

## City Council

### SPECIAL MEETING

**Tuesday, November 13, 2018, 5:00 P.M.**  
**Council Chambers**



**Andrew P. Fox, Mayor**  
**Rob McCoy, Mayor Pro Tem**  
**Claudia Bill-de la Peña, Councilmember**  
**Joel R. Price, Councilmember**  
**Al Adam, Councilmember**

#### Executive Team

Andrew P. Powers, City Manager	Tracy M. Noonan, City Attorney
Ingrid Hardy, Assistant City Manager	Gary Rogers, Deputy City Manager/HR Director
Mark A. Towne, Community Development Director	Jaime Boscarino, Interim Fin. Dir./City Treasurer
Cynthia M. Rodriguez, City Clerk	Jay T. Spurgin, Public Works Director
Barry McComb, Cultural Affairs Director	Heather Cousin, Library Director
Jim Friedl, General Manager, CRPD	Tim Hagel, Police Chief
John Spykerman, Fire Chief	

#### **MISSION STATEMENT:**

**Extraordinary Service to the Citizens We Serve is Our Purpose**

Americans with Disabilities Act (ADA): In compliance with ADA, if you need special assistance to participate in this meeting or other services in conjunction with this meeting, please contact the City Clerk Department, (805) 449-2151. Assisted listening devices are available at this meeting. Ask City Clerk staff if you desire to use this device. Upon request, the agenda and documents in this agenda packet can be made available in appropriate alternative formats to persons with a disability. Notification at least 48 hours prior to the meeting or time when services are needed will assist City staff in assuring reasonable arrangements can be made to provide accessibility to the meeting or service.

The following is provided to assist with public participation:

**Agenda Availability:** The City Council Agenda is posted at the entry to the Civic Arts Plaza/City Hall, 2100 E. Thousand Oaks Boulevard, Thousand Oaks [main posting location pursuant to the Brown Act, G.C. 54954.2(a)]. City Council Agenda Packets are available for review at the City Clerk Department, 2100 E. Thousand Oaks Boulevard, Thousand Oaks. Agenda packet and “Live and Archived” meetings and minutes are available on the City’s website at [www.toaks.org](http://www.toaks.org). Televised City Council Meetings are re-broadcast Thursday and Sunday (following meeting) at 10:00 a.m. and 6:00 p.m. on TOTV, Channel 10.

**Supplemental Information:** Any agenda related information received and distributed to the City Council after the Agenda Packet is printed is included in Supplemental Packets. Supplemental Packets are produced as needed, typically a minimum of two—one available on the Thursday preceding the City Council meeting and the second on Tuesday at the meeting. The Thursday Supplemental Packet is available for public review in the City Clerk Department, 2100 E. Thousand Oaks Boulevard, during normal business hours (main posting location pursuant to the Brown Act, G.C. 54957.5(b)(2)). Both the Thursday and Tuesday Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2100 E. Thousand Oaks Boulevard and on the City’s website.

Please be advised that communications directed to the City Council are public records, and are subject to disclosure pursuant to the California Public Records Act and Brown Act unless exempt from disclosure under the applicable law. Communications will NOT be edited for redactions; will be printed/posted as submitted.

**Public Input:** Any person who wishes to speak regarding an item on the regular agenda or on a subject within the City’s jurisdiction during “Public Comments” is requested to file a “Public Speaker” card with City Clerk staff before that portion of the Agenda is called. Any person who wishes to speak on a specific agenda item is requested to file a “Public Speaker” card before the specific item is called. Any person who wishes to speak on a Public Hearing is requested to file a “Public Speaker” card before the Hearing is called. Persons addressing the City Council are requested to state their name and community of residence for the record. Any supporting materials should be submitted to the City Clerk before addressing the Council. These materials are also considered a public record pursuant to the California Public Records Act and Brown Act unless exempt from disclosure under the applicable law.

**Special Meeting Public Input:** Only issues listed on a special meeting agenda may be addressed pursuant to the Brown Act/Special Meetings.

