City of Calimesa
Special Meeting of the City Council
AGENDA
Tuesday, October 15, 2019
5:00 p.m.
Norton Younglove Multipurpose Senior Center
908 Park Avenue, Calimesa, CA 92320

William Davis, Mayor ● Linda Molina, Mayor Pro Tem
Jeff Cervantez Council Member ● Ed Clark, Council Member ● Larry Smith, Council Member
Bonnie Johnson, City Manager ● Kevin Ennis, City Attorney

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a City meeting or other services offered by this City, please contact the City Clerk’s Office, (909) 795-9801. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Any public writings distributed by the City to at least a majority of the Council Members regarding any item on this special meeting agenda will be made available at the public counter at City Hall located at 908 Park Avenue, Calimesa, CA 92320

CALL TO ORDER

ROLL CALL:
MAYOR DAVIS, MAYOR PRO TEM MOLINA, COUNCIL MEMBER CERVANTEZ, COUNCIL MEMBER CLARK, COUNCIL MEMBER SMITH.

STAFF:
CITY MANAGER BONNIE JOHNSON, CITY CLERK GERDES, PUBLIC WORKS DIRECTOR ASKEW AND FIRE CHIEF JOHNSON.

COMMUNICATIONS FROM THE PUBLIC
Anyone wishing to address the Council on any item within the Council’s jurisdiction that is not on the agenda may do so at this time. This is not a time for Council Member comment or action, but the Council may ask questions for clarification or make a referral to staff for factual information to be reported back to the Council at a later meeting.

APPROVAL OF THE AGENDA
RECOMMENDATION: Move to approve the agenda
Motion___________________ Second_________________ Vote_________________

CONSENT CALENDAR
The following Consent Calendar items are expected to be routine and non-controversial. Council will act upon them at one time without discussion. Any Council Member or staff member may request removal of an item from the Consent Calendar for discussion.

1. RESOLUTION NO. 2019-49 RATIFICATION OF PROCLAMATION OF LOCAL EMERGENCY.

RECOMMENDATION: That the City Council ratify the Proclamation declaring the existence of a local emergency relating to conditions of extreme peril caused by the Sandalwood Fire within the City.

ADJOURNMENT
Adjourn to the Regular City Council Meeting on Monday, October 21, 2019 at 6:00 p.m.
Agenda Item No. 1

STAFF REPORT
CITY OF CALIMESA
CITY COUNCIL MEETING


MEETING DATE: October 15, 2019

PREPARED BY: Bonnie Johnson, City Manager
Kevin G. Ennis, City Attorney
Amy Greyson, Assistant City Attorney

RECOMMENDATION: It is recommended that the City Council approve Resolution No. 2019-49, ratifying the Proclamation of Local Emergency in the City of Calimesa issued by the City’s Director of Emergency Services on October 10, 2019 as a result of the Sandalwood Fire.

BACKGROUND AND DISCUSSION:

Chapter 2.80 of Title 2 of the Calimesa Municipal Code (“CMC”) contains the City’s laws relating to emergency procedures. CMC Section 2.80.050 designates the City Manager as the Director of Emergency Services, and CMC Section 2.80.060(A) empowers the Director to issue a proclamation of a local emergency if the City Council is not in session.

On October 10, 2019, at approximately 2:00 p.m., a wildfire broke out near the intersection of 7th Street and Sandalwood Drive in the City of Calimesa. This fire then spread to nearby public and private properties, including the Villa Calimesa Mobilehome Park. The fire required the evacuation of the mobilehome park, the closure of public streets and access routes in the vicinity, and the evacuation of other properties, and resulted in two deaths. This fire has become known as the “Sandalwood Fire.”

The City Council was not in session at the time of the fire, and the City Manager, as the Director of Emergency Services, issued a proclamation entitled “Proclamation Declaring the Existence of a Local Emergency under Government Code Section 8630 and Ordinance 92-4, Chapter 2.80 of the Calimesa Municipal Code.” This action authorized the City Manager to take certain necessary actions to address the emergency. A copy of the Director of Emergency Services’ Proclamation of a Local Emergency is included with this staff report as Attachment 1.

On October 10, 2019, Governor Newsom also issued a proclamation entitled “Proclamation of a State of Emergency”, declaring a state of emergency in Riverside County as a result of several fires burning in Riverside County, including the Sandalwood, Eagle, Reche and Wolf Fires; and due to the Saddleridge Fire burning in Los Angeles
County. A copy of the Governor’s Proclamation of a State of Emergency is included with this staff report as Attachment 2.

The Director of Emergency Services’ Proclamation of a Local Emergency permits the Director of Emergency Services and the City Council to adopt regulations and issue orders necessary for the protection of lives and property. It also assists the City in recovering costs of responding to the disaster. Furthermore, it allows for the City to enjoy certain immunities from liability as a result of taking actions to abate the emergency.

