

PLEASE TAKE NOTICE that the Mayor has called a special meeting of the City Council to take place at 2:00pm on Tuesday, November 20, 2018 for the purpose of ratifying the Director of Emergency Services' declaration of local emergency. The agenda for the meeting is set forth below. No other business will be conducted. A full regular City Council meeting will be separately noticed for another day and time in the near future.

Malibu City Council **Special Meeting Agenda**

Limited purpose meeting to ratify declaration of local emergency and invoke emergency procedures

Tuesday, November 20, 2018

CALL AND NOTICE OF SPECIAL MEETING

2:00 P.M. – SPECIAL (EMERGENCY) CITY COUNCIL MEETING

**City Hall Parking Lot (lower level)*
23825 Stuart Ranch Road**

Call to Order - Mayor

Roll Call - Recording Secretary

1. New Business

- A. Adoption of Resolution No. 18-62, ratifying the Director of Emergency Services' proclamation of existence of a local emergency.

Recommended Action: Adopt the attached resolution ratifying the proclamation of existence of a local emergency by the Director of Emergency Services

Staff Contact: City Attorney Hogin, 456-2489

- B. Adoption of Resolution No. 18-63, finding that pursuant to Public Contract Code Section 20168 an emergency exists and that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property.

Recommended Action: Adopt the attached resolution finding an emergency exists and authorizing the immediate expenditure of public money for debris removal and related services to safeguard life, health, or property.

Staff Contact: City Attorney Hogin, 456-2489

Adjournment

* Parking available in City Hall upper parking lot.

Future Meetings

Monday, November 26, 2018	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, December 10, 2018	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, December 24, 2018		CANCELLED	

Guide to the City Council Proceedings

The Oral Communication portion of the agenda is for members of the public to present items, which are not listed on the agenda but are under the subject matter jurisdiction of the City Council. No action may be taken under, except to direct staff unless the Council, by a two-thirds vote, determines that there is a need to take immediate action and that need came to the attention of the City after the posting of the agenda. Although no action may be taken, the Council and staff will follow up, at an appropriate time, on those items needing response. Each speaker is limited to three (3) minutes. Time may be surrendered by deferring one (1) minute to another speaker, not to exceed a total of eight (8) minutes. The speaker wishing to defer time must be present when the item is heard. In order to be recognized and present an item, each speaker must complete and submit to the Recording Secretary a Request to Speak form prior to the beginning of the item being announced by the Mayor (forms are available outside the Council Chambers). Speakers are taken in the order slips are submitted.

Items in Consent Calendar Section A have already been considered by the Council at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

Items in Consent Calendar Section B have not been discussed previously by the Council. If discussion is desired, an item may be removed from the Consent Calendar for individual consideration. Councilmembers may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from the Consent Calendar will be taken up by the Council following the action on the Consent Calendar. The Council first will take up the items for which public speaker requests have been submitted. Public speakers shall follow the rules as set forth under Oral Communication.

For Public Hearings involving zoning matters the appellant and applicant will be given 15 minutes each to present their position to the City Council, including rebuttal time. All other testimony shall follow the rules as set forth under Oral Communication.

Old Business items have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment shall follow the rules as set forth under Oral Communication.

Items in New Business are items, which are appearing for the first time for formal action. Public comment shall follow the rules as set forth under Oral Communication.

City Council Items are items, which individual members of the City Council may bring up for action, to propose future agenda items or to suggest future staff assignments. No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the City Council.

City Council meetings are aired live and replayed on City of Malibu Government Access Channel 3 and on the City's website at www.malibucity.org/video. Copies of the staff reports or other written documentation relating to each item of business described above are on file in the office of the City Clerk, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, California, and are available for public inspection during regular office hours, which are 7:30 a.m. to 5:30 p.m. Monday through Thursday and 7:30 a.m. to 4:30 p.m. Friday. Written materials distributed to the City Council within 72 hours of the City Council meeting are available for public inspection immediately upon distribution in the City Clerk's office at 23825 Stuart Ranch Road, Malibu, California (Government Code Section 54957.5.b.2). Copies of staff reports and written

materials may be purchased for \$0.10 per page. Pursuant to State law, this agenda was posted at least 72 hours prior to the meeting.

