



CITY OF NEWPORT BEACH CITY COUNCIL – SPECIAL MEETING AGENDA

**CITY COUNCIL CHAMBERS
100 CIVIC CENTER DRIVE, NEWPORT BEACH, CA 92660**

WEDNESDAY, MARCH 18, 2020 – 10:30 A.M.

City Council Members:

**Will O'Neill, Mayor
Brad Avery, Mayor Pro Tem
Joy Brenner, Council Member
Diane B. Dixon, Council Member
Duffy Duffield, Council Member
Jeff Herdman, Council Member
Kevin Muldoon, Council Member**

SPECIAL NOTICE REGARDING COVID-19

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which allows Council Members to attend City Council meetings telephonically. Please be advised that some, or all, of the Newport Beach City Council Members may attend this meeting telephonically.

If you wish to attend the City Council meeting in person, the City Council Chambers located at 100 Civic Center Drive, Newport Beach, California 92660, will be open for this meeting and the public shall have the right to observe and offer public comment at this location. While you may attend this meeting in person, given the health risks associated with COVID-19, the City wants you to know that you can submit your comments and questions in writing for City Council consideration by sending them to the City Clerk at cityclerk@newportbeachca.gov. To give the City Council adequate time to review your questions and comments, please submit your written comments by Wednesday, March 18, 2020, at 7:30 a.m.

NOTICE TO THE PUBLIC

The agenda was prepared by the City Clerk's Office located at 100 Civic Center Drive, Bay E, 2nd Floor. If you have any questions, please contact City Clerk staff at (949) 644-3005. Agendas, minutes and staff reports are also available on the City's website: <http://www.newportbeachca.gov/agendas>.

The Newport Beach City Council is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the City Council special meeting agenda be posted at least twenty-four (24) hours in advance of the meeting and that the public be allowed to comment on agenda items and items not on the agenda that are within the subject matter jurisdiction of the City Council.

The City Council of Newport Beach welcomes and encourages community participation. Public comments are generally limited to three (3) minutes per person to allow everyone to speak. Written comments are encouraged as well.

The City of Newport Beach's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or cityclerk@newportbeachca.gov).

I. CALL THE MEETING TO ORDER

II. ROLL CALL

III. PUBLIC COMMENTS

Public comments are invited on items listed on the agenda and non-agenda items. Speakers must limit comments to three (3) minutes per person to allow everyone to speak. Written comments are encouraged as well. The City Council has the discretion to extend or shorten the time limit on agenda or non-agenda items.

IV. CLOSED SESSION

**A. THREAT TO PUBLIC SERVICES OR FACILITIES
(Government Code § 54957): 1 matter**

Consultation with: City of Newport Beach Police Chief, Jon Lewis, and Fire Chief, Jeff Boyles, regarding matters posing a threat to: the security of public buildings, the security of essential public services, and the public's right of access to public services or public facilities, all of which are associated with the COVID-19 outbreak and the State of Emergency declared by Governor Gavin Newsom on March 4, 2020, and the proclamation of a Local Emergency by the Director of Emergency Services on March 15, 2020.

V. CURRENT BUSINESS

- 1. Resolution No. 2020-25: Ratifying the March 15, 2020 Proclamation of Local Emergency**
 - a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
 - b) Adopt Resolution No. 2020-25, *A Resolution of the City Council of the City of Newport Beach, California, (i) Ratifying the Proclamation of a Local Emergency Issued on March 15, 2020, by City Manager Grace Leung, the Director of Emergency Services of the City of Newport Beach, and (ii) Approving and Authorizing Certain Actions Relating Thereto*; and
 - c) Discuss and provide direction to City staff regarding response measures intended to protect the public from the Novel Coronavirus (COVID-19), the effect of COVID-19 on the City of Newport Beach, and access to public services and facilities during the Local Emergency.

VI. ADJOURNMENT



CITY OF

NEWPORT BEACH

City Council Staff Report

March 18, 2020
Agenda Item No. 1

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: Grace K. Leung, City Manager - 949-644-3001,
gleung@newportbeachca.gov

PREPARED BY: Tara Finnigan, Deputy City Manager,
tfinnigan@newportbeachca.gov

PHONE: 949-644-3035

TITLE: Resolution No. 2020-25: Ratifying the March 15, 2020 Proclamation
of Local Emergency

ABSTRACT:

On March 15, 2020, City Manager Grace Leung, serving in her capacity as director of emergency services for the City of Newport Beach, issued a proclamation of local emergency in response to the COVID-19 crisis and updated guidance from the State of California as to controlling the spread of the coronavirus.

RECOMMENDATION:

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
- b) Approve Resolution No. 2020-25, a *Resolution of the City Council of the City of Newport Beach, California, (i) Ratifying the Proclamation of a Local Emergency Issued on March 15, 2020 by City Manager Grace Leung, the Director of Emergency Services for the City of Newport Beach, and (ii) Approving and Authorizing Certain Actions Relating Thereto*; and
- c) Discuss and provide direction to City staff regarding response measures intended to protect the public from the Novel Coronavirus (COVID-19), the effect of COVID-19 on the City of Newport Beach, and access to public services and facilities during the Local Emergency.

FUNDING REQUIREMENTS:

The City will not incur costs through the ratification of the Proclamation of Local Emergency; however, it has and will continue to expend resources on its response to the COVID-19 Crisis and implementing state, federal and county measures to help slow the spread of the coronavirus. The Proclamation of Local Emergency enables the City to access federal and state disaster assistance resources if needed and potentially enable the City to be reimbursed for its costs associated with the COVID-19 crisis.

DISCUSSION:

Background

A novel coronavirus that causes mild to severe respiratory illness was first detected in Wuhan, China in December 2019. Now known as COVID-19, the virus is thought to mainly spread from person to person in close contact with one another (within approximately six feet) through respiratory droplets produced when an infected person coughs or sneezes. There is currently no vaccine to prevent COVID-19 or a specific antiviral treatment.

Since the start of the new year, governments and public health organizations around the world have taken action to help control the spread of the virus. The World Health Organization (WHO) declared the outbreak of COVID-19 a public health emergency of international concern on January 30, 2020. The following day, January 31, Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States. Then, on February 25, the Centers for Disease Control and Prevention announced that community spread of COVID-19 would likely occur in the United States. On February 26, the County of Orange declared a local emergency and a local health emergency. The State of California proclaimed a State of Emergency on March 4 and WHO declared COVID-19 a pandemic on March 11. On March 13, U.S. President Donald Trump declared the COVID-19 outbreak a national emergency. On March 15, Governor Gavin Newsom provided updated guidance for California communities and industry to follow to help contain the spread of COVID-19 (coronavirus). The Governor called for the following throughout the state:

- The closure of bars, brew pubs, night clubs and wineries until further notice;
- Restaurants to reduce capacity by 50 percent and provide social distancing (six foot separation);
- Seniors, age 65 and over, to immediately self-isolate; and
- Citizens, of any age, with chronic illnesses to immediately self-isolate.

That same day, the Centers for Disease Control (CDC) provided updated guidance on large gatherings. As of March 16, 2020, the CDC recommends that gatherings of 50 or more people should be canceled or postponed for the next eight weeks to help prevent the spread of the virus. This number could be reduced as the situation unfolds.

City's Response

For several months, the City of Newport Beach has been closely monitoring the actions of and aligning its practices and protocols with the recommendations provided by Federal, State and County officials.

The March 15 guidance from Governor Newsom necessitated a heightened level of response for the City of Newport Beach due to the significant number of its residents who are age 65 and over and due the large number of bars and restaurants located within the city.

The City immediately activated its Emergency Operations Center (EOC), calling in department directors and certain managers to ensure the City most effectively coordinates its response. Also, on March 15, City Manager Grace Leung, serving in her capacity as the City's director of emergency services, issued a Proclamation of Local Emergency. This action enables the City to access federal and state resources if needed and to potentially recoup City funds spent responding to the COVID-19 crisis. The Proclamation and the City's activated EOC will enable staff to respond quickly and efficiently to assign personnel and procure needed materials, equipment and services.

Staff recommends the City Council adopt Resolution 2020-25, thus confirming and ratifying the March 15 Proclamation of Local Emergency. If approved, the order and regulation will remain in effect until the local emergency is terminated by proclamation of the City Council.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – Resolution No. 2020-25

ATTACHMENT A

RESOLUTION NO. 2020-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, (i) RATIFYING THE PROCLAMATION OF A LOCAL EMERGENCY ISSUED ON MARCH 15, 2020, BY CITY MANAGER GRACE LEUNG, THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF NEWPORT BEACH, AND (ii) APPROVING AND AUTHORIZING CERTAIN ACTIONS RELATING THERETO

WHEREAS, Section 2.20.060 of the Newport Beach Municipal Code empowers City Manager Grace Leung, the Director of Emergency Services of the City of Newport Beach, to proclaim the existence or threatened existence of a local emergency when the City of Newport Beach is affected or likely to be affected by a public calamity and the City Council is not in session;

WHEREAS, as part of the State of California's response to address the global COVID-19 outbreak, on March 4, 2020, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for the broader spread of COVID-19;

WHEREAS, on March 15, 2020, Governor Newsom called for all bars, wineries, nightclubs and brewpubs to close throughout the state, urged all seniors and people with chronic health conditions to isolate themselves at home, and for restaurants to reduce occupancy by half to keep people farther away from each other;

WHEREAS, the City of Newport Beach has a significant number of bars, restaurants and, based on the most recent demographic information available, a significant number of residents who are age 65 and over;

WHEREAS, on March 15, 2020, conditions of extreme peril to the public safety arose within the territorial limits of the City of Newport Beach based on the existence or threatened existence of COVID-19, within and/or around the City of Newport Beach ("COVID-19 Crisis");

WHEREAS, in response to the COVID-19 Crisis, City Manager Grace Leung, the Director of Emergency Services of the City of Newport Beach, issued a Proclamation of Local Emergency ("Proclamation"), a copy of which Proclamation is attached hereto as Attachment 1 and incorporated herein by this reference, because the response to the declared State of Emergency and guidance from Governor Newsom, may be beyond the control of the services, personnel, equipment, and facilities of the City of Newport Beach and may require the combined forces of other political subdivisions and other agencies to combat;

WHEREAS, the City Council was not in session at the time the Proclamation was issued; and

WHEREAS, the City Council does hereby find that the aforesaid conditions of extreme peril did warrant and necessitate the issuance of the Proclamation by the Director of Emergency Services.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1: The City Council hereby confirms and ratifies that certain Proclamation of the Existence of a Local Emergency by the Director of Emergency Services, which Proclamation is dated March 15, 2020.

