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**INTEROFFICE MEMO**

DATE: June 22, 2021

TO: Mayor and Members of the City Council

FROM: Carlo Tomaino, Assistant City Manager

VIA: Greg Humora, City Manager  
Glenn Sabine, City Attorney

SUBJECT: Consideration and Possible Adoption of a Resolution Confirming and Ratifying the Rules and Regulations included in Executive Order No. 7-2021, Revoking Executive Order No. 3-2020 and Executive Order No. 4-2020, as previously issued by the Director of Emergency and Disaster Pursuant to LMMC Section 2.56.060 for the Direct Protection and Benefit of the Citizens of the City of La Mesa

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On March 4, 2020, the Governor of California proclaimed a statewide emergency regarding the novel COVID-19 virus ("Virus"). Since that time, conditions and threatened conditions of extreme peril to the safety of persons or property have arisen within the City of La Mesa either caused by the expanding threat of the Virus; the potential existence of Virus positive persons and patients in the City; and, potential threatened isolation and quarantine of residents, employees, and public safety workers.

On April 14, 2020, the City Council adopted Resolution No. 2020-033 confirming the Mayor's appointment of the City Manager as the Director of Emergency and Disaster ("Director") and the Director of Finance as the Assistant Director of Emergency and Disaster ("Assistant Director") and Director's Proclamation of the Existence of a Local Emergency Pursuant to La Mesa Municipal Code ("LMMC") Section 2.56.050. On June 23, 2020, the City Council adopted Resolution No. 2020-069 confirming the Mayor's appointment of the Assistant City Manager as the Assistant Director of Emergency and Disaster ("Assistant Director") pursuant to LMMC Section 2.56.050.

LMMC Section 2.56.060 empowers the Director to promulgate and issue rules and regulations on matters reasonably related to the protection of life and property related to a proclaimed emergency. These rules and regulations must be confirmed at the earliest practicable time by the City Council thereafter. On July 10, 2020, the Director issued Executive Order 3-2020 and on July 16, 2020, the Director issued Executive Order 4-2020 to temporarily suspend La Mesa Municipal Code requirements, including but not limited to parking and outdoor use requirements, restricting the following:

The use of public and private outdoor areas by eating establishments for dining, retail, and other commercial activities provided said establishments:

1. Obtain written authorization from the Director of Community Development (or his or her designee) confirming compliance with dining specifications promulgated pursuant to this Order; and
2. Otherwise, comply with all social distancing and other COVID-19 related health orders and all other City, County (e.g., emergency orders), State (e.g., ABC) and Federal laws (e.g., ADA).

On June 15, 2021, the Governor retired the Blueprint for a Safer Economy, the tiered system that mandated closures and restricted operations for a broad array of commercial activities to prevent the spread of COVID-19. However, the City recognizes the impacts to the business community over the past 15 months were significant and ongoing. The City received a request from the La Mesa Village Association to extend use of public areas for commercial activities. Staff believes the request is reasonable given the unprecedented economic circumstances the City's businesses continue enduring. Staff believes it is in the best interest of the community that businesses be provided with an opportunity to continue recovering economically from the pandemic.

On June 15, 2021, the Director issued Executive Order 7-2021 to extend the parking and outdoor use requirements. Executive Order 7-2021 replaces Executive Order No. 3-2020 and Executive Order No. 4-2020 and extends the allowable use of public and private outdoor areas by one-year. The June 22, 2021, City Council meeting is the earliest practicable time for the City Council to confirm and ratify the rules and regulations included in Executive Order No. 7-2021 as issued by the Director pursuant to LMMC Section 2.56.060 for the direct protection and benefit of the Citizens of the City of La Mesa.

Staff recommends the City Council:

Approve and adopt the Resolution confirming and ratifying the rules and regulations included in Executive Order No. 7-2021 as issued by the Director pursuant to LMMC Section 2.56.060 for the direct protection and benefit of the Citizens of the City of La Mesa. Executive Order No. 7-2021 replaces Executive Order No. 3-2020 and Executive Order No. 4-2020.

Attachment A: Letter from the La Mesa Village Association

Attachment B: Executive Order No. 7-2021

Attachment C: Resolution Confirming Director Rules and Regulations



# La Mesa Village Association

June 4, 2021

Dear Council Members and Mr. Humora,

The La Mesa Village businesses are grateful the City approved Temporary Sidewalk Cafe permits to the restaurants during the Covid-19 pandemic, expanding their dining areas into the adjacent walkways, sidewalks, and parking areas. We want the City to know that the decision to allow the Temporary Sidewalk Café for our restaurants has helped them to stabilize their business operation during times of economic and emotional distress and uncertainty.

The restaurants request the continued use of their Temporary Sidewalk Cafe permits past June 15, 2021.