The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Environmental Sustainability Director Craig George, (310) 456-2489, ext. 229. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II]. Requests for use of audio or video equipment during a Council meeting should be directed to Alex Montano at (310) 456-2489 ext. 227 or amontano@malibucity.org. Material must be submitted by 12:00 p.m. on the meeting day.

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirements. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours in advance of the meeting. Dated this 19th day of November 2018.



Heather Glaser, City Clerk



Council Agenda Report

City Council
Special Meeting
(Emergency)
11-20-18

**Item
1.A.**

To: Mayor Mullen and the Honorable Members of the City Council

Prepared by: Christi Hogin, City Attorney

Approved by: Reva Feldman, City Manager

Date prepared: November 19, 2018 Meeting date: November 20, 2018

Subject: Adoption of Resolution No. 18-62, ratifying the Director of Emergency Services' proclamation of existence of a local emergency.

RECOMMENDED ACTION: Adopt the attached resolution ratifying the proclamation of existence of a local emergency by the Director of Emergency Services.

FISCAL IMPACT: There is a potentially positive fiscal impact associated with the recommended action because the existence of the local emergency will help qualify the City for reimbursement of certain expenditures associated with disaster response.

DISCUSSION: The City has an emergency plan, including an emergency services organization that is activated in the event of emergency to coordinate functions of the City with all other public agencies, organizations and those people affected by the disaster. Title 2, Chapter 2.52 of the Malibu Municipal Code empowers the Director of Emergency Services to proclaim the existence of a local emergency when the City is affected by a public calamity and the City Council is not in session. The Director's declaration is subject to City Council ratification within seven days.

An emergency exists when conditions are beyond the control of the services, personnel, equipment, and facilities of this City. The declaration is an acknowledgement of the need for the combined forces of other political subdivisions to combat.

On November 9, 2018, firestorms burned throughout Malibu causing excessive damage and leaving in its wake at least 443 destroyed homes and countless dangerous conditions. The Director of Emergency Services (City Manager) proclaimed the existence of a local emergency on November 9, 2018, which was in effect and carried the force of law until November 16, 2018, on which date it expired. At the time of

expiration, the City was under a citywide evacuation order issued by Cal Fire. Cal Fire was the agency in command over the Woolsey Fire incident response.

The City activated its Emergency Operations Center and has staffed it continuously since November 9, 2018. On November 16, 2018, the City was still under evacuation orders from Cal Fire and the fire had not been fully contained. Councilmembers had been evacuated to different areas. No location within Malibu was open to the public. On November 16, 2018, the Director of Emergency Services proclaimed the existence of a local emergency, which proclamation will expire November 23, 2018, unless ratified by the City Council. Rain is forecast for the City starting on Wednesday, November 21, 2018. Due to the damages caused by the firestorm and impending rain, the Director of Emergency services has proclaimed the existence of local emergency.

Before the City Council today is a resolution ratifying the Director's declaration and proclaiming a state of local emergency. If adopted, the City Council will review, and as needed renew, this action at least every 14 days. The declaration will enable the City staff to take actions to respond to the conditions created by the Woolsey Fire and will assist residents and the City in obtaining aid and other assistance.

ATTACHMENTS:

1. Resolution No. 18-62
2. Two proclamations of existence of a local emergency

RESOLUTION NO. 18-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU
CONFIRMING EXISTENCE OF A LOCAL EMERGENCY

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. Title 2, Chapter 2.52 of the Malibu Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session, subject to ratification by the City Council within seven days.

B. On November 9, 2018, devastating firestorms burned through Malibu causing excessive damage and leaving in its wake numerous dangerous conditions. Hundreds of homes have been lost to the fires. Utility services have been disrupted, roads are blocks, and the hazard assessments have not been fully completed.