**Consent Calendar:** Matters listed on Consent Calendar that do not require significant reporting and/or discussion for decision or considered to be routine, will be approved by one motion as recommended. There will be no separate discussion unless Councilmember or staff member requests separate discussion prior to approval.

**Judicial Review:** Any legal action by an applicant seeking to obtain a judicial review of the City Council’s decision on a Hearing or issue listed on this Agenda may be subject to the 90-day filing period, of and governed by, Code of Civil Procedure Section 1094.6. Also refer to TOMC Section 1-4.05.

CITY OF THOUSAND OAKS CITY COUNCIL AGENDA

Thousand Oaks, California

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November 13, 2018

RES. NO. 2018-068  
ORD. NO. 1653-NS

1. CALL TO ORDER: 5:00 p.m.
2. PLEDGE OF ALLEGIANCE:
3. ROLL CALL: Councilmembers Bill-de la Peña, Price, Adam, McCoy, and Mayor Fox
4. REQUESTS FOR CONTINUANCE OF ANY AGENDA ITEM:
5. PUBLIC COMMENTS: (Note: Only items listed on this agenda may be addressed pursuant to the Brown Act/Special Meetings)
6. DEPARTMENT REPORT:
  - A. Ratification of Proclamations of the Existence of a Local Emergency and Rendering Certain Emergency Orders  
  
RECOMMENDATION: Adopt resolution ratifying the proclamations of the existence of a local emergency and rendering certain emergency orders.
7. ADJOURNMENT:

Adjourn to Regular Meeting November 13, 2018 at 6:00 p.m.

Agenda Post Date/Time: November 12, 2018, 12:00 p.m.

**TO:** Andrew P. Powers, City Manager  
**FROM:** Tracy M. Noonan, City Attorney  
**DATE:** November 13, 2018  
**SUBJECT: Ratification of Proclamations of Existence of Local Emergency and Rendering Certain Emergency Orders**

**RECOMMENDATION:**

Adopt resolution ratifying the proclamations of the existence of a local emergency and rendering certain emergency orders.

**FINANCIAL IMPACT:**

**No Additional Funding Requested.** Impacts are staff time involved with the preparation of this report are included in the Adopted FY 2018-19 General Fund Budget.

**BACKGROUND:**

On November 8, 2018, the City experienced devastating fire disasters in the City limits. The events appear to have started in the City at the northerly part of Newbury Park and moved to the southwesterly portion along the border for the Hill Fire and easterly boundary of the City for the Woolsey Fire. A state of local emergency was declared by the City Manager as the Director of Emergency Services at approximately 4:30 p.m. on November 8, 2018 for the Hill Fire and at approximately midnight on November 9, 2018 for the Woolsey Fire.

**DISCUSSION/ANALYSIS:**

Under the State Emergency Services Act and the City's local implementing ordinance, declaring a state of local emergency when a crisis situation exists provides emergency powers and authorities to the City and provides some additional liability protections for the City. In many cases, this local declaration is also the first step in seeking State and Federal declarations that provide the reimbursement of other financial assistance.

Government Code Section 8630 requires that a declaration of a state of local emergency that is made by the City Manager rather than the City Council be confirmed by a resolution of the City Council within seven days of the declaration. The declaration was executed by the City Manager as the Director of Emergency

**Local Emergency Proclamations and Emergency Orders**  
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Services on November 8, 2018 (Hill Fire) and November 9, 2018 (Woolsey Fire). Unless the City Council adopts a resolution confirming the state of local emergency by November 15, 2018, the state of local emergency will terminate. Because declaring a state of local emergency provides extraordinary powers to the City, if confirmed by the City Council, the City Council must re-confirm the state of local emergency every 30 days thereafter.

Conditions still exist within the City which constitute an emergency and the need exists to continue with the authorities granted. It is requested that the City Council confirm the existence of the state of local emergency. In addition, the City Clerk is directed to schedule the consideration of re-confirming or terminating a state of local emergency at least every 30 days hereafter until terminated.

**COUNCIL GOAL COMPLIANCE:**

Meets City Council Goals A and C:

- A. Provide municipal government leadership which is open and responsive to residents, and is characterized by ethical behavior, stability, promoting public trust, transparency, confidence in the future, and cooperative interaction among civic leaders, residents, business representatives, and staff, while recognizing and respecting legitimate differences of opinion on critical issues facing the City.
  
- C. Maintain strong commitment to public safety (including Police, Fire, Emergency Medical Services, and Emergency Management) to ensure City remains one of the safest Cities in the United States with a population over 100,000.

Attachments:

Attachment #1 – Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF THOUSAND OAKS RATIFYING THE  
PROCLAMATIONS OF THE EXISTENCE OF A  
LOCAL EMERGENCY AND RENDERING  
CERTAIN EMERGENCY ORDERS

WHEREAS, California Government Code section 8630 empowers the City Council (“COUNCIL”) to confirm the existence or threatened existence of a Local Emergency when City is affected or likely to be affected by a public calamity, while Government Code section 8634 empowers the COUNCIL to promulgate orders and regulations to provide for the protection of life and property; and

WHEREAS, pursuant to Section 4-4.05 of the Thousand Oaks Municipal Code the Director of Emergency Services has proclaimed an emergency and is requesting the COUNCIL to ratify the existence of a Local Emergency; and

WHEREAS, the COUNCIL does hereby find that the conditions of extreme peril and a crippling disaster which severely impairs the safety of persons and/or property have arisen within the CITY caused by wild fires (Hill Fire and Woolsey Fire, Proclamations 2018-01 and 2018-2), said cause commencing on or about 2:30 p.m. on November 8, 2018 for the Hill Fire and 12:01 a.m. on November 9, 2018 for the Woolsey Fire; and

WHEREAS, the aforesaid conditions of extreme peril warrant and necessitate the ratification of the proclamations of the existence of a Local Emergency.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED, ORDERED AND RESOLVED by the Thousand Oaks City Council that:

1. The Proclamations of a Local Emergency made on November 8, 2018 and November 9, 2018 by the Director of Emergency Services are hereby ratified and a Local Emergency now exists throughout the City of Thousand Oaks, California;
2. During the existence of this Local Emergency, the powers, functions and duties of the Director of Emergency Services (being Andrew P. Powers, City Manager), the Disaster Council and the emergency organization of CITY shall be those prescribed by state law, by the existing ordinances

and resolutions of the CITY, as well as this resolution and any subsequent emergency orders of the COUNCIL;

3. A request for Mutual Aid for emergency services, sheltering, evacuation, and restoration is authorized and shall be made to City, County, State and Federal agencies;
4. The excessive price gouging and increase prohibitions of section 5-19.01 et seq. of the Thousand Oaks Municipal Code are activated and shall be vigorously enforced;
5. The normal CITY goods and service procurement requests and purchase practices are stayed during this period of emergency;
6. The COUNCIL hereby suspends the deadlines under the California Environmental Quality Act and the California Permit Streamlining Act for the duration of the emergency unless rescinded by the City Council; and
7. The content of this resolution shall be given widespread publicity and notice as is reasonable and feasible under these circumstances; and
8. This Local Emergency shall continue until it is terminated by proclamation of the COUNCIL. Pursuant to Section 8630 of the Government Code, the COUNCIL shall proclaim the termination of a local emergency at the earliest possible date that conditions warrant. The need for continuing this local emergency shall be reviewed within 30 days by the COUNCIL, and at each regular COUNCIL meeting thereafter.

PASSED AND ADOPTED this 13<sup>th</sup> Day of November, 2018.

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Andrew P. Fox, Mayor  
City of Thousand Oaks, California

ATTEST:

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Cynthia M. Rodriguez, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

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Tracy M. Noonan, City Attorney

APPROVED AS TO ADMINISTRATION:

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Andrew P. Powers, City Manager