



OFFICE OF THE CITY ATTORNEY

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ORD-20

DAWN A. MCINTOSH
City Attorney

GARY J. ANDERSON
Assistant City Attorney

January 10, 2023

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Declare an Ordinance amending the Long Beach Municipal Code by adding Chapters 18.100, 21.69, and 22.35 to temporarily suspend certain provisions of Title 18, 21 and 22 during the proclaimed local emergency caused by homelessness; read the first time and laid over to the next regular meeting of the City Council for final reading; declare the urgency thereof; and declare that this ordinance shall take effect immediately. (Citywide)

DISCUSSION

Pursuant to City Manager's request, we have prepared the attached Ordinance adding Chapters 18.100, 21.69 and 22.35 to the Long Beach Municipal Code.

In order to protect the public safety, health and welfare, it is imperative for the City to suspend certain provisions of the City of Long Beach Municipal Code Titles 18, 21 and 22 in relation to the City's building standards code, zoning and transitional zoning code in an effort to combat the crisis of homelessness and affordable housing.

Currently the City of Long Beach has at any given time approximately 3,300 people experiencing homelessness. According to City's 2022 Point in Time Count, the number of people experiencing homelessness in the City increased dramatically in recent years, with an overall rise in homelessness of 77 percent since 2017. Homelessness has disproportionately impacted Black, Indigenous, and Pacific Islander Long Beach residents who are approximately three times more likely to be experience homelessness than other populations. Black people comprise only 13 percent of the population of the City but, in the most recent homelessness count, completed in February 2022, accounted for approximately 36 percent of people experiencing homelessness. More than 40% of people experiencing homelessness have experienced violence or trauma in their lives, and 6% were fleeing violence

when they became homeless. The number of veterans experiencing homelessness has grown by 48% since 2019.

People experiencing homelessness suffer disproportionately from mental and physical health ailments and require assistance from the County Health and Mental Health Departments to provide the necessary public services. Specifically, it is estimated that 31 percent of people experiencing homelessness in the City are affected by a chronic health condition, 29 percent are affected by substance abuse, 37 percent are affected by a serious mental illness, 36 percent are affected by physical disabilities, 23 percent are affected by developmental disabilities, and 24 percent are affected by traumatic brain injuries. The number of people experiencing homelessness with severe mental illness has more than doubled to 1,200 people and those with a substance use disorder has increased by 70% to 950 people. The amount of people experiencing homelessness has strained the City's ability to provide appropriate shelter, housing and wrap-around services. The prevalence of extreme need significantly stresses the City's public services.

The State of California's COVID-19 State of Emergency, which has provided resources to keep many Long Beach residents from falling into homelessness, ends in February of 2023, thus requiring immediate action in order to create replacement and additional housing, shelter, and support for the necessary infrastructure required and address public safety concerns due to violence and severe mental and physical health issues.

In order to protect the public safety, health and welfare within the City of Long Beach, this Chapter provides a temporary suspension of rules related to Title 18, 21 and 22 of the Long Beach Municipal Code for the duration of a proclaimed local emergency.

This ordinance shall sunset One Hundred Eighty (180) days after its effective date, unless further extended by the City Council in its discretion by an amendment.

January 10, 2023
Page 3

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

DAWN MCINTOSH, City Attorney

By: 
Anita Lakhani
Deputy City Attorney

AL:kd

ATTACHMENT: CITY COUNCIL ORDINANCE

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING CHAPTERS 18.100, 21.69, AND 22.35, TO TEMPORARILY SUSPEND CERTAIN PROVISIONS OF TITLES 18, 21 AND 22 DURING THE PROCLAIMED LOCAL EMERGENCY CAUSED BY HOMELESSNESS; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

WHEREAS, on January 10, 2023, the City Council of the City of Long Beach has adopted Resolution No. RES-23-_____ proclaiming the existence of a local emergency caused by conditions and threatened conditions of homelessness within the City of Long Beach (City), which if not corrected, constitutes and imminent and proximate threat to the safety of persons and property within the City; and

WHEREAS, in order to protect the public safety, health and welfare, it is imperative for the City to suspend certain provisions of the City of Long Beach Municipal Code Titles 18, 21 and 22 in relation to the City’s building standards code, zoning and transitional zoning code in an effort to combat the crisis of homelessness and affordable housing for the reasons stated below; and

WHEREAS, currently the City of Long Beach has at any given time approximately 3,300 people experiencing homelessness citywide; and

WHEREAS, according to City’s 2022 Point in Time Count, the number of people experiencing homelessness in the City increased dramatically in recent years, with an overall rise in homelessness of 77 percent since 2017; and

WHEREAS, homelessness has disproportionately impacted Black,

1 Indigenous, and Pacific Islander Long Beach residents who are approximately three times
2 more likely to experience homelessness than other populations. Black people comprise
3 only 13 percent of the population of the City but, in the most recent homelessness count,
4 completed in February 2022, accounted for approximately 36 percent of people
5 experiencing homelessness; and

6 WHEREAS, more than 40% of people experiencing homelessness have
7 experienced violence or trauma in their lives, and 6% were fleeing violence when they
8 became homeless; and

9 WHEREAS, the number of veterans experiencing homelessness has grown
10 by 48% since 2019; and

11 WHEREAS, people experiencing homelessness suffer disproportionately
12 from mental and physical health ailments and require assistance from the County Health
13 and Mental Health Departments to provide the necessary public services. Specifically, it is
14 estimated that 31 percent of people experiencing homelessness in the City are affected by
15 a chronic health condition, 29 percent are affected by substance abuse, 37 percent are
16 affected by a serious mental illness, 36 percent are affected by physical disabilities, 23
17 percent are affected by developmental disabilities, and 24 percent are affected by traumatic
18 brain injuries. The number of people experiencing homelessness with severe mental illness
19 has more than doubled to 1,200 people and those with a substance use disorder has
20 increased by 70% to 950 people. This strains the City's ability to provide appropriate
21 shelter, housing, and wrap-around services. The prevalence of extreme need significantly
22 stresses the City's public services; and

23 WHEREAS, 101 people experiencing homelessness in the City died in 2022
24 while living on the street. The average age of those who died while homeless was 47 years
25 old and over 75% of the causes of death were unnatural. This represents a drastic 225%
26 increase in comparison to the number of people who died in 2017; and

27 WHEREAS, notwithstanding that the State of California has enacted a
28 Community Assistance, Recovery and Empowerment (CARE) Court to address the crisis

1 of untreated mental illness, the beds and necessary access to acute and subacute care for
2 such mental illness is still in development and steps must be taken in the interim to provide
3 increased access to housing and care; and

4 WHEREAS, the homelessness crisis has strained the City's public safety
5 resources. Among other things, occurrences of fires related to homelessness have doubled
6 between 2019 and 2022, and now constitute over one-third of all fires to which the Long
7 Beach Fire Department responds. In addition, a number of fires have taken significant fire
8 resources and caused damage to adjacent structures and vehicles; and

9 WHEREAS, shelter and housing is particularly important during these coming
10 winter months when people experiencing homelessness in the City are likely to face
11 heightened exposure and dangers from living outdoors, and heightened dangers from the
12 combination of COVID-19, flu outbreak and respiratory syncytial virus (RSV). It is projected
13 that the City will face an acute shortage of winter homeless shelters through March 2023,
14 with fewer than half of the number of shelter sites available in the County of Los Angeles
15 compared to the winter of 2021-2022 and nearly two-thirds fewer shelter beds; and

16 WHEREAS, California Government Code Sections 8698.1 and 8698.2 allow
17 local jurisdictions to declare a shelter crisis; the City of Long Beach's most recent shelter
18 crisis is set to expire March 31, 2023; and

19 WHEREAS, the State of California's COVID-19 State of Emergency, which
20 has provided resources to keep many Long Beach residents from falling into
21 homelessness, ends in February of 2023, thus requiring immediate action in order to create
22 replacement and additional housing and shelter, and in order to support the necessary
23 infrastructure and laws required to protect and provide that shelter and housing; and