C. The Director of Emergency Services of the City proclaimed the existence of a local emergency on November 9, 2018, which was in effect and carried the force of law until November 16, 2018, on which date it expired. At the time of expiration, the City was under a citywide evacuation order issued by Cal Fire, which agency assumed command over the incident response. The City activated its Emergency Operations Center and has staffed it continuously since November 9, 2018.

D. On November 16, 2018, the Director of Emergency Services proclaimed the existence of a local emergency, which proclamation will expire November 23, 2018, unless ratified by the City Council.

E. Rain is forecasted for the City in the upcoming days, which, when combined with the damage caused by the firestorms, may trigger mudslides, creating even more dangerous conditions.

F. The Director of Emergency Services now requests the City Council ratify the Director's proclamation of the existence of a local emergency in accordance with Malibu Municipal Code Section 2.52.060.

SECTION 2. The Proclamation of Existence of a Local Emergency issued by the Director of Emergency Services is hereby ratified.

SECTION 3. It is hereby proclaimed that a local emergency now exists throughout the City. It is further proclaimed and ordered that during the existence of this local emergency the powers, functions, and duties of the Director of Emergency Services and the emergency organization of this City shall be those prescribed by State law and by the ordinances and resolutions of this City.

SECTION 4. The local emergency shall be deemed to continue and exist until its termination is proclaimed by the City Council. As required by law, the City Council shall review the need to continue the state of emergency every 14 days until this resolution is terminated.

SECTION 5. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 20th day of November 2018.

RICK MULLEN, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

APPROVED AS TO FORM:

CHRISTI HOGIN, City Attorney

:



City of Malibu

23825 Stuart Ranch Road Malibu, California 90265-4861
Phone (310) 456-2489 Fax (310) 456-3356 www.malibucity.org

PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY (by the Director of Emergency Services)

AN EXECUTIVE ORDER OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF MALIBU DECLARING THE EXISTENCE OF A LOCAL EMERGENCY

WHEREAS, Title 2, Chapter 2.52 of the City of Malibu's Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said city is affected or likely to be affected by a public calamity and the City Council is not in session; and

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

That conditions of extreme peril to the safety of persons and property have arisen within the City as a result of the Woolsey Fire that started in Chatsworth around 2:00 p.m. on Thursday, November 8, 2018;

That the fire is currently burning out of control over 14,000 acres with no containment and moving northwest. According to Fire Department, Red Flag conditions exist and extremely high winds are expected to continue throughout the next several days. The City is experiencing conditions of extremely low humidity, high temperatures, and the effects of multiple years of severe drought;

That mandatory evacuation orders began being issued at 7:30 a.m. on November 9, 2018, with full mandatory evacuation from Ventura County line to Topanga Canyon Boulevard by 11:00 a.m.;

That power outages are being experienced throughout the Malibu area;

That it is anticipated that the South Coast Air Quality Management District will issue warnings indicating that the air quality in the area is unhealthful and the Director finds that conditions of unhealthful air quality currently exist;

That the City Council of the City of Malibu is not in session (and cannot immediately be called into session);

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout the City; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the emergency organization of this City

ATTACHMENT 2

shall be those prescribed by state law, by ordinances, and resolutions of this city, and by the City of Malibu Emergency Operations Plan, as approved by the City Council on March 26, 2012.

ADOPTED this 9th day of November 2018.

CITY OF MALIBU, CALIFORNIA

By:



Reva Feldman, City Manager
Director of Emergency Services

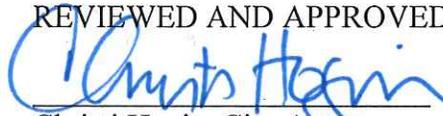
ATTEST:



Heather Glaser, City Clerk
(seal)

This proclamation has been issued in accordance with applicable law, is in effect and carries the force of law until November 16, 2018, on which date it expires unless the declaration of local emergency is ratified by the City Council within 7 days of this date.