Section 2: The City Council hereby confirms and ratifies the order and regulation set forth in the Proclamation as follows:

1. No person shall enter, be within, or remain within, any building or area within the City of Newport Beach after receiving a written or oral order to either not enter or to leave such building or area from a peace officer.

2. A violation of Section 1 of this emergency order and regulation shall be a misdemeanor punishable pursuant to Section 2.20.100 and/or Section 1.04.010 of the Newport Beach Municipal Code.

3. All peace officers are hereby authorized to enforce the above emergency order and regulation and to arrest any persons who do not obey said order and regulation (collectively "Order and Regulation").

Section 3: The Director of Emergency Services shall take any and all action to ensure that the Order and Regulation is given widespread publicity and notice.

Section 4: The local emergency shall be deemed to continue to exist throughout the City of Newport Beach and the Order and Regulation shall remain in effect until the local emergency is terminated by proclamation of the City Council of the City of Newport Beach.

Section 5: The City Manager is hereby authorized to order, undertake, and/or direct such other measures as may be necessary or appropriate to respond to the COVID-19 Crisis.

Section 6: The City Manager is hereby authorized to issue further orders and regulations and to enter into agreements as may be necessary or appropriate to respond to the COVID-19 Crisis.

Section 7: A copy of this resolution and the emergency proclamation shall be forwarded to the Director of California Governor's Office of Emergency Services requesting that the Director find it acceptable in accordance with state law; that the Governor of California, pursuant to the Emergency Services Act, issue a proclamation declaring an emergency in the City of Newport Beach; that the Governor waive regulations that may hinder response and recovery efforts; that recovery assistance be made available under the California Disaster Assistance Act; and that the state expedite access to state and federal resources and any other appropriate federal disaster relief programs.

Section 8: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 9: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 10: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 11: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 18th day of March, 2020.

Will O'Neill
Mayor

ATTEST:

Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

Attachment: Proclamation of Local Emergency dated March 15, 2020

**PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY
BY THE DIRECTOR OF EMERGENCY SERVICES
OF THE CITY OF NEWPORT BEACH**

WHEREAS, Section 2.20.060 of the Newport Beach Municipal Code empowers the Director of Emergency Services of the City of Newport Beach to proclaim the existence of a local emergency due to the existence of conditions of disaster or extreme peril to the safety of persons or property within the City of Newport Beach, and the City Council is not in session; and

WHEREAS, the Emergency Services Director of the City of Newport Beach does hereby find:

1. As part of the state's response to address the global COVID-19 outbreak, on March 4, 2020, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19;

2. On March 15, 2020, Governor Newsom called for all bars, wineries, nightclubs and brewpubs to close throughout the state, urged all seniors and people with chronic health conditions to isolate themselves at home, and for restaurants to reduce occupancy by half to keep people farther away from each other;

3. The City of Newport Beach has a significant number of bars, restaurants and, based on the most recent demographic information available, a significant number of residents who are age 65 and over;

4. The safety of persons within the territorial limits of the City of Newport Beach is in extreme peril based on the existence or threatened existence of COVID-19, within and/or around the City of Newport Beach;

5. The response to the declared State of Emergency and guidance from Governor Newsom, may be beyond the control of the services, personnel, equipment, and facilities of the City of Newport Beach and may require the combined forces of other political subdivisions and other agencies to combat; and

6. That the City Council of the City of Newport Beach is not in session.

NOW, THEREFORE, BE IT PROCLAIMED that a local emergency now exists within the City of Newport Beach.

PURSUANT TO THE AFORESAID PROCLAMATION, THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF NEWPORT BEACH HEREBY PROMULGATES AND ISSUES THE FOLLOWING ORDER AND REGULATION:

1. No person shall enter, be within, or remain within, any building or area within the

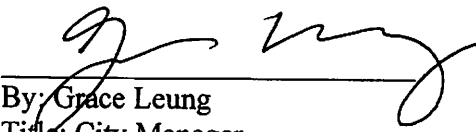
City of Newport Beach after receiving a written or oral order to either not enter or to leave such building or area from a peace officer.

2. A violation of Section 1 of this emergency order and regulation shall be a misdemeanor punishable pursuant to Section 2.20.100 and/or Section 1.04.010 of the Newport Beach Municipal Code.

3. All peace officers are hereby authorized to enforce the above emergency order and regulation and to arrest any persons who do not obey said order and regulation.

This proclamation is in effect beginning at 4:00 p.m. on March 15, 2020 and shall continue in full force and effect until rescinded or amended, or until the local emergency is proclaimed terminated.

Dated: March 15, 2020


By: Grace Leung
Title: City Manager