- 18 TO ALLOW FOR THE OPENING OF PLAYGROUNDS

The Director of Emergency Services of the City of Goleta does hereby find as follows:

SECTION 1. Recitals.

- A. International, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes which has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19").
- B. On March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a broader spread of COVID-19.
- C. On March 12, 2020, the Santa Barbara County Public Health Officer declared a local and public health emergency in response to increased COVID-19 spread across the country and Santa Barbara County.
- D. On March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19.
- E. On March 14, 2020, the City Manager, as the Director of Emergency Services, declared an existence of local emergency.
- F. On March 17, 2020, the City Council adopted Resolution 20-18 which ratified the City Manager's emergency declaration and imposed attendant orders to close restaurants, gyms, movie theaters and the like; to prohibit the use of City play structures and exercise equipment in its parks; and to prohibit residential and commercial evictions based on nonpayment of rent due to loss of income from the COVID-19 pandemic.
- G. On March 19, 2020, the Governor of the State of California, also issued Executive Order N-33-20, an Order of the State Public Health Officer ordering all individuals living in

California to stay home or at their place of residence except as needed to maintain continuity of operations of outlined federal critical infrastructure sectors.

- H. The Centers for Disease Control and Prevention, the California Department of Health, and the Santa Barbara County Department of Public Health have all issued recommendations including but not limited to strict adherence to social distancing guidelines, canceling or postponing group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus. Other counties throughout the state have similar directives.
- I. On April 5, 2020 the Santa Barbara County Public Health Officer issued a second countywide order, the Stay Well at Home Order. This public health order prohibited all public and private group gatherings and events and required people to stay in their homes with limited exceptions; and required closure of all non-essential retail businesses, shopping centers, playgrounds for children, bars, nightclubs, movie theaters and all similar gathering places. The purpose of the order was to further restrict, and limit gathering of persons and require closures of non-essential retail businesses in an effort to stem or slow the spread of the virus.
- J. On August 28, 2020, the Governor ordered an update to the State COVID- 19 reopening framework and implemented a four-tier color-coding system. From August 28, 2020 through September 28, 2020, Santa Barbara County was classified as Tier One, or the purple tier for highest risk and widespread transmission of SARS-CoV-2.
- K. On September 29, 2020, Santa Barbara County met State guidelines to move into Tier Two, or the red tier for substantial risk of SARS-CoV-2 transmission, which allowed for indoor dining at restaurants, indoor gyms and fitness centers to reopen so long as certain capacity limitations and safety guidelines are complied with.
- L. On September 29, 2020, the Santa Barbara County Public Health Officer issued Health Officer Order No. 2020-12.9, which, among other things, allowed for the opening of playgrounds as allowed under the State's reopening framework for Tier Two ("red tier").
- M. This Order is an exercise of the Director of Emergency Services' emergency powers as provided for under State law and Chapter 2.10 of the Goleta Municipal Code, is temporary in nature and intended to protect the peace, health, and safety of the public, and to protect life and property as affected by the emergency, in that this Order allows for the opening of City playgrounds and equipment in compliance with State and County orders and guidelines with the public purpose of slowing the spread of COVID-19.
- N. The City Council of the City of Goleta is not in session (and cannot immediately be called into session).

SECTION 2. Subject to the requirements of Section 3 herein, and pursuant to Section 5 of Resolution No. 20-18, the Director of Emergency Services hereby suspends the following sections of Resolution 20-18:

- A. Section 5(A)(3) to the extent it prohibited access to play structures and exercise equipment in all City parks, including but not limited to the Jonny D. Wallis Skatepark, and open spaces.

SECTION 3. This Emergency Order and the activities permitted hereby are subject to compliance with California Public Health Orders and Guidelines and Santa Barbara County Public Health Orders relating to COVID-19, including but not limited to the following orders relating to outdoor playgrounds:

- A. Outdoor playgrounds - visitors must follow the guidance provided by the California Department of Public Health available at
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Outdoor%20Playgrounds%20and%20other%20Outdoor%20Recreational%20Facilities.aspx>.
(County Health Order 2020-12.10)

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or word of this order is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this order.

SECTION 5. Effective Date and Termination. This Order shall become effective immediately and shall continue until the earlier to occur of: (1) the conclusion of the local emergency; (2) its termination is ordered by the City Manager/Director of Emergency Services; or (3) it is duly terminated by the City Council. The Order may also be superseded by a duly enacted ordinance or order of the City Council expressly superseding this Order.

October 9, 2020 at 2:00 pm Michelle Greene
Date and Time Michelle Greene
City Manager & Director of Emergency
Services

APPROVED AS TO FORM:

Michael Jenkins

Michael Jenkins, City Attorney