REVIEWED AND APPROVED AS TO FORM:



Christi Hogin, City Attorney





City of Malibu

23825 Stuart Ranch Road Malibu, California 90265-4861
Phone (310) 456-2489 Fax (310) 456-3356 www.malibucity.org

PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY (by the Director of Emergency Services)

AN EXECUTIVE ORDER OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF MALIBU DECLARING THE EXISTENCE OF A LOCAL EMERGENCY

WHEREAS, Title 2, Chapter 2.52 of the City of Malibu's Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said city is affected or likely to be affected by a public calamity and the City Council is not in session;

WHEREAS, the Director of Emergency Services of the City proclaimed the existence or threatened existence of a local emergency on November 9, 2018, which was in effect and carried the force of law until November 16, 2018, on which date it expired; and

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

That conditions of extreme peril to the safety of persons and property have arisen within the City as a result of the Woolsey Fire that started in Chatsworth around 2:00 p.m. on Thursday, November 8, 2018;

That the fire is currently burning out of control over 98,000 acres with 62% containment and moving northwest. The City is experiencing conditions of extremely low humidity, high temperatures, and the effects of multiple years of severe drought;

That mandatory evacuation orders began being issued at 7:30 a.m. on November 9, 2018, with full mandatory evacuation from Ventura County line to Topanga Canyon Boulevard by 11:00 a.m., and mandatory evacuation is still in effect from Corral Canyon Road to Ventura County line, including Las Flores Canyon Road, Malibu Canyon Road;

That at least 273 homes in Malibu have been destroyed;

That cellular service is unavailable in throughout Malibu and gas and power outages are being experienced throughout the western Malibu area;

That South Coast Air Quality Management District has issued a Smoke Advisory for unhealthy air quality due to smoke from the Woolsey Fire;

That the City Council of the City of Malibu is not in session (and cannot immediately be called into session); and

That these conditions are beyond the control of the services, personnel, equipment, and facilities of the City.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout the City; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, by ordinances, and resolutions of this city, and by the City of Malibu Emergency Operations Plan, as approved by the City Council on March 26, 2012.

ADOPTED this 16th day of November 2018.

CITY OF MALIBU, CALIFORNIA

By: Reva J. Feldman
Reva Feldman, City Manager
Director of Emergency Services

ATTEST:

Heather Glaser
Heather Glaser, City Clerk
(seal)

This proclamation has been issued in accordance with applicable law, is in effect and carries the force of law until November 23, 2018, on which date it expires unless the declaration of local emergency is ratified by the City Council within 7 days of this date.

REVIEWED AND APPROVED AS TO FORM:
Christi Hogin
Christi Hogin, City Attorney





Council Agenda Report

City Council
Special Meeting
(Emergency)
11-20-18

Item 1.B.

To: Mayor Mullen and the Honorable Members of the City Council

Prepared by: Christi Hogin, City Attorney

Approved by: Reva Feldman, City Manager

Date prepared: November 19, 2018 Meeting date: November 20, 2018

Subject: Adoption of Resolution No. 18-63, finding that pursuant to Public Contract Code Section 20168 an emergency exists and that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property

RECOMMENDED ACTION: Adopt the attached resolution finding an emergency exists and authorizing the immediate expenditure of public money for debris removal and related services to safeguard life, health, or property.

FISCAL IMPACT: The immediate fiscal impact associated with the recommended action is estimated to be \$75,000 but the total fiscal impact will not be known until after the debris removal and related services are completed. The staff is following FEMA regulations and documenting informal bidding as possible for reimbursement from state and federal funds designated to defray the costs of emergency response.

DISCUSSION: On November 9, 2018, devastating firestorms burned through Malibu causing great damage and leaving in its wake numerous dangerous conditions. Rain is forecasted for the City starting on Wednesday, November 21, 2018. Due to the damages caused by the firestorm and impending rain, emergency debris removal and related services are necessary in order to safeguard life, health, or property in the City.