Pursuant to California Government Code Section 8630 and CMC Section 2.80.060(A), the Director of Emergency Services’ Proclamation will expire within seven days unless ratified by the City Council. The ratification of the Director’s Proclamation will also assist in enabling the City to apply for state aid to obtain reimbursement of the City’s costs incurred in abating the emergency. This action, if ratified by the City Council, will need to be reviewed at least once every sixty (60) days until the City Council terminates the local emergency.

The Director of Emergency Services requests the City Council adopt Resolution No. 2019-49 (Attachment 3), ratifying the proclamation of the existence of a local emergency, because: (1) the Sandalwood Fire has caused conditions of extreme peril to the safety of persons and property within the City of Calimesa which resulted in the mandatory evacuation of the Villa Calimesa Mobilehome Park, the destruction of most of that mobilehome park and other public and private structures and property, two deaths, and the closure of access to various parts of the City within the vicinity of the fire; and (2) the aforementioned conditions of extreme peril did warrant and necessitate and continue to warrant and necessitate the proclamation of the existence of a local emergency.

The local emergency will remain in effect until its termination is proclaimed by the City Council.

FISCAL IMPACT: There is no immediate financial impact or budget action necessary as a result of the recommended action.

ATTACHMENTS:

(1): Proclamation Declaring Local Emergency, dated October 10, 2019;
(2): Governor’s Proclamation of a State of Emergency; and
(3): Resolution No. 2019-49
PROCLAMATION DECLARING THE EXISTENCE OF A LOCAL EMERGENCY UNDER GOVERNMENT CODE SECTION 8630 AND ORDINANCE 92-4, CHAPTER 2.80 OF THE CALIMESA MUNICIPAL CODE

WHEREAS, Ordinance 92-4, Chapter 2.80 of the Calimesa Municipal Code authorizes the City Council to proclaim the existence of a "Local Emergency," and delegates such authority to declare such an emergency to the City Disaster Council if the City Council is not in session, and;

WHEREAS, that conditions of extreme peril to the safety of persons and property have arisen with the City of Calimesa caused by October 10, 2019 Calimesa 7th Street Wildfire, and;

WHEREAS, the aforesaid conditions of extreme peril warrant and necessitate the proclamation of a Local Emergency,

NOW THEREFORE, IT IS HEREBY PROCLAIMED that a Local Emergency exists throughout the City of Calimesa, and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said Local Emergency, the powers, functions, and duties of the Disaster Council of this City shall be those prescribed by State law and the ordinances, resolution and approved plans of the City of Calimesa in order to mitigate the effects of said Local Emergency, and

BE IT FURTHER RESOLVED AND ORDERED that the Emergency Director or his/her successor as outlined in Ordinance 92-4 of the Municipal Code, is hereby designated as the authorized representative of the City of Calimesa for the purpose of receipt, processing and coordination of all inquiries and requirements necessary to obtain available state and federal assistance.

Dated: 10-10-19

City Manager/Emergency Director

ATTEST:

City Clerk

CITY OF CALIMESA
INCORPORATED
STATE OF CALIFORNIA

December 1, 1990
EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS beginning on October 7, 2019, a significant wind event struck California, resulting in nearly statewide red flag warnings due to extremely dangerous fire weather conditions; and

WHEREAS on October 10, 2019, the Saddleridge Fire began burning in Los Angeles County; and

WHEREAS on October 10, 2019, the Eagle, Sandalwood, Reche, and Wolf fires began burning across Riverside County; and

WHEREAS collectively, these fires have destroyed structures and continue to threaten homes and other structures, necessitating the evacuation of tens of thousands of residents; and

WHEREAS the Saddleridge Fire forced the closure of multiple major highways and roadways, and is threatening power lines and other critical infrastructure; and

WHEREAS erratic winds, high temperatures, and dry conditions have further increased the spread of these fires; and

WHEREAS the Federal Emergency Management Agency has approved a Fire Management Assistant Grant to assist with the mitigation, management, and control of the Saddleridge Fire; and

WHEREAS local and state emergency operations centers have been activated; and

WHEREAS under the provisions of Government Code section 8558(b), I find that conditions of extreme peril to the safety of persons and property exist due to these fires in Los Angeles and Riverside counties; and

WHEREAS under the provisions of Government Code section 8558(b), I find that the conditions caused by the multiple fires, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the magnitude of the damage caused by these fires; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of these fires.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State
Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, HEREBY PROCLAIM A STATE OF EMERGENCY to exist in Los Angeles and Riverside counties due to these fires.

IT IS HEREBY ORDERED THAT:

1. All agencies of the state government utilize and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan. Also, all citizens are to heed the advice of emergency officials with regard to this emergency in order to protect their safety.

