



CITY COUNCIL AGENDA STATEMENT



May 5, 2020

File ID: 20-0173

TITLE

Emergency Ordinance of the City of Chula Vista requiring all businesses operating within the City to prepare and post City-approved Social Distancing and Sanitation Protocols

RECOMMENDED ACTION

Council introduce and adopt the Emergency Ordinance, and place the Ordinance on first reading.

SUMMARY

In response to the ongoing pandemic, COVID-19, the City has taken steps to protect the public health of the residents of and visitors to Chula Vista. In an effort to reduce the spread of COVID-19 and best utilize City resources, staff recommends the City Council adopt an ordinance requiring all businesses operating within the City of Chula Vista to prepare, obtain approval from the City Manager or his/her designee and post at all entrances to the business a Social Distancing and Sanitation Protocol that will be routinely inspected for compliance by available City staff resources. Failure to comply with the proposed Ordinance would be punishable as a misdemeanor, pursuant to Chula Vista Municipal Code Chapter 1.20.

ENVIRONMENTAL REVIEW

The proposed activity has been reviewed for compliance with the California Environmental Quality Act (CEQA) and it has been determined that the activity is not a "Project" as defined under Section 15378 of the state CEQA Guidelines because it will not result in a physical change in the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Notwithstanding the foregoing, it has also been determined that the activity qualifies for an Exemption pursuant to Section 15061(b)(3) of the California Environmental Quality Act State Guidelines. Thus, no environmental review is required.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION

Not applicable.

DISCUSSION

In Chula Vista, there are multiple applicable "Emergency Orders" that govern business operations and implement the current state-wide "stay at home" order. These Emergency Orders include: (1) California Governor Newsom's Executive Order N-33-20 (the "Governor's Order"); (2) the Health Officer Order and Emergency Regulations issued by the County of San Diego effective March 29, 2020, April 10, 2020 and April 27, 2020 (the "County Orders"); and, (3) Chula Vista's local adoption of these orders pursuant to City Council Ordinance No. 3484-A (the "City Order"). The overall effect of these Orders is to only allow businesses

identified as “essential to the critical infrastructure workforce” to operate at this time. The proposed Ordinance would require all “essential” businesses that are currently operating in the City of Chula Vista to prepare, obtain city approval and post at all entrances to the business a Social Distancing and Sanitation Protocol.

As the City prepares to move from an active COVID-19 response phase toward a recovery phase, it is anticipated that businesses currently deemed “non-essential” will begin to reopen in the future. To support the reopening of Chula Vista businesses in a manner that protects public health and safety, the proposed Ordinance would require any business planning to reopen, to prepare, obtain approval and post at all entrances to the business a Social Distancing and Sanitation Protocol before that business reopens.

Failure to comply with proposed Ordinance would be punishable as a misdemeanor pursuant to Chula Vista Municipal Code Chapter 1.20.

DECISION-MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site specific and consequently, the real property holdings of the City Councilmembers do not create a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov’t Code § 87100, et. seq.).

Staff is not independently aware, and has not been informed by any City Councilmember, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

CURRENT-YEAR FISCAL IMPACT

The COVID-19 pandemic and the City’s related response creates a wide range of potential fiscal impacts to the City; however, adoption of the proposed Ordinance imposes no direct fiscal impact to the General Fund as these efforts will be carried out by existing staff resources.

ONGOING FISCAL IMPACT

The COVID-19 pandemic and the City’s related response creates a wide range of potential fiscal impacts to the City and the adoption of the proposed Ordinance imposes no direct fiscal impact to the General Fund. Staff will continue to monitor the economic effects and staff-related expenses caused by the City’s response to COVID-19.

ATTACHMENTS

1. Sanitation Protocol Attachment 1 and 2

Staff Contact: Kevin Pointer, Senior Economic Development Specialist