



A G E N D A
CITY OF SEASIDE
CITY COUNCIL

SPECIAL MEETING
VIRTUAL ONLY
Monday, June 29, 2020
5:30 PM

This meeting is compliant with Governor Newsom's Executive Order N-29-20 which allows local legislative bodies to hold public meetings electronically only, without a physical location for public participation, accessible only telephonically or otherwise electronically (video conferencing) to all members of the public seeking to observe and address the local legislative body, in order to avoid public gatherings, and until further notice.

REMOTE PUBLIC COMMENTS To make a public comment, the following options are available:

- Before the Meeting via Email: Written comments can be emailed to CityClerk@ci.seaside.ca.us Include the following subject line: "Public Comment Item # (insert the agenda item number relevant to your comment). Written comments must be received by 5:00 p.m. on the day of the meeting. All submitted comments will be provided to the City Council or the Board for consideration, compiled as part of the record, and may be read into the record.
- During the Meeting via Oral Comments: When the Chair calls for public comment, attendees can queue to speak with the "Raise Hand" feature. On the Zoom application, click the "Raise Hand" button. On the phone, press *9. The Secretary to the Board will call speaker names and unmute speaker microphones. You will have up to 3 minutes to provide your comments, with time set by the discretion of the Mayor. Please note, if you chose to make comments orally, your written comments will not be read but will be included in the final record.

In an effort to ensure the virtual process closely follows our normal process, public comment will be accepted in writing during the meeting, but may not be read into the record during the meeting, but will be included as part of the final administrative record. Please do not plan to use the chat or Q&A features to put a comment on record. These resources are for tech support only

1. VIRTUAL MEETING INFORMATION

You are strongly encouraged to observe the live stream of City Council and Boards and Commission meetings at <https://bit.ly/SeasideYouTube>

If you wish to participate in the meeting live you can Join the Zoom Webinar Meeting. Link to join Webinar <https://us02web.zoom.us/j/83002585206> or copy and paste the link into your browser. If your computer does not have audio, you will also need to join the meeting via phone.

To participate via phone you can call the number below and enter the webinar ID number and password when prompted: (669) 900-9128 Webinar ID: 83002585206

2. CALL TO ORDER

3. ROLL CALL – ESTABLISHMENT OF QUORUM

Ian N. Oglesby	Mayor
David R. Pacheco	Mayor Pro Tem
Jason Campbell	Council Member
Jon Wizard	Council Member
Alissa Kispersky	Council Member

4. PLEDGE OF ALLEGIANCE

5. PUBLIC COMMENT

Members of the public wishing to address the City Council on matters within the jurisdiction of the City of Seaside, but not on this agenda, may do so during the Public Comment period for up to three minutes. Public Comments on specific agenda items are heard under that item. For the public record, please state your name.

6. BUSINESS ITEMS

A. CONSIDERATION AND ADOPTION OF URGENCY ORDINANCE PROHIBITING THE USE OF ALL FIREWORKS AFTER 10:00 P.M.

RECOMMENDATION: The purpose of this is to adopt an urgency ordinance to assist in the regulation of illegal fireworks and prohibit the use of all fireworks past the hour of 10:00 p.m. during the period June 29, 2020 through July 5, 2020

7. CLOSED SESSION

A. CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (c) - POTENTIAL LITIGATION

RECOMMENDATION: Conference with legal counsel regarding the potential initiation of litigation (one potential case).

8. ADJOURNMENT

Next Regularly Scheduled Meeting:
July 2, 2020
7:00 PM

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, contact the City Clerk at 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. Agendas are posted at:

<http://www.ci.seaside.ca.us/129/City-Council-Committee-Agendas>

Agenda-related writings or documents provided during public meetings are available for public inspection during the meeting or from the office of the City Clerk. This agenda is posted in compliance with California Governor Newsom's Executive Orders N-29-20 and N-33-20.



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 6.A.

TO: City Council

FROM: Craig Malin, City Manager

BY: Sheri Damon, City Attorney

DATE: June 29, 2020

**SUBJECT: CONSIDERATION AND ADOPTION OF URGENCY ORDINANCE
PROHIBITING THE USE OF ALL FIREWORKS AFTER 10:00 P.M.**

PURPOSE & RECOMMENDATION

The purpose of this is to adopt an urgency ordinance to assist in the regulation of illegal fireworks and prohibit the use of all fireworks past the hour of 10:00 p.m. during the period June 29, 2020 through July 5, 2020

BACKGROUND

During the 2019 fireworks season, the City Council adopted an urgency ordinance prohibiting the use of all fireworks past 10:00 p.m. in an effort to help with the enforcement of illegal firework usage. The 2018 After Action Report indicated the Fire Department responded to approximately 70 calls and the Police Department had 167 Dispatched calls for service. The reports indicated approximately 80 pounds of fireworks were confiscated. Seaside has a no tolerance policy for the use of illegal fireworks. The 2019 After Action Report indicated the Fire Department responded to approximately 11 calls, three of them related to fireworks safety and the Police Department had 178 calls for service. Only six (6) citations were issued during the 2019 fireworks season.

Since the 2020 COVID pandemic, more people are staying at home and the incidence of fireworks sounds and community disturbance have up-ticked during the month of June, 2020 as compared to 2019. Additionally, the Costco in Sand City began selling safe and sane fireworks in early to mid-June which are readily available to Seaside

residents outside the legal period of sale, use and possession of June 28 through July 5. This urgency ordinance also adds the requirement that City permitted safe and sane booths distribute information regarding the new regulations.

