

## RESOLUTION 2023-XX

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GILROY EXTENDING THE TEMPORARY OUTDOOR DINING PROGRAM THROUGH DECEMBER 31, 2023

**WHEREAS**, on March 16, 2020, the Santa Clara County Health Officer issued a shelter-in-place order to address COVID-19, directing all residents of the County to shelter in their places of residence except to engage in essential activities as allowed under the order; and

**WHEREAS**, on March 19, 2020, the Governor issued a statewide shelter-in-place order; and

**WHEREAS**, on June 1, 2020, the City Council approved recommendations for temporarily modifying certain City Code requirements to support business and development activity (e.g., outdoor dining) and to aid in the economic recovery of the City arising from economic impacts of the COVID-19 pandemic; and

**WHEREAS**, on May 3, 2021, and again on May 16, 2022, the City Council extended the temporary economic recovery program allowing private parking lots, public parking spaces, sidewalks, walkways, plaza areas, or similar outdoor spaces to be used for outdoor dining; and

**WHEREAS**, outdoor dining continues to stimulate the local economy in furtherance of the City Council's goal to "Promote Economic Development Activities that Create Opportunities for Quality Employment and Increase the City's Tax Base"; and

**WHEREAS**, Vehicle Code Section 22507 authorizes cities to adopt local rules for parking on public streets; and

**WHEREAS**, Vehicle Code Section 21101(e) authorizes the governing body of a local agency to close portions of public streets temporarily by ordinance or resolution as necessary for the safety and protection of persons who are to use such portions of streets during the temporary closing; and

**WHEREAS**, the City of Gilroy, as a municipal corporation and charter city, has inherent authority to govern and control the use and enjoyment of its own property; and

**WHEREAS**, Article XI, Section 7 of the California Constitution states that: "A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws."

#### **NOW, THEREFORE, BE IT RESOLVED THAT:**

The City Council hereby finds that each of the foregoing recitals is true and correct.

Until December 31, 2023, the City Engineer or designee is hereby authorized to allow certain City-owned public properties, including public parking spaces, sidewalks, plazas, and other rights-of-way, to be used for outdoor dining.

Until December 31, 2023, the City Engineer or designee is hereby authorized to allow portions of public streets to also be used for outdoor dining; provided, however, that no portion of any street shall be closed entirely to through traffic except as authorized by subsequent resolution of the City Council pursuant to Vehicle Code Section 21101(e).

**PASSED AND ADOPTED** by the City Council of the City of Gilroy at a regular meeting duly held on the 21<sup>st</sup> day of August 2023 by the following roll call vote:

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

APPROVED:

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Marie Blankley, Mayor

ATTEST:

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Thai Nam Pham, City Clerk