24 WHEREAS, the County and State's eviction moratorium, which has protected
25 many Long Beach residents from falling into homelessness, ends concurrently with the end
26 of California's State of Emergency regarding the COVID-19 pandemic on February 1, 2023;
27 and

28 WHEREAS, the City expanded interim bed access by 535 beds since 2020;

1 there are currently more than 1,300 interim housing beds citywide and the City Council
2 continues to prioritize the building of interim and permanent supporting housing, yet need
3 continues to outpace demand; and

4 WHEREAS, the City projects it will soon have a total of 15,346 supportive
5 and affordable units, of which 1,546 have been recently completed, 319 are currently under
6 construction, and more than 500 are in pre-development; and

7 WHEREAS, the City has responded to the rapid increase in its homeless
8 population with unprecedented investments into homelessness solutions, including a more
9 than \$80 million commitment in the 2022-2023 City budget for the expansion of bridge
10 housing, an additional Restorative Engagement to Achieve Collective Health (REACH)
11 team, call takers, library outreach workers, two mobile MSC units, a mental health and
12 substance use treatment van, a winter shelter partnership, and the hiring of professionals
13 to address the homelessness crisis and, notwithstanding these efforts, the number of those
14 experiencing homelessness in the City continues to increase and outstrip the resources
15 and services that the City has provided; and

16 WHEREAS, the City of Long Beach has designated significant resources to
17 address homelessness in the City, but the threat to life and property remains at stake
18 beyond the control of the services, personnel, equipment, and facilities of this City,
19 requiring the City to protect the public safety, health, and welfare within the City through
20 this ordinance;

21 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
22 follows:

23
24 Section 1. Chapter 18.100 is hereby added to the Long Beach Municipal
25 Code to read as follows:

26 Chapter 18.100

27 TEMPORARY SUSPENSION OF CERTAIN PROVISIONS OF TITLE 18 DURING A
28 PROCLAIMED LOCAL EMERGENCY CAUSED BY HOMELESSNESS

1 18.100.010 Purpose.

2 In order to protect the public safety, health and welfare within the City
3 of Long Beach, this Chapter provides a temporary suspension of rules related to
4 Title 18 of the Long Beach Municipal Code for the duration of a proclaimed local
5 emergency caused by a dramatic increase in homelessness, a dramatic increase in
6 the number of deaths of persons experiencing homelessness, an incredible and
7 unprecedented strain on the City's ability to provide appropriate shelter and housing
8 and public safety concerns due to violence and severe mental and physical health
9 issues.

10
11 18.100.020 Suspensions.

12 A. Suspend provisions of Title 18 that pertain to the construction
13 of fencing, including fencing that deviates from the height and material requirements
14 of the municipal code, to secure buildings, lots, and facilities to prevent trespassing
15 or encampment, in any location, as reviewed and approved by the Directors of
16 Development Services and Health and Human Services, and subject to any
17 conditions imposed by these departments.

18 B. Suspend orders to vacate unless the Building Official
19 determines, after inspection, that any building or structure, or portion thereof, is
20 dangerous as defined in Section 18.02.020.

21 C. Suspend rules within Title 18 that pertain to Accessory Dwelling
22 Units in the limited circumstances of an existing unpermitted unit occupied by
23 tenant(s). Upon receipt of an application, and subject to discretion of the Director of
24 Development Services, allow for the legalization of any existing structure occupied
25 by tenant(s), as an Accessory Dwelling Unit, despite conflicting provisions of other
26 local laws.

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18.100.030 Improvements.

A. All improvements constructed pursuant this Chapter shall have their certificate of occupancy issued pursuant to 18.08.020 within five (5) business days of passing a final inspection and satisfying all outstanding construction conditions as reviewed and approved by the Department of Development Services.

B. Improvements approved under the local emergency proclamation and during the local emergency period are intended to be permanent and shall be permanent and will not require new approvals at the expiration of the emergency. The City intends all improvements approved under this Title during the local emergency to be constructed immediately. Notwithstanding the approvals made during the local emergency, Section 21.21.406 titled Expiration shall remain in full force and effect.

18.100.040 Expiration.

This Chapter 18.100 shall expire One Hundred Eighty (180) days after its effective date, unless further extended by the City Council in its discretion by an amendment to this Chapter.

Section 2. Chapter 21.69 is hereby added to the Long Beach Municipal Code to read as follows:

Chapter 21.69

TEMPORARY SUSPENSION OF CERTAIN PROVISIONS OF TITLE 21 DURING A PROCLAIMED LOCAL EMERGENCY CAUSED BY HOMELESSNESS

21.69.010 Purpose.

In order to protect the public safety, health and welfare within the City of Long Beach, this Chapter provides a temporary suspension of rules related to Title 21 of the Long Beach Municipal Code for the duration of a proclaimed local emergency

1 caused by a dramatic increase in homelessness, a dramatic increase in the number
2 of deaths of persons experiencing homelessness, an incredible and unprecedented
3 strain on the City's ability to provide appropriate shelter and housing and public
4 safety concerns due to violence and severe mental and physical health issues.

5
6 21.69.020 Suspensions.

7 A. Suspend provisions of Title 21 that pertain to construction of
8 emergency shelters, transitional housing, supportive housing, affordable housing,
9 and any other physical improvements to address the City's proclaimed local
10 emergency caused by homelessness, in any location, as reviewed and approved by
11 the Directors of Development Services and Health and Human Services, and
12 subject to any conditions imposed by these departments. All project reviews shall
13 be completed within 60-days from the filing of project application.

14 B. Suspend provisions of Title 21 that pertain to the construction
15 of social service facilities, social service facilities with food distribution, personal
16 storage facilities and related uses that facilitate services to address the City's
17 proclaimed local emergency caused by homelessness, in any location, as reviewed
18 and approved by the Directors of Development Services and Health and Human
19 Services, and subject to any conditions imposed by these departments. All project
20 reviews shall be completed within 60-days from the filing of project application.

21 C. Suspend provisions of Title 21 that pertain to the construction
22 and operation of safe parking sites, Recreational Vehicle (RV) parking, and other
23 temporary or semi-temporary uses of space for services to address the City's
24 proclaimed local emergency caused by homelessness, in any location, as reviewed
25 and approved by the Directors of Development Services and Health and Human
26 Services, and subject to any conditions imposed by these departments. All project
27 reviews shall be completed within 60-days from the filing of the project application.

28 D. Suspend provisions of Title 21 that pertain to the construction

1 and operation of mental health care facilities, hospitals, clinics, offices and
2 otherwise, in any location, as reviewed and approved by the Directors of
3 Development Services and Health and Human Services, and subject to any
4 conditions imposed by these departments. All project reviews shall occur during a
5 60-day period from filing.

6 E. Suspend provisions of Title 21 that pertain to the construction
7 and operation of substance abuse facilities, hospitals, clinics, offices and otherwise,
8 in any location, as reviewed and approved by the Directors of Development Services
9 and Health and Human Services, and subject to any conditions imposed by these
10 departments. All project reviews shall be completed within 60-days from the filing of
11 project application.

12 F. Suspend provisions of Title 21 that pertain to the construction
13 of fencing, including fencing that deviates from the height and material requirements
14 of the municipal code, to secure buildings, lots and facilities to prevent trespassing
15 or encampment, in any location, as reviewed and approved by the Directors of
16 Development Services and Health and Human Services, and subject to any
17 conditions imposed by these departments.

18 G. Suspend rules within Title 21 that pertain to Accessory Dwelling
19 Units in the limited circumstances of an existing unpermitted unit occupied by
20 tenant(s). Upon receipt of an application, and subject to discretion of the Director of
21 Development Services, allow for the legalization of any existing structure occupied
22 by tenant(s), as an Accessory Dwelling Unit, despite conflicting provisions of other
23 local laws.

24

25 21.69.030 Improvements.

26 Improvements approved under a local emergency proclamation and during
27 the local emergency period are intended to be permanent and shall be permanent
28 and will not require new approvals at the expiration of the emergency. The City

1 intends all improvements approved under this Title during the local emergency to
2 be constructed immediately. Notwithstanding the approvals made during the local
3 emergency, Section 21.21.406 titled Expiration shall remain in full force and effect.

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5 21.69.040 Expiration.

6 This Chapter 21.69 shall expire One Hundred Eighty (180) days after its
7 effective date, unless further extended by the City Council in its discretion by an
8 amendment to this Chapter.

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10 Section 3. Chapter 22.35 is hereby added to the Long Beach Municipal
11 Code to read as follows:

12
13 Chapter 22.35
14 TEMPORARY SUSPENSION OF CERTAIN PROVISIONS OF TITLE 22 DURING A
15 PROCLAIMED LOCAL EMERGENCY CAUSED BY HOMELESSNESS

16
17 22.35.010 Purpose.

18 In order to protect the public safety, health and welfare within the City of Long
19 Beach, this Chapter provides a temporary suspension of rules related to Title 22 of
20 the Long Beach Municipal Code for the duration of a proclaimed local emergency
21 caused by a dramatic increase in homelessness, a dramatic increase in the number
22 of deaths of persons experiencing homelessness, an incredible and unprecedented
23 strain on the City's ability to provide appropriate shelter and housing and public
24 safety concerns due to violence and severe mental and physical health issues.

25
26 22.35.020 Suspensions.

27 A. Suspend provisions of Title 22 that pertain to construction of
28 emergency shelters, transitional housing, supportive housing, affordable housing,

1 and any other physical improvements to address the City's proclaimed local
2 emergency caused by homelessness, in any location, as reviewed and approved by
3 the Directors of Development Services and Health and Human Services, and
4 subject to any conditions imposed by these departments. All project reviews shall
5 be completed within 60-days from the filing of project application.

6 B. Suspend provisions of Title 22 that pertain to the construction of social
7 service facilities, social service facilities with food distribution, personal storage
8 facilities and related uses that facilitate services to address the City's proclaimed
9 local emergency caused by homelessness, in any location, as reviewed and
10 approved by the Directors of Development Services and Health and Human
11 Services, and subject to any conditions imposed by these departments. All project
12 reviews shall be completed within 60-days from the filing of project application.

13 C. Suspend provisions of Title 22 that pertain to the construction and
14 operation of safe parking sites, Recreational Vehicle (RV) parking, and other
15 temporary or semi-temporary uses of space for services to address the City's
16 proclaimed local emergency caused by homelessness, in any location, as reviewed
17 and approved by the Directors of Development Services and Health and Human
18 Services, and subject to any conditions imposed by these departments. All project
19 reviews shall be completed within 60-days from the filing of the project application.

20 D. Suspend provisions of Title 22 that pertain to the construction and
21 operation of mental health care facilities, hospitals, clinics, offices and otherwise, in
22 any location, as reviewed and approved by the Directors of Development Services
23 and Health and Human Services, and subject to any conditions imposed by these
24 departments. All project reviews shall occur during a 60-day period from filing.

25 E. Suspend provisions of Title 22 that pertain to the construction and
26 operation of substance abuse facilities, hospitals, clinics, offices and otherwise, in
27 any location, as reviewed and approved by the Directors of Development Services
28 and Health and Human Services, and subject to any conditions imposed by these

1 departments. All project reviews shall be completed within 60-days from the filing of
2 project application.

3 F. Suspend provisions of Title 22 that pertain to the construction of
4 fencing, including fencing that deviates from the height and material requirements
5 of the municipal code, to secure buildings, lots and facilities to prevent trespassing
6 or encampment, in any location, as reviewed and approved by the Directors of
7 Development Services and Health and Human Services, and subject to any
8 conditions imposed by these departments.

