



Meeting Held Via Zoom and Livstream on YouTube.

**AGENDA
SPECIAL MEETING
SHAFTER CITY COUNCIL
FRIDAY, JUNE 26, 2020**

CORONAVIRUS DISEASE (COVID-19) ADVISORY

To protect our constituents, City officials and City staff, the City requests all members of the public to follow the California Department of Health Services' guidance and the County of Kern Public Health Officer Order for the Control of COVID-19 restricting group events and gatherings and maintaining social distancing. Additional information regarding COVID-19 is available on the City's website at www.shafter.com.

Consistent with Executive Order N-29-20, in-person participation by the public will not be permitted and no physical location from which the public may observe the meeting will be available. Remote public participation is allowed in the following ways, please see attached supplement for instructions.

TELECONFERENCE NOTICE

Pursuant to Executive Order N-29-20 Issued by Governor Gavin Newsom on March 17, 2020 and, to the extent applicable, Government Code Section 54953(b), the June 26, 2020 City Council Meeting may include teleconference participation by the City Council Members and City staff. Consistent with Executive Order N-29-20, teleconference locations utilized by City Council Members shall not be accessible to the public and are not subject to special posting requirements.

CALL TO ORDER: 4:00 p.m.

ROLL CALL: Mayor Alvarado
Mayor Pro Tem Lopez
Council Member Garcia
Council Member Givens
Council Member Prout

APPROVAL OF AGENDA:

PUBLIC COMMENT:

This portion of the meeting is reserved for persons wanting to address the Council only on matters listed on this agenda. Speakers are limited to five minutes unless additional time is needed for translation. Please state your name and address for the record before making your presentation.

MANAGEMENT REPORT:

1. **CONSIDERATION OF AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHAFTER, CALIFORNIA, AMENDING CERTAIN PORTIONS OF CHAPTER 1.12 OF THE SHAFTER MUNICIPAL CODE RELATING TO ADMINISTRATIVE CITATIONS AND FINES FOR VIOLATIONS OF THE CITY'S FIREWORKS REGULATIONS; AND, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHAFTER ESTABLISHING ADMINISTRATIVE CITATION FINE AMOUNTS FOR VIOLATION OF THE CITY'S FIREWORKS ORDINANCE:** a request to waive further reading and adopt Urgency Ordinance 718, an Urgency Ordinance of the City Council of the City of Shafter, California, Amending Certain Portions of Chapter 1.12 of the Shafter Municipal Code Relating to Administrative Citations and Fines for Violations of the City's Fireworks Regulations; and adopt Resolution 2733, a Resolution of the City Council of the City of Shafter Establishing Administrative Citation Fine Amounts for Violation of the City's Fireworks Ordinance. (City Manager Gonzalez) **ROLL CALL**

ADJOURNMENT:

Should anyone challenge any proposed action which is the subject of a public hearing listed on this agenda, that person may be limited to raising those issues addressed at the public hearing described in this notice, or in written correspondence delivered to the City Council at or prior to this public hearing. Pursuant to the Americans with Disabilities Act, if you need special assistance to participate in a City Council Meeting, please contact the City Clerk at (661) 746-5000 prior to the meeting or time when special services are needed to allow City staff in making reasonable arrangements to provide you with access to the meeting. Any public record, relating to an open session agenda item, that is distributed within 24 hours prior to the meeting is available for public inspection in the City Clerk's Office at Shafter City Hall, 336 Pacific Ave., Shafter, CA 93263. This is to certify that this Agenda notice was posted at City Hall and the Police Dept. by 4:00 p.m., June 25, 2020. Yazmina Pallares, S/S, City Clerk



**AGENDA SUPPLEMENT
REGULAR MEETING
SHAFTER CITY COUNCIL
FRIDAY, JUNE 26, 2020**

**THE JUNE 26, 2020 MEETING WILL BE CONDUCTED PURSUANT TO THE
PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDER N-25-20**

In order to minimize the spread of the COVID 19 virus, please do the following:

1. You are strongly encouraged to observe the City Council meetings live via YouTube <https://www.youtube.com/user/CityofShafter/>
2. If you wish to make a comment on a specific agenda item or public comment, please submit your comment via email by **2:00 P.M. on Friday, June 26, 2020** to the City Clerk at CityClerk@shafter.com
3. If you wish to make a written comment to the City Clerk, 336 Pacific Avenue, Shafter, CA 93263.
4. If you wish to make a comment during the live meeting, callers must first register with the City Clerk at 661-746-5012 before the meeting begins to receive instructions and the call-in number and code. Please call by 12:00pm on the Friday, June 26, 2020 to allow ample time for sign up. You will need to provide your name, phone number and the item number you wish to address.
5. All public comments are provided to the City Council and applicable Staff, for review and consideration by the Board prior to taking action on any matters listed on the agenda and are incorporated into the official record of the Council meeting.

