



LEMOORE

CALIFORNIA

LEMOORE CITY COUNCIL
COUNCIL CHAMBER
429 C STREET
June 28, 2021

SPECIAL MEETING AGENDA

Please silence all electronic devices as a courtesy to those in attendance. Thank you.

10:00 am SPECIAL SESSION

- a. CALL TO ORDER
- b. PLEDGE OF ALLEGIANCE
- c. INVOCATION
- d. ROLL CALL

NEW BUSINESS – Section 1

- 1-1 Report, Recommendation, and Action – Resolution 2021-11 – A Resolution of the Lemoore City Council Ratifying the Director of Emergency Services' Proclamation of the Existence of a Local Emergency, and the Related Declarations and Orders Therein. (Olson)

ADJOURNMENT

PUBLIC NOTIFICATION

I, Marisa Avalos, City Clerk for the City of Lemoore, declare under penalty of perjury that I posted the above City Council Agenda for the Special meeting of June 28, 2021 at Council Chamber, 429 C Street and Cinnamon Municipal Complex, 711 W. Cinnamon Drive, Lemoore, CA on June 24, 2021.

//s//
Marisa Avalos, City Clerk

CITY OF LEMOORE
CITY COUNCIL SPECIAL MEETING
JUNE 28, 2021 @ 10:00 a.m.

Attendance and Public Comment Changes Due to COVID-19

The Lemoore City Council will be conducting its special meeting on June 28, 2021. Given the current Shelter-In-Place covering Kings County and the Social Distance Guidelines issued by Federal, State, and Local Authorities, the City is implementing the following changes for attendance and public comment.

All upcoming regular and special City Council meetings **will be open to fifteen (15) members of the public on a first come, first served basis and via Zoom.** The meeting may be viewed through the following options:

- Join Zoom Meeting
- Please click the link below to join the webinar:
- <https://zoom.us/j/91957030429?pwd=UzRBVTE4Y253ZU1SYIIUenYzVEwyUT09>
- Meeting ID: 919 5703 0429
- Passcode: 677835
- Phone: +1 669 900 6833

The City will also provide links to streaming options on the City's website and on its Facebook page.

If you wish to make a general public comment or public comment on a particular item on the agenda, **participants may do so via Zoom during the meeting** or by **submitting public comments by e-mail to: cityclerk@lemoore.com**. In the subject line of the e-mail, please state your name and the item you are commenting on. If you wish to submit a public comment on more than one agenda item, please send a separate e-mail for each item you are commenting on. Please be aware that written public comments, including your name, may become public information. Additional requirements for submitting public comments by e-mail are provided below.

General Public Comments & Comments on City Council Business Items

For general public comments and comments regarding specific City Council Business Items, public comments can be made via Zoom during the meeting or all public comments must be received by e-mail no later than 8:00 a.m. the day of the meeting. Comments received by this time will be read aloud by a staff member during the applicable agenda item, provided that such comments may be read within the normal three (3) minutes allotted to each speaker. Any portion of your comment extending past three (3) minutes may not be read aloud due to time restrictions. If a general public comment or comment on a business item is received after 8:00 a.m., efforts will be made to read your comment into the record. However, staff cannot guarantee that written comments received after 8:00 a.m. will be read. All written comments that are not read into the record will be made part of the meeting minutes, provided that such comments are received prior to the end of the City Council meeting.

Public Hearings

For public comment on a public hearing, all public comments must be received by the close of the public hearing period. All comments received by the close of the public hearing period will be read aloud by a staff member during the applicable agenda item, provided that such comments may be read within the normal three (3) minutes allotted to each speaker. Any portion of your comment extending past three (3) minutes may not be read aloud due to time restrictions. If a comment on a public hearing item is received after the close of the public hearing, such comment will be made part of the meeting minutes, provided that such comment is received prior to the end of the meeting.

PLEASE BE AWARE THAT ANY PUBLIC COMMENTS RECEIVED THAT DO NOT SPECIFY A PARTICULAR AGENDA ITEM WILL BE READ ALOUD DURING THE GENERAL PUBLIC COMMENT PORTION OF THE AGENDA.

The City thanks you for your cooperation in advance. Our community's health and safety is our highest priority.



711 West Cinnamon Drive • Lemoore, California 93245 • (559) 924-6744

Staff Report

Item No: 1-1

To: Lemoore City Council

From: Nathan Olson, City Manager

Date: June 24, 2021

Meeting Date: June 28, 2021

Subject: Resolution 2021-11 – Ratifying the Director of Emergency Services’ Proclamation of the Existence of a Local Emergency and the Related Declarations and Orders Therein

Strategic Initiative:

- | | |
|--|--|
| <input type="checkbox"/> Safe & Vibrant Community | <input type="checkbox"/> Growing & Dynamic Economy |
| <input type="checkbox"/> Fiscally Sound Government | <input type="checkbox"/> Operational Excellence |
| <input type="checkbox"/> Community & Neighborhood Livability | <input type="checkbox"/> Not Applicable |

Proposed Motion:

Adopt Resolution 2021-11 ratifying the Director of Emergency Services’ Proclamation of the existence of a local emergency, and the related declarations and orders therein.

Subject/Discussion:

The City of Lemoore Municipal Code establishes that the City Manager is the Emergency Services Director for the City of Lemoore. Under the authority of Government Code sections 8630 and 8634, and Lemoore Municipal Code section 2-4-4, the Director is empowered, upon declaration of a Local Emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency.

Conditions of disaster or of extreme peril to the safety of persons and property arose within the City of Lemoore on June 21, 2021, caused by one of the water tanks located at the City’s Station 7 Water Facility Complex failing, resulting in the loss of access to two storage tanks holding 1.5 million gallons of water each, and three active water wells (“Water Incident”), all of which is further described in the Director’s Emergency Proclamation.

The City Manager acting as the Director proclaimed the existence of a Local Emergency within the City on June 22, 2021 and issued Emergency Orders effective immediately in accordance with the Local Emergency Proclamation.

Pursuant to Municipal Code Section 2-4-2(B)(1)(a), "...Whenever a local emergency is proclaimed by the Director, the City Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect."

Financial Consideration(s):

Full fiscal impacts are unknown at this time.

Alternatives or Pros/Cons:

City Council could require that each decision be made by City Council, however, that option could lead to numerous issues including, but not limited to, untimely delays in protecting the safety of the public and property, additional monetary losses, ongoing OSHA involvement, as well as infringe upon the Council – Manager form of government, whereby the City Manager is responsible for decisions on day-to-day operations.

Staff Recommendation:

Approve Resolution 2021-11 ratifying the Director of Emergency Services' Proclamation of the existence of a local emergency, and the related declarations and orders therein.

Attachments:

- Resolution: 2021-11
- Ordinance:
- Map
- Contract
- Other
- List:

Review:

- Asst. City Manager
- City Attorney
- City Clerk
- City Manager
- Finance

Date:

- 6/24/2021
- 6/24/2021
- 6/24/2021

RESOLUTION NO. 2021-11

**A RESOLUTION OF THE LEMOORE CITY COUNCIL RATIFYING THE
DIRECTOR OF EMERGENCY SERVICES' PROCLAMATION OF THE
EXISTENCE OF A LOCAL EMERGENCY, AND THE RELATED
DECLARATIONS AND ORDERS THEREIN.**

WHEREAS, California Government Code section 8630 and Lemoore Municipal Code section 2-4-4 empowers the Director of Emergency Services (“Director”) to proclaim a Local Emergency if the City Council is not in session, and requires that the City Council shall take action to ratify the Proclamation within seven (7) days thereafter; and

WHEREAS, conditions of disaster or of extreme peril to the safety of persons and property arose within the City of Lemoore on June 21, 2021, caused by one of the water tanks located at the City’s Station 7 Water Facility Complex failing, resulting in the loss of access to two storage tanks holding 1.5 million gallons of water each, and three active water wells (“Water Incident”), all of which is further described in the Director’s Emergency Proclamation (Attached hereto as **Exhibit A**); and

WHEREAS, because of the Water Incident the City was unable to provide full uninterrupted water service to City customers, including sufficient pressure for adequate fire protection services; and

WHEREAS, the Water Incident and the need to declare a Local Emergency occurred at a time the City Council of the City of Lemoore was not in session; and

WHEREAS, the City Manager acting as the Director did proclaim the existence of a Local Emergency within the City on the 22nd day of June, 2021; and

WHEREAS, the City Manager acting as the Director, did concurrently Declare and issue Emergency Orders effective immediately in accordance with the Local Emergency Proclamation; and

WHEREAS, under the authority of Government Code sections 8630 and 8634, and Lemoore Municipal Code section 2-4-4, the Director is empowered, upon declaration of a Local Emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

WHEREAS, the City Council does hereby find that the above described conditions of disaster or of extreme peril did warrant and necessitate the Proclamation of the existence of a Local Emergency and the Issuance of Emergency Orders.

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

1. The Proclamation of Local Emergency Due to Critical Incident Involving City Water Facilities, as issued by the Director, is hereby ratified and confirmed.
2. The following declarations, orders, and restrictions of the Director are hereby ratified and confirmed:
 - a. All outdoor watering is prohibited.
 - b. Additional water restrictions will be issued as needed, including a daily limitation on gallons of usage per residence and business. The water restrictions may be based upon certain areas of the City. Any additional water restrictions shall take effect immediately upon issuance by the Director. The City Manager in consultation with the Public Works Director shall develop rules for implementation of any additional water restrictions.
 - c. The Director acting as the City Manager has authority to transfer funds as necessary to respond to the Local Emergency in all respects.
 - d. The Director may waive all local, State, and federal bidding and requests for proposal requirements prior to entering into contracts that the Director deems necessary to remedy the conditions relating to the Local Emergency. The Director shall make reasonably prudent business decisions under the circumstances.
 - e. No retail or wholesale business shall engage in charging more than the normal average retail price for any merchandise sold during the state of local emergency, including, but not limited to, specifically water (commonly referred to as price gouging). The average retail price as used herein is defined to be that price at which similar merchandise was being sold during the ninety (90) days immediately preceding the state of local emergency, or a mark-up that is not a larger percentage over wholesale cost than was being added to wholesale cost before the Local Emergency.
 - f. A copy of the Director's Proclamation of Local Emergency Due to Critical Incident Involving City Water Facilities and this Resolution ratifying the Director's Emergency Proclamation, shall be forwarded to the Kings County Office of Emergency Services, as well as appropriate State and Federal agencies with the coordination of the Kings County Office of Emergency Services, for reimbursement under state and federal disaster assistance acts. The Director is hereby designated as the authorized representative for public assistance, and the Director shall receive, process, and coordinate all inquiries, filings, and requirements necessary to obtain available state and/or federal assistance to the City for coping with the Local Emergency.

3. The local emergency shall be reviewed at least once every sixty (60) days as required by law, and otherwise be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Lemoore.

PASSED AND ADOPTED at a Special Meeting of the City Council of the City of Lemoore held on the 29th day of June 2021 by the following vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

ATTEST:

APPROVED:

Marisa Avalos
City Clerk

Stuart Lyons
Mayor

CITY OF LEMOORE

DIRECTOR OF EMERGENCY SERVICES

**PROCLAMATION OF LOCAL EMERGENCY DUE TO CRITICAL INCIDENT
INVOLVING CITY WATER FACILITIES**

**DECLARATION ADDRESSING WATER RESTRICTIONS, FUNDING AND
CONTRACT AUTHORITY, PRICE GOUGING, REQUESTS FOR FINANCIAL
ASSISTANCE, DETERMINED AS NECESSARY TO
SAFEGUARD LIFE AND PROPERTY**

WHEREAS, Section 2-4-4 of the Lemoore Municipal Code authorizes the Director of Emergency Services for the City of Lemoore (“Director”) to proclaim the existence or threatened existence of a local emergency when the City of Lemoore is affected or likely to be affected by the actual or threatened existence of extreme conditions of disaster and peril to the safety of persons within the City; and

WHEREAS, the Director is authorized to make this Proclamation when the City Council is not in session, in which case the Proclamation shall be sent to the City Council for consideration within seven days; and

WHEREAS, on June 21, 2021, at approximately 1:30 p.m., one of the tanks at the City’s Station 7 Water Facility Complex (“Tank”) failed following a small explosion, causing 1.5 million gallons of water to dump and the loss of use of the Station 7; and

WHEREAS, Station 7 included an additional 1.5 million gallon storage tank and an integrated well; and

WHEREAS, the City is unable to use Station 7, which also resulted in the loss of use of Water Well sites 13 and 14 that feed off Station 7; and

WHEREAS, the loss of Station 7 and Well Sites 13 and 14 are for ease of reference hereafter referred to as the “Water Incident”; and

WHEREAS, Station 7 and Well Sites 13 and 14 are essential components of the City’s municipal water supply and severely impacts the City’s ability to provide water service; and

WHEREAS, because of the Water Incident the City is unable to provide full uninterrupted water service to City customers, including sufficient pressure for adequate fire protection services; and

WHEREAS, there is a need to take immediate action: to curtail water usage by City customers; for the City to have maximum flexibility to repair, replace, and install essential infrastructure at Station 7 and Well Sites 13 and 14, and any interconnected facilities; and for the City to be able to contract for services on an emergency basis as needed.

NOW, THEREFORE, THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF LEMOORE DOES HEREBY PROCLAIM:

1. There exists a local emergency due to the Water Incident (“Local Emergency”). This Proclamation of Local Emergency shall be effective immediately. The Local Emergency is necessary to protect the public health, safety, and welfare of the residents and businesses of the City of Lemoore. The Water Incident has created extreme conditions and peril necessary for the protection and survival of human life that require immediate action. The Water Incident will also require the support of other political subdivisions to address the extreme conditions of peril.

2. As set forth in Section 2-4-4 of the Lemoore Municipal Code, the Director is authorized to take the following actions:

(a) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by the Local Emergency.

(b) To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life and property and to bind the City for the fair value thereof, and, if required immediately, to commandeer the same for public use.

(3) To require emergency services of any City officer or employee.

(4) To requisition necessary personnel or material of any City department or agency.

NOW, THEREFORE, THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF LEMOORE DOES HEREBY DECLARE AND ORDER THE FOLLOWING:

Based upon the foregoing Declaration of Local Emergency, I, Nathan Olson, as Director of Emergency Services, declare and order effective immediately upon signing, the following in the City of Lemoore:

(1) All outdoor watering is prohibited.

(2) Additional water restrictions will be issued as needed, including a daily limitation on gallons of usage per residence and business. The water restrictions may be based upon certain areas of the City. Any additional water restrictions shall take effect immediately upon issuance by the Director. The City Manager in consultation with the Public Works Director shall develop rules for implementation of any additional water restrictions.

(3) The Director acting as the City Manager has authority to transfer funds as necessary to respond to the Local Emergency in all respects.

(4) The Director may waive all local, State, and federal bidding and requests for proposal requirements prior to entering contracts the Director deems necessary to remedy the conditions leading to the Local Emergency. The Director shall make reasonably prudent business decisions under the circumstances.

(5) No retail or wholesale business shall engage in charging more than the normal average retail price for any merchandise sold during the state of local emergency, including, but not limited to, specifically water (commonly referred to as price gouging). The average retail price as used herein is defined to be that price at which similar

merchandise was being sold during the ninety (90) days immediately preceding the state of local emergency, or a mark-up that is not a larger percentage over wholesale cost than was being added to wholesale cost before the Local Emergency.

(6) A copy of this Resolution shall be forwarded to the Kings County Office of Emergency Services, as well as appropriate State and Federal agencies with the coordination of the Kings County Office of Emergency Services, for reimbursement under state and federal disaster assistance acts. The Director is hereby designated as the authorized representative for public assistance, and the Director shall receive, process, and coordinate all inquiries, filings, and requirements necessary to obtain available state and/or federal assistance to the City for coping with the Local Emergency.

Dated: June 22, 2021, at 12: 45 p.m.



Nathan Olson, City Manager and Director of
Emergency Service for the City of Lemoore