9 G. Suspend rules within Title 22 that pertain to Accessory Dwelling Units
10 in the limited circumstances of an existing unpermitted unit occupied by tenant(s).
11 Upon receipt of an application, and subject to discretion of the Director of
12 Development Services, allow for the legalization of any existing structure occupied
13 by tenant(s), as an Accessory Dwelling Unit, despite conflicting provisions of other
14 local laws.

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16 22.35.030 Expiration.

17 This Chapter 22.35 shall expire One Hundred Eighty (180) days after its
18 effective date, unless further extended by the City Council in its discretion by an
19 amendment to this Chapter.

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21 Section 4. This ordinance is intended to be consistent with all applicable
22 state and federal law, and is not intended to regulate in any area preempted by state or
23 federal law. If any provision of this ordinance is found to be unconstitutional or otherwise
24 invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining
25 provisions of this ordinance which can be implemented without the invalid provisions, and
26 to this end, the provisions of this ordinance are declared to be severable. The City Council
27 hereby declares it would have adopted this ordinance and each provision hereof
28 irrespective of whether any one or more provisions are found invalid, unconstitutional or

1 otherwise unenforceable.

2

3 Section 5. This ordinance is an emergency ordinance duly adopted by the
4 City Council by a vote of five of its members. The City Clerk shall certify to a roll call and
5 vote on the question of the emergency of this ordinance and to its passage by the vote of
6 five members of the City Council of the City of Long Beach, and cause the same to be
7 posted in three conspicuous places in the City of Long Beach, and it shall thereupon take
8 effect and shall be operative immediately.

9

10 Section 6 This ordinance shall also be adopted by the City Council as a
11 regular ordinance, to the end that in the event of any defect or invalidity in connection with
12 the adoption of this ordinance as an emergency ordinance, the same shall, nevertheless,
13 be and become effective on the thirty-first (31st) day after its approved by the Mayor. The
14 City Clerk shall certify to the passage of this ordinance by the City Council and cause it to
15 be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect
16 on the thirty-first (31st) day after it is approved by the Mayor.

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I hereby certify on a separate roll call and vote which was taken by the City Council of the City of Long Beach upon the question of emergency of this ordinance at its meeting of January 10, 2023, the ordinance was declared to be an emergency by the following vote:

Ayes:	Councilmembers:	_____

Noes:	Councilmembers:	_____

Absent:	Councilmembers:	_____

Recusal(s):	Councilmembers:	_____

I further certify that thereafter, at the same meeting, upon a roll call and vote on adoption of the ordinance, it was adopted by the City Council of the City of Long Beach by the following vote:

Ayes:	Councilmembers:	_____

Noes:	Councilmembers:	_____

Absent:	Councilmembers:	_____

Recusal(s):	Councilmembers:	_____

OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
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Long Beach, CA 90802

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I further certify that the foregoing ordinance was thereafter adopted on final reading by the City Council of the City of Long Beach at its meeting of _____, 2023, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor



City of Long Beach Memorandum
Working Together to Serve

REQUEST TO ADD AGENDA ITEM

Date: January 6, 2023
To: Monique De La Garza, City Clerk
From: Dawn McIntosh, City Attorney
Subject: Request to Add Agenda Item to Council Agenda of January 10, 2023

Pursuant to Municipal Code Section 2.03.070 [B], the City Councilmembers signing below request that the attached agenda item (due in the City Clerk Department by Friday, 12:00 Noon) be placed on the City Council agenda under Ordinance via the supplemental agenda.

The agenda title/recommendation for this item reads as follows:

Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapters 18.100, 21.69, and 22.35 to temporarily suspend certain provisions of Title 18, 21 and 22 during the proclaimed local emergency caused by homelessness; read the first time and laid over to the next regular meeting of the City Council for final reading; declare the urgency thereof; and declare that this ordinance shall take effect immediately. (Citywide)

Council District	Authorizing Councilmember	Signed by
1	Mary Zendejas	
2	Cindy Allen	
4	Daryl Supernaw	

Attachment: Ordinance

cc: Office of the Mayor