The City of Shafter thanks you in advance for taking all precautions to prevent spreading the COVID 19 virus.



336 Pacific Avenue • Shafter, CA 93263

**NOTICE OF
SPECIAL MEETING OF THE SHAFTER CITY COUNCIL**

NOTICE IS HEREBY GIVEN that a special meeting of the City Council of the City of Shafter will be held on Friday, June 26, 2020. The meeting will convene at 4:00 p.m., via teleconference. Said special meeting shall be for the following purpose:

MANAGEMENT REPORT:

1. **CONSIDERATION OF AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHAFTER, CALIFORNIA, AMENDING CERTAIN PORTIONS OF CHAPTER 1.12 OF THE SHAFTER MUNICIPAL CODE RELATING TO ADMINISTRATIVE CITATIONS AND FINES FOR VIOLATIONS OF THE CITY'S FIREWORKS REGULATIONS; AND, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHAFTER ESTABLISHING ADMINISTRATIVE CITATION FINE AMOUNTS FOR VIOLATION OF THE CITY'S FIREWORKS ORDINANCE:** a request to waive further reading and adopt Urgency Ordinance 718, an Urgency Ordinance of the City Council of the City of Shafter, California, Amending Certain Portions of Chapter 1.12 of the Shafter Municipal Code Relating to Administrative Citations and Fines for Violations of the City's Fireworks Regulations; and adopt Resolution 2733, a Resolution of the City Council of the City of Shafter Establishing Administrative Citation Fine Amounts for Violation of the City's Fireworks Ordinance. (City Manager Gonzalez) **ROLL CALL**

Yazmina Pallares, City Clerk

Affidavit of Posting Special Meeting Notice

This is to certify that this Special Meeting Notice was posted at City Hall and the Police Department by 4:00 p.m., June 25, 2020. Further information regarding this Agenda Notice is available at City Hall, 336 Pacific Ave., Shafter, CA.

Yazmina Pallares, S/S, City Clerk

Dated: June 25, 2020

June 26, 2020

To Honorable Mayor and Members
of the Shafter City Council

CONSIDERATION OF AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHAFTER, CALIFORNIA, AMENDING CERTAIN PORTIONS OF CHAPTER 1.12 OF THE SHAFTER MUNICIPAL CODE RELATING TO ADMINISTRATIVE CITATIONS AND FINES FOR VIOLATIONS OF THE CITY'S FIREWORKS REGULATIONS; AND, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHAFTER ESTABLISHING ADMINISTRATIVE CITATION FINE AMOUNTS FOR VIOLATION OF THE CITY'S FIREWORKS ORDINANCE

The proposed urgency ordinance and resolution would authorize the imposition of administrative fines of one thousand dollars (\$1,000) for each offense for the use of illegal fireworks within the City of Shafter ("City"). The urgency ordinance would take immediate effect in order to address the use of illegal fireworks during the upcoming Fourth of July holiday.

ANALYSIS

The use of illegal fireworks within the City is ongoing and enforcement of the City's fireworks regulations has proven difficult. In order to promote the immediate preservation of the public peace, health and safety, the attached urgency ordinance would do the following:

- (1) Authorize the Chief of Police or designee to issue administrative citations for illegal firework violations; and
- (2) Authorize the issuance of citation to a property or person leasing or occupying property where an illegal firework is observed.

The attached Resolution would:

- (3) Authorize the imposition of administrative fines at one thousand dollars (\$1,000) per violation and delinquency penalty in the amount specified in Section 1.12.040(B) of the Shafter Municipal Code (\$25.00 per day).

The City's existing administrative fines and penalties ordinance contain provisions that would allow recipients of citations to appeal their fine amounts in cases where they believe they were not a responsible party. These appeals are typically heard by a neutral hearing officer who provides a written decision. A subsequent appeal to the local Superior Court is also available. Adoption of the proposed urgency ordinance and resolution would authorize City police officers and code enforcement officers to issue citations for this Fourth of July weekend. It is hoped that adoption of these will serve as a deterrent to the use of illegal fireworks in order to save life and property.

MANAGEMENT REPORT

FISCAL IMPACT

There are not expected to be any significant costs to the City associated with the adoption of this ordinance. However, unknown revenues from the issuance of administrative fines are expected.

CEQA ANALYSIS

The proposed action is not a “project” for purposes of the California Environmental Quality Act (CEQA), as that term is defined by CEQA guidelines (“Guidelines”) sections 15061(b)(3), and 15378(b)(5). The effect of the proposed urgency ordinance and resolution will be to maintain the status quo. No new development will result from the proposed action. No impact to the physical environment will result. The amendment is an administrative activity by the City in furtherance of its police power, and will not result in any direct or indirect physical change in the environment, per sections 15061(b)(3), and 15378(b)(5) of the Guidelines.

RECOMMENDATION

Council waive further reading and adopt Urgency Ordinance 718, an Urgency Ordinance of the City Council of the City of Shafter, California, Amending Certain Portions of Chapter 1.12 of the Shafter Municipal Code Relating to Administrative Citations and Fines for Violations of the City’s Fireworks Regulations; and adopt Resolution 2733, a Resolution of the City Council of the City of Shafter Establishing Administrative Citation Fine Amounts for Violation of the City’s Fireworks Ordinance.

ATTACHMENTS

1. Urgency Ordinance 718
2. Resolution 2733

ORDINANCE NO. 718

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHAFTER, CALIFORNIA, AMENDING CERTAIN PORTIONS OF CHAPTER 1.12 OF THE SHAFTER MUNICIPAL CODE RELATING TO ADMINISTRATIVE CITATIONS AND FINES FOR VIOLATIONS OF THE CITY'S FIREWORKS REGULATIONS

WHEREAS, the use of illegal fireworks has sparked fires throughout the City of Shafter ("City) and caused fire crews to respond to fires caused by illegal and dangerous fireworks; and

WHEREAS, the use of illegal fireworks create a significant hazards to personal safety and property; and

WHEREAS, the Police Department receives numerous calls related to the use of fireworks in the days leading up to and after the 4th of July holiday each year; and

WHEREAS, the use of fireworks within the City is ongoing, and enforcement of these regulations has proven difficult; and

WHEREAS, in order to address this serious public safety issue, City staff has sought ways to deter the possession and lighting of illegal fireworks in the City, including by increasing penalties; and

WHEREAS, there is a need to amend the regulations to further deter the use of illegal fireworks within the City; and

WHEREAS, the City Council has determined that the public health, safety, and welfare will be served by: (1) authorizing the Chief of Police or designees to issue administrative citations for illegal firework violations; (2) authorize the City Council to establish administrative fines by separate resolution; and (3) authorize the issuance of a citation to a property owner or person leasing or occupying property where an illegal firework is observed.

THE CITY COUNCIL OF THE CITY OF SHAFTER DOES ORDAIN AS FOLLOWS:

SECTION 1. Urgency Findings. In accordance with California Government Code, Section 36937 an in order to protect the public health, safety and welfare, the City Council of the City of Shafter find as follows:

A. The use of fireworks within the City is ongoing, and enforcement of these regulations has proven difficult. The use of illegal fireworks cause property damage and a danger to life. The Council, therefore, adopts this Urgency Ordinance to become effective immediately upon adoption pursuant to Shafter City Charter Section 4.12 and Government Code Section 36937 and to remain in effect until rescinded to provide City enforcement officials with a means to deter the use of illegal fireworks.

B. In addition, the City wishes to have these new regulations in place for the 2020 Fourth of July celebration when access and use of illegal fireworks increases throughout the

region. The City would like to further mitigate the use of illegal fireworks in order to protect the public peace, health, and safety of its residents.

C. The City Council also finds that this Urgency Ordinance is necessary to promote the immediate preservation of the public peace, health and safety by establishing administrative fines for the possession or use of fireworks and their associated dangers within City's boundaries.

D. Finally, the City Council finds that the regulation contained in this Urgency Ordinance are reasonable in order to preserve the public peace, health and safety of its residence ahead of the Fourth of July holiday.

SECTION 2. Section 1.12.020 of Title 1, Chapter 1.12 of the Shafter Municipal Code is hereby amended to read as follows:

“‘Responsible person’ means a natural person or legal entity, a natural person or legal entity who is the owner, tenant, cotenant, lessee, sublessee or other person with any right to possession of the property where a violation of city codes occurs that is related to the use of property; the owner, majority stockholders, corporate officers, trustees, and general partners of a legal entity; and the on-site manager who normally works daily at the site and is responsible for the activities at such premises. Responsible person also include the parent of legal guardian of a minor that commits a violation of this code.”

SECTION 3. Section 1.12.030 A.3. is hereby added to Title 1, Chapter 1.12 of the Shafter Municipal Code to read as follows:

“Fireworks violations. Violations of Section 8.12.020 of this code shall subject a responsible person to an immediate citation and fine in an amount determined by separate resolution of the City Council. Fines for fireworks violations shall be due within seven (7) calendar days of the date of issuance of the administrative citation.”