2. The Office of Emergency Services shall provide local government assistance to Los Angeles and Riverside counties, if appropriate, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.

3. As necessary to assist local governments and for the protection of public health and the environment, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services necessary to quickly assist with the response to and recovery from the impacts of these fires. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of these fires.

4. The provisions of Unemployment Insurance Code section 1253 imposing a one-week waiting period for unemployment insurance applicants are suspended as to all applicants who are unemployed as a direct result of these fires who applied for unemployment insurance benefits during the time period beginning October 10, 2019, and ending on the close of business on April 10, 2020, and who are otherwise eligible for unemployment insurance benefits.

5. Vehicle Code sections 9265(a), 9867, 14901, 14902, and 15255.2, requiring the imposition of fees, are suspended with regard to any request for replacement of a driver’s identification card, vehicle registration certificate, or certificate of title, by any individual who lost such records as a result of these fires. Such records shall be replaced without charge.

6. The provisions of Vehicle Code sections 4602 and 5902, requiring the timely registration or transfer of title are suspended with regard to any registration or transfer of title by any resident of Los Angeles or Riverside County who is unable to comply with those requirements as a result of these fires. The time covered by this suspension shall not be included in calculating any late penalty pursuant to Vehicle Code section 9554.
7. Health and Safety Code sections 103525.5 and 103625, and Penal Code section 14251, requiring the imposition of fees are hereby suspended with regard to any request for copies of certificates of birth, death, marriage, and dissolution of marriage records, by any individual who lost such records as a result of these fires. Such copies shall be provided without charge.

8. In order to directly respond to the needs of impacted assisted living facilities, adult residential facilities, child care facilities, children’s residential facilities, resource family homes, and other similar facilities within the State Department of Social Services’ jurisdiction, the Director of the State Department of Social Services may waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations or written directives, with respect to the use, licensing, or approval of facilities or homes within the Department’s jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department’s website and shall only be in effect so long as necessary to address the direct impacts of the fires identified in this proclamation.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 11th day of October 2018.

[Signature]
GAVIN NEWSOM
Governor of California

ATTEST:

[Signature]
ALEX PADILLA
Secretary of State
RESOLUTION NO. 2019-49

A RESOLUTION OF THE CALIMESA CITY COUNCIL RATIFYING A PROCLAMATION OF A LOCAL EMERGENCY IN THE CITY OF CALIMESA ISSUED BY THE CITY’S DIRECTOR OF EMERGENCY SERVICES ON OCTOBER 10, 2019 AS A RESULT OF THE SANDALWOOD FIRE

WHEREAS, Chapter 2.80 of the Calimesa Municipal Code (“CMC”) authorizes the City Council to proclaim the existence of a “Local Emergency” and delegates such authority to the City’s Director of Emergency Services if the City Council is not in session; and

WHEREAS, beginning at approximately 2:00 p.m. on October 10, 2019, a devastating wildfire began in the City of Calimesa generally near the intersection of 7th Street and Sandalwood Drive, which fire is referred to as the “Sandalwood Fire;” and

WHEREAS, the Sandalwood Fire proceeded through an open field and consumed most of the Villa Calimesa Mobilehome Park, resulting in a loss of approximately 70 mobilehomes, two deaths, and other conditions of extreme destruction; and

WHEREAS, the conditions created by the Sandalwood Fire have not been abated, and there still remain conditions of extreme peril to persons and property within the City; and

WHEREAS, CMC Section 2.80.060 designates the City Manager, as Director of Emergency Services, to proclaim the 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; and

WHEREAS, on October 10, 2019, the City Manager, in her capacity as Director of Emergency Services, duly and reasonably proclaimed the existence of a local emergency in the City of Calimesa on that date due to the Sandalwood Fire; and

WHEREAS, CMC Section 2.80.060(A) states that the City Council shall take action to ratify the proclamation of the Director of Emergency Services within seven days thereafter or the proclamation shall have no further force and effect.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AS FOLLOWS:

Section 1. The City Council does hereby find that the aforesaid conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency by the Director of Emergency Services on October 10, 2019, due to the Sandalwood Fire.
Section 2. The local emergency shall be in effect from and including October 10, 2019 until such time that the City Council determines that the emergency conditions have been abated.

Section 3. The City Council shall review this proclamation of local emergency at least once every sixty (60) days until the City Council terminates the local emergency.

Section 4. During this local emergency, the Director of Emergency Services shall have the authority to exercise all powers set forth in CMC Chapter 2.80 and in state law that are reasonably necessary to address the local emergency resulting from the Sandalwood Fire.

PASSED, APPROVED AND ADOPTED on the 15th day of October 2019.

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WILLIAM DAVIS, MAYOR

ATTEST:

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DARLENE GERDES, CITY CLERK