According to the California Department of Public Health letter dated May 21, 2021, we are on track to end the restrictions on June 15, 2021, which looks to mean that the Temporary Outdoor Dining will be disallowed. The City's Temporary Outdoor Dining Regulation states that "These Temporary Outdoor Dining Regulations constitute dining specifications pursuant to Director of Emergency and Disaster Executive Order No. 3-2020, dated July 9, 2020, and shall be in effect until the provisions of the San Diego County Public Health Order restricting indoor dining are lifted."

Extending the permits will be of great financial benefit to the restaurants, and is in alignment with the City of San Diego. The San Diego City Council voted to extend outdoor permits on May 18, 2021, to extend their ordinance through July 13, 2022. Fifteen months of closures and restrictions will not be recouped/recovered overnight. It will take months, possibly fifteen.

We have been told that the City of La Mesa's Downtown Village Specific Plan will consider allowing for permanent outside dining; however, we understand the process to update and approve the Specific Plan requires hiring outside consultants and could take several months. Our restaurants are still experiencing the economic and emotional effects of the shutdown and would greatly appreciate the City support. Extending the outdoor dining regulations would enable the restaurants to sustain operations.

Lastly, we surveyed the restaurants in the Village, and those that have expanded their outside dining would like it to be permanently extended. Please let us know if there is any further action required by LMVA and/or the village restaurants.

Kindest regards,

The La Mesa Village Association

EXECUTIVE DEPARTMENT  
CITY OF LA MESA, CALIFORNIA

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DIRECTOR OF EMERGENCY AND DISASTER  
EXECUTIVE ORDER NO. 7-2021  
(LA MESA MUNICIPAL CODE CHAPTER 2.56)

WHEREAS the economic impacts of COVID-19 have been significant, and that further action is needed to promote the ongoing economic recovery of La Mesa businesses;

WHEREAS on March 12, 2020, the County Public Health Officer issued orders directing the public to take certain actions to protect the public health from COVID-19;

WHEREAS on March 13, 2020, the Director of Emergency and Disaster issued a proclamation of local emergency related to the spread of the COVID-19 virus in our community, which the City Council ratified on April 14, 2020. The local emergency will continue until its termination;

WHEREAS on March 19, 2020, in Executive Order N-33-20, the Governor directed all California residents to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, under the Order of the State Public Health Officer until further notice;

WHEREAS on June 30, 2020, effective July 1, 2020, the County Public Health Officer issued an order requiring tables designed for dining to be six feet apart, or separated by barriers or partitions that extend above the heads of customers while seated;

WHEREAS The Center for Disease Control and Prevention recommends staying at least six feet from non-household members in both indoor and outdoor spaces to reduce the spread of COVID-19;

WHEREAS on July 6, 2020, the Governor and Public Health Official issued orders prohibiting indoor dining activities within the County of San Diego;

WHEREAS on July 14, 2020, the Governor Public Health Officer issued orders closing indoor operations for commercial activities including gyms, personal care services, hair salons and barbershops;

WHEREAS on July 9, 2020, the City of La Mesa enacted Executive Order No. 3-2020 allowing for the use of public and private outdoor areas by eating establishments for dining to protect the economic recovery efforts for those businesses and employees who continue to suffer during this pandemic;

WHEREAS on July 16, 2020, the City of La Mesa enacted Executive Order No. 4-2020 allowing for the use of public and private outdoor areas for dining, retail and other commercial activities to protect the economic recovery efforts for those businesses and employees who continue to suffer during this pandemic;

WHEREAS on June 11, 2021, the Governor signed Executive Order N-07-21 rescinding the Stay-At-Home Order and lifting restrictions on business operations contained within the Blueprint for a Safer Economy that were in place for nearly 15 months;

WHEREAS the City of La Mesa recognizes that the restrictions on business were necessary to prevent the spread of COVID-19 but created substantial and long-term economic impacts that will continue into the foreseeable future;

WHEREAS it is in the public interest to promote economic recovery by taking action to continue mitigating the substantial loss of income to local residents and businesses due to extended business restrictions; and

WHEREAS allowing for the continued use of public and private outdoor areas for dining, retail, and other commercial activities is necessary to ensure economic recovery efforts for those businesses and employees who continue to suffer during this pandemic.


NOW, THEREFORE, I, Greg Humora, Director of Emergency and Disaster of the City of La Mesa, California, pursuant to La Mesa Municipal Code Chapter 2.56, hereby issue this Executive Order to extend, for one additional year, the temporary suspension of La Mesa Municipal Code requirements including but not limited to parking and outdoor use requirements, restricting the following:

The use of public and private outdoor areas by eating establishments for dining, retail and other commercial activities provided said establishments:


1. Obtain written authorization from the Director of Community Development (or his or her designee) confirming compliance with specifications promulgated pursuant to this Order; and
2. Otherwise, comply with all social distancing and other COVID-19 related health orders and all other City, County (e.g., emergency orders), State (e.g., ABC) and Federal laws (e.g., ADA).

I FURTHER DIRECT that as soon as hereafter possible, Executive Order No. 3-2020 and Executive Order No. 4-2020 be revoked and replaced with Executive Order 7-2021. I further direct that as soon as hereafter possible this Order be filed with the City Clerk, posted on the City's website and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Seal of the City of La Mesa to be affixed this 15<sup>th</sup> day of June, 2021.

  
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Greg Humora  
Director of Emergency and Disaster

ATTEST:

  
\_\_\_\_\_  
Megan Wiegelman  
City Clerk

RESOLUTION NO. 2021-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MESA CONFIRMING AND RATIFYING THE RULES AND REGULATIONS INCLUDED IN EXECUTIVE ORDER NO. 7-2021 AND REVOKING EXECUTIVE ORDER NO. 3-2020 AND EXECUTIVE ORDER NO. 4-2020 AS PREVIOUSLY ISSUED BY THE DIRECTOR OF EMERGENCY AND DISASTER PURSUANT TO LA MESA MUNICIPAL CODE SECTION 2.56.060 FOR THE DIRECT PROTECTION AND BENEFIT OF THE CITIZENS OF THE CITY OF LA MESA

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WHEREAS, on March 4, 2020, the Governor of California proclaimed a statewide emergency regarding the novel COVID-19 virus ("Virus") and since that time conditions have continued to worsen;

WHEREAS, On March 13, 2020, the Mayor appointed the City Manager as the Director of Emergency and Disaster ("Director") pursuant to La Mesa Municipal Code ("LMMC") Section 2.56.050, absent the advice and consent of the La Mesa City Council ("City Council"), because the City Council was not in session;

WHEREAS, the Director proclaimed the existence of a local emergency within the City on the 13th day of March, 2020;

WHEREAS, On April 14, 2020 The City Council adopted Resolution No. 2020-033 confirming the Mayor's appointment of the City Manager as the Director of Emergency and Disaster ("Director") and the Director of Finance as the Assistant Director of Emergency and Disaster ("Assistant Director") and Director's Proclamation of the Existence of a Local Emergency Pursuant to La Mesa Municipal Code ("LMMC") Section 2.56.050;

WHEREAS, On June 23, 2020, the City Council adopted Resolution No. 2020-069 confirming the Mayor's appointment of the Assistant City Manager as the Assistant Director of Emergency and Disaster ("Assistant Director") pursuant to LMMC Section 2.56.050;

WHEREAS, On July 28, 2020, the City Council adopted Resolution No. 2020-081 confirming and ratifying the rules and regulations included in Executive Order No. 3-2020 and Executive Order No. 4-2020 which allowed for the use of public and private outdoor areas by eating establishments for dining, retail and other commercial activities, subject to written authorization from the City;

WHEREAS, LMMC Section 2.56.050 empowers the Director to proclaim a local emergency if the City Council is not in session and requires that the City Council take action to ratify the proclamation at the earliest practicable time thereafter;

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within the City of La Mesa as a result of the Virus which continues to this date;

WHEREAS, the pandemic had a significant effect on businesses over the past 15 months and the continued allowance of public and private outdoor areas will provide economic relief to the business community as it works to recover from the mandated restrictions imposed by the health emergency;

WHEREAS, LMMC Section 2.56.060 empowers the Director to promulgate and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

WHEREAS, such rules and regulations must be confirmed at the earliest practicable time by the City Council thereafter.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the City Council that it confirms and ratifies the following rules and regulations included in Executive Order 7-2021 as promulgated and issued by the Director pursuant to LMMC Section 2.56.060 for the protection of the Citizens of La Mesa:

The use of public and private outdoor areas by eating establishments for dining, retail and other commercial activities is extended by a period of one-year, provided said establishments:

1. Obtain written authorization from the Director of Community Development (or his or her designee) confirming compliance with dining specifications promulgated pursuant to this Order; and
2. Otherwise, comply with all social distancing and other COVID-19 related health orders and all other City, County (e.g., emergency orders), State (e.g., ABC) and Federal laws (e.g., ADA).

PASSED AND ADOPTED at a Regular meeting of the City Council of the City of La Mesa, California, held the 22nd day of June 2021, by the following vote, to wit:

AYES:

NOES:

ABSENT:

#### CERTIFICATE OF CITY CLERK

I, MEGAN WIEGELMAN, City Clerk of the City of La Mesa, California, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2021-\_\_\_\_\_, duly passed and adopted by the City Council of said City on the date and by the vote therein recited.

MEGAN WIEGELMAN, CMC, City Clerk

(SEAL OF CITY)