This urgency ordinance also adds the requirement that safe and sane booths must distribute information regarding the new regulations with each sale.

In addition, staff has implemented an online complaint/declaration form and proposes to institute a reward program in order to assist with the enforcement of illegal firework use. The reward program includes a \$50 cash incentive that would be payable upon successful conclusion of the citation.

FISCAL IMPACT

The proposed enforcement reward program will be budgetarily limited to \$5,000.

ATTACHMENTS

1. Draft Ordinance
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

ORDINANCE NO.

AN URGENCY ORDINANCE OF THE CITY OF SEASIDE

DECLARING A MORATORIUM ON THE USE OF FIREWORKS AFTER 10:00 PM

THE CITY COUNCIL OF THE CITY OF SEASIDE HEREBY ORDAINS AS FOLLOWS:

Section 1. Findings. On June 29, 2020, the City Council considered the adoption of this Ordinance at a duly noticed public meeting and on the basis of the record thereof finds the following facts to be true.

a. In 2018, the City issued multiple administrative citations for the use of illegal fireworks. During the 2019 fireworks season, there were multiple citations issued. The city of Seaside has a zero-tolerance policy with a “no illegal fireworks” ordinance that comes with an “if you light it, we’ll cite it” \$2,500 fine. Banning all fireworks after a certain hour will facilitate better enforcement of illegal fireworks.

b. In late December 2019, several cases of unusual pneumonia began to emerge, and on January 7, 2020, a novel coronavirus now known as COVID-19 was identified as the likely source of that illness. On March 13, 2020, pursuant to California Government Code § 8630 and Seaside Municipal Code Chapter 2.40, Seaside City Manager and Director of Emergency Services Craig Malin issued a proclamation declaring a local emergency.

c. In March 2020, the State of California issued a shelter in place orders to address the COVID-19 pandemic. As a result, more people are staying at home and the incidence of firework activity during the month of June prior to June 28 has increased as compared to the same time period in 2019.

d. In early to mid-June, Costco started selling fireworks in large Costco-sized packages which are readily available to the citizens in Seaside. Possession and use of all fireworks are only allowed from June 28 to July 5.

e. Many events across the tri-county area are being canceled or postponed due to the orders and recommendations at all levels of government to stop large gatherings amid concerns over the spread of COVID-19 and it is anticipated that use of fireworks even during the June 28 to July 5 time frame will increase.

f. In accordance with SMC 8.32.050 Exception – Safe and sane fireworks. The sale, display for sale, and use of safe and sane fireworks shall be permitted only during that period beginning at twelve noon on June 28th and ending at ten p.m. July 5th of that same year.

g. The City intends to study, within a reasonable time, the adequacy of its existing ordinances and the potential need to adopt or amend its regulations regarding use of fireworks. The City Council and the people of Seaside require a sufficient and reasonably limited time to consider and study legally appropriate and reasonable policies regulating use of fireworks in order to prevent negative impacts on neighboring residents. The City Council has the authority to adopt an urgency interim ordinance pursuant to the Seaside Municipal Code and Government Code Section 65858 in order to protect the public health, safety, or welfare for a 45-day period.

h. There is a current and immediate threat to the public health, safety, and welfare presented by the noise and use of all fireworks after 10:00 p.m..

i. There is therefore an urgent necessity for the City to adopt a temporary moratorium on the use of all fireworks after 10:00 p.m. to take effect immediately.

j. To ensure users of safe and sane fireworks are notified, it will be mandatory that city permitted safe and sane fireworks booths are required to distribute information regarding the regulation with every sale.

Section 2. Moratorium. The City hereby declares a moratorium on the use of fireworks after 10:00 p.m.

Section 3. Term. This Ordinance is an urgency ordinance for the immediate preservation of the public peace, health, and safety within the meaning of Seaside Municipal Code Section 2.02.380.D and Government Code Section 36937(b) and therefore shall be passed immediately upon its introduction and shall become effective immediately upon its adoption. This Ordinance shall expire 45 days after its adoption unless extended by the City Council at a regularly noticed public hearing pursuant to California Government Code Section 65858(a).

Section 4. CEQA Finding. The City Council hereby finds that it can be seen with certainty that there is no possibility the adoption of this Ordinance and establishment of the interim moratorium hereby, will have a significant effect on the environment, because the moratorium imposes greater limitations on the use of fireworks in the City than the limitations currently required under the Municipal Code, and will thereby serve to reduce potential significant adverse environmental impacts. It is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

Section 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid or unenforceable.

Section 6. Urgency Measure. Pursuant to the facts set forth herein above, this ordinance is hereby declared to be an urgency measure necessary for immediate protection of the public health, safety and general welfare, and shall become effective immediately upon adoption if approved by at least four-fifths vote of the City Council and shall be in effect for 45 days from the date of adoption unless extended by the City Council as provided for in the Government Code.

Section 7. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

INTRODUCED, PASSED AND ADOPTED at a regular City Council meeting duly held on the 2nd day of July, 2020 by the following vote:

AYES:	COUNCIL MEMBERS
NOES:	COUNCIL MEMBERS
ABSENT:	COUNCIL MEMBERS
ABSTAIN:	COUNCIL MEMBERS

APPROVED:

Ian N. Oglesby, Mayor

ATTEST:

Lesley Milton, City Clerk