SECTION 4. Section 1.12.050 A. of Title 1, Chapter 1.12 of the Shafter Municipal Code is hereby amended to read as follows:

“A. All fines are due on the day of the administrative citation is issued or the date noted on the administrative citation except that fines imposed for substantive violations or nonemergency health and safety violations shall be due on the day following the expiration of the reasonable period of time granted to correct or otherwise remedy the violation or upon the expiration of any extension granted.”

SECTION 5. Section 8.12.060 is hereby added to Title 8, Chapter 8.12 of the Shafter Municipal Code to read as follows:

“8.12.060 Enforcement. Penalties.

(a) The Chief of Police or his or her designee, upon determining a violation of this Chapter, may issue an administrative citation, in accordance with Chapter 1.12, to the

responsible party, person leasing or occupying the property or the property owner of where the firework was observed or discharged.

(b) The City Council may establish an administrative fine for violations of this Chapter by separate resolution.”

SECTION 4. If any section, subsection, sentence, clause, phase, or portion of this Urgency Ordinance is for any reason held to be 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 Ordinance. The City Council hereby declares that it would have adopted this 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 might subsequently be declared invalid or unconstitutional.

SECTION 5. CEQA Determination. The City Council finds that this urgency ordinance is not subject to the requirements of the California Environmental Quality Act, pursuant to (Guidelines) Section 15060(c)(2) & (3) as there is no potential for physical changes to the environment as this ordinance implements administrative regulations only for the possession, sale and discharge of fireworks only.

SECTION 6. Effective Date. This Urgency Ordinance was adopted by the necessary four-fifths vote of the members of the City Council pursuant to California Government Code Sections 36934 and 36937, and shall take effect immediately upon its adoption for the preservation of the public health, safety and welfare.

SECTION 7. This urgency ordinance was adopted by 4/5 vote of the City Council. The City Clerk shall certify the adoption of this Ordinance and shall cause the same to be posted as required by law.

PASSED AND ADOPTED THIS 26th DAY OF JUNE, 2020.

Gilbert T. Alvarado, Mayor

ATTEST:

Yazmina Pallares, City Clerk

RESOLUTION NO. 2733

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHAFTER
ESTABLISHING ADMINISTRATIVE CITATION FINE AMOUNTS FOR
VIOLATIONS OF THE CITY'S FIREWORKS ORDINANCE**

WHEREAS, Title 8, Chapter 8.12 of the Shafter Municipal Code establishes restrictions on the use of fireworks in the City of Shafter ("City"), including, but not limited to, restrictions concerning the prohibition for any person to sell, offer to sale, give away, discharge or have in his or her possession or custody any dangerous fireworks; and

WHEREAS, the City Council of the City of Shafter believes that the sale and use of illegal fireworks creates a significant risk of fire and damage to persons and property in the City; and

WHEREAS, Chapter 1.12 of the Shafter Municipal Code provides an alternative method of enforcement for violations of the Municipal Code and any other city ordinances. The City Council finds that an administrative citation program is an appropriate method of enforcement; and

WHEREAS, the administrative fines and penalties for violations of the Shafter Municipal Code are presently the same for all types of violations, and are of progressively greater amounts for each successive identical violation, with a maximum administrative fine of \$500; and

WHEREAS, Section 1.12.010 of the Shafter Municipal Code authorizes the City Council to establish by resolution the amounts of administrative fines for violations of the Shafter Municipal Code; and

WHEREAS, California Government Code Section 53069.4 authorizes the City Council to establish fines and penalties of up to one thousand dollars (\$1,000) for violation of its fireworks ordinance; and

WHEREAS, the City Council desires to establish an administrative fine for violation of the City's fireworks ordinance at a one-thousand dollar (\$1,000) penalty for each offense; and

NOW, THEREFORE, BE IT IS HEREBY PROCLAIMED by the City Council of the City of Shafter as follow:

1. Notwithstanding the penalties and fines in effect for administrative citations for any other violation of the Shafter Municipal Code, the penalty for receipt of any administrative citation for a violation of Title 8, Chapter 8.12 of the Shafter Municipal Code shall be one thousand dollars (\$1,000).

2. Fines not paid prior to their due date shall incur a penalty for every day of delinquency in the amount specified in Section 1.12.040(B) of the Shafter Municipal Code (\$25.00 per day).

3. This Resolution shall become effective upon its adoption.

PASSED, APPROVED AND ADOPTED this 26th day of June, 2020.

Gilbert T. Alvarado, Mayor

ATTEST:

Yazmina Pallares, City Clerk