Public Contract Code Section 22050 allows the City Council to authorize the Director of Emergency Services to negotiate and execute a contract – without usual formal competitive public bidding – for debris removal and related services and other acts necessary or convenient for the emergency response. Public Contract Code Section 22050 requires that the Director of Emergency Services report to the City Council, at its next meeting, any action taken in furtherance of the authorized work. At its regularly

scheduled meetings, the City Council will continue to review actions taken and decide by a four-fifths vote that there is a need to continue the emergency actions

ATTACHMENTS: Resolution No. 18-63

RESOLUTION NO. 18-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU DECLARING AN EMERGENCY PURSUANT TO SECTION 20168 OF THE PUBLIC CONTRACT CODE AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR EMERGENCY WORK WITHOUT FORMAL BIDDING AND DELEGATING TO THE DIRECTOR OF EMERGENCY SERVICES THE AUTHORITY TO TAKE ACTIONS PURSUANT TO PUBLIC CONTRACT CODE SECTION 22050

The City Council of the City of Malibu does hereby find, order, and resolve as follows:

SECTION 1. Findings.

A. On November 9, 2018, devastating firestorms burned through Malibu causing excessive damage and leaving in its wake numerous dangerous conditions.

B. To add to the hazards created by the fire and resultant debris, rain is forecast for the City in the upcoming days, which, when combined with the damage caused by the firestorms, may create even more dangerous conditions.

C. City streets, rights-of-ways, drainage channels and other areas are cluttered with debris. These conditions may pose a threat to life, health, or property.

D. The City requires a contractor to remove the debris throughout the City and other services related to watershed management.

E. Public Contract Code Section 20168 authorizes the City Council, in case of an emergency to pass a resolution by four-fifths votes declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property. Upon adoption of the resolution, the City may expend any sum required in the emergency without complying with, among other things, the public bidding requirements of the Public Contract Code. If notice for bids to let contracts will not be given, the City shall comply with Public Contract Code Sections 22050 *et seq.*

F. The City Council declares that the public interest and necessity demand the immediate expenditure of money for debris removal, watershed management in response to emergency conditions, and related services in order to safeguard life, health, or property; and that circumstances are such that notice to let contract may not be given.

G. Public Contract Code Section 22050 requires that substantial evidence exist that the emergency will not permit a delay resulting from a competitive solicitation for bids and that action is necessary to respond to the emergency without giving notice for bids to let contracts. The current conditions in Malibu are dire and require immediate attention. Debris from the fire damage and destruction to over 443 structures and anticipated rain even within days of the fire's containment create the need for emergency action by the City and delay that would result from a competitive solicitation for bids would impair the City's ability to effectively respond to the emergency conditions. Rain is forecast for the City in the near term and when combined with the

damage caused by the recent firestorms, debris removal and related services are necessary to protect the health, safety and welfare of the citizens of the City and individuals traveling in the City – including emergency personnel.

H. The City Council wishes to delegate further responsibility for completing the above referenced emergency work to the Director of Emergency Services pursuant to Section 22050 of the Public Contract Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Malibu as follows:

SECTION 2. The City Council hereby adopts the findings in this Resolution and finds them true and supported by evidence. Award of contracts for the emergency removal of debris and related services is exempt from the competitive bidding requirements found in the Public Contract Code and is instead governed by Public Contract Code Sections 20168 and 22050.

SECTION 3. The Director of Emergency Services shall take any action necessary to address the emergency relating to the immediate need for debris removal, watershed management in response to the emergency conditions, and related services in the City, including, without limitation, negotiating and entering into a contract for debris removal and related services in the City and any other acts necessary or convenient for such purpose.

SECTION 4. Based on the findings and Public Contract Code sections set forth above, the City Council hereby ratifies the contract entered into with Vido Artukovich & Son on November 15, 2018 to repair the fire-damaged retaining walls along Latigo Canyon Road in order to maintain the stability of the roadway and allow continued use of the road by emergency vehicles.

SECTION 5. This resolution shall become effective immediately. Each portion of this Resolution is severable. Should any portion of this resolution be adjudged to be invalid and unenforceable, then the remaining resolution portions shall be and continue in full force and effect. The City Council of the City of Malibu hereby declares that it would have adopted this resolution and each sections, subsection, and clause independently.

SECTION 6. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 20th day of November 2018.

RICK MULLEN, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

APPROVED AS TO FORM:

CHRISTI HOGIN, City Attorney
: