

**Agenda Item
No.**

6-5

DATE SUBMITTED 09/10/2020
 SUBMITTED BY COMMUNITY DEVELOPMENT DIRECTOR
 DATE ACTION REQUIRED 09/16/2020

COUNCIL ACTION (X)
 PUBLIC HEARING ()
 REQUIRED RESOLUTION
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS [Signature]

**IMPERIAL CITY COUNCIL
AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: <p style="text-align: center;">RESOLUTION DECLARING AN EMERGENCY, AUTHORIZING THE CITY MANAGER TO TAKE SUCH ACTION AS MAY BE NECESSARY IN RESPONSE THERETO AND RATIFYING ACTION TAKEN TO DATE.</p> <p style="text-align: center;">1. AUTHORIZING THE CITY MANAGER TO TAKE SUCH ACTION AS MAY BE NECESSARY IN RESPONSE THERETO AND RATIFYING ACTION TAKEN TO DATE..</p>	
DEPARTMENT INVOLVED: COMMUNITY DEVELOPMENT DEPARTMENT	
BACKGROUND/SUMMARY: <p>A cluster of Eucalyptus trees located at the north side of Neckel Road and Rodeo Drive intersection are dead or dying and the continued deterioration in the condition of the trees is resulting in tree debris falling onto Neckel Road and if such deterioration is allowed to continue unabated, the amount, size and frequency of the debris falling on Neckel Road could increase. Said falling tree debris would potentially expose persons and property to injury and damage. See Attachments 1 and 2 for details.</p> <p>The above described conditions constitute an emergency under applicable law and such emergency would not reasonably permit delays associated with a competitive solicitation for bids and the actions authorized herein are necessary to respond to the emergency. In order to safeguard the public health and safety and to protect property, it is necessary to take immediate action to remove the offending trees.</p>	
FISCAL IMPACT:	ADMIN SERVICES SIGN INITIALS <u>[Signature]</u>
STAFF RECOMMENDATION: Staff recommends authorizing to take action as described.	DEPT. INITIALS <u>OM</u>
MANAGER'S RECOMMENDATION: <u>approve</u>	CITY MANAGER'S INITIALS <u>[Signature]</u>
MOTION: SECONDED: AYES: NAYES: ABSENT:	
APPROVED () REJECTED () DISAPPROVED () DEFERRED () REFERRED TO:	

RESOLUTION NO. 2020-59

**RESOLUTION DECLARING AN EMERGENCY,
AUTHORIZING THE CITY MANAGER TO TAKE SUCH
ACTION AS MAY BE NECESSARY IN RESPONSE
THERE TO AND RATIFYING ACTION TAKEN TO DATE**

WHEREAS, the City operates and maintains a system of streets (“System”); and

WHEREAS, the System includes a street commonly known as Neckel Road; and

WHEREAS, Neckel Road in between Old SR-86 and Canon Drive is bordered on the north by several eucalyptus trees all of which are in excess of 100 feet in height; and

WHEREAS, the eucalyptus trees are dead or dying and the continued deterioration in the condition of the trees is resulting in tree debris falling onto Neckel Road and if such deterioration is allowed to continue unabated, the amount, size and frequency of the debris falling on Neckel Road could increase; and

WHEREAS, falling tree debris would potentially expose persons and property to injury and damage; and

WHEREAS, the above described conditions constitute an emergency under applicable law and such emergency would not reasonably permit delays associated with a competitive solicitation for bids and the actions authorized herein are necessary to respond to the emergency; and

WHEREAS, in order to safeguard the public health and safety and to protect property, it is necessary to take immediate action to remove the offending trees; and

WHEREAS, the City Council wishes to delegate authority to the City Manager to take such action as may be necessary to abate the tree issue, ratify action already taken and otherwise address the emergency as described herein.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The above-referenced recitals are true and correct and are incorporated herein.

2. The City Council declares that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, and hereby delegates to the City Manager the authority to take such immediate action as may be necessary to safeguard life, health or property in connection with abatement of trees in accordance with Public Contracts Code Sections 20168 and 22050 and without otherwise complying with bid requirements required by law.

3. The City Council authorizes action set forth herein and further ratifies action authorized by the City Manager taken to date to address the aforementioned tree issue on the basis that the emergency described herein will not permit a delay resulting from a competitive solicitation of bids and the action is necessary to respond to the emergency.

APPROVED, PASSED AND ADOPTED, at the regular meeting of the City Council this 16th day of September, 2020.

Darrell Pechtl, Mayor

ATTEST:

City Clerk

**DEAD OR DYING
EUCALYPTUS TREES**

Neckel Road

Old SR-86

Rodeo Drive

Canon Drive

Exhibit 1

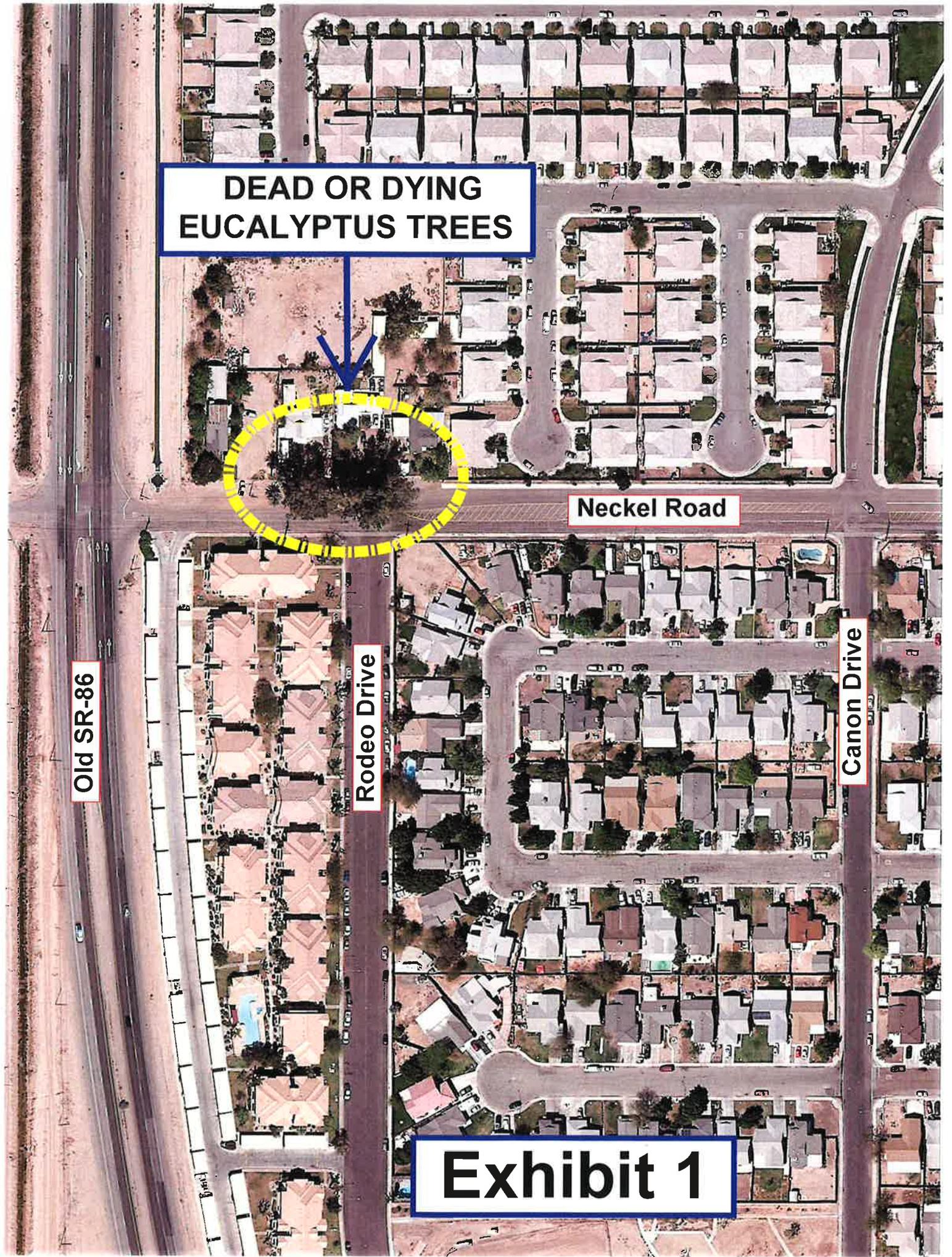


EXHIBIT 2
PHOTO REPORT: EMERGENCY RESO - NECKEL RD EUCALYPTUS TREES



EXHIBIT 2
PHOTO REPORT: EMERGENCY RESO - NECKEL RD EUCALYPTUS TREES

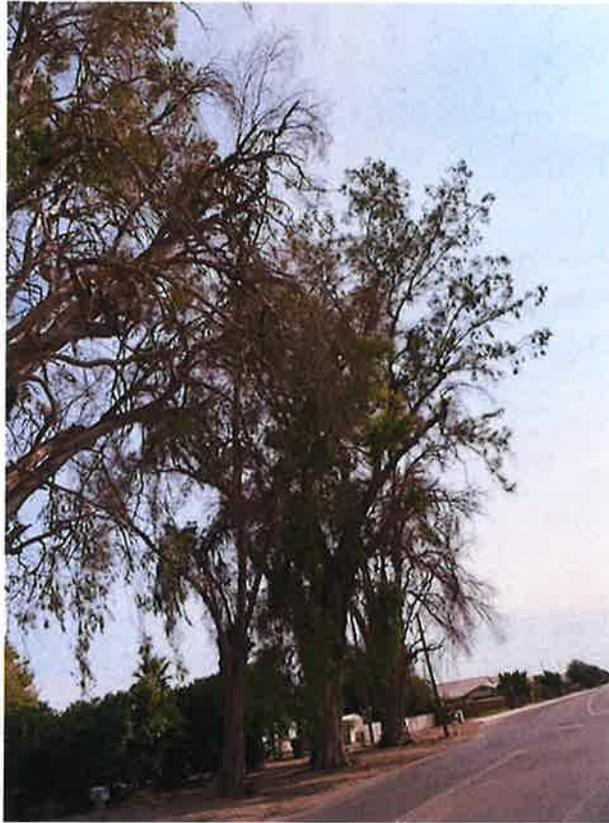


EXHIBIT 2
PHOTO REPORT: EMERGENCY RESO - NECKEL RD EUCALYPTUS TREES



EXHIBIT 2
PHOTO REPORT: EMERGENCY RESO - NECKEL RD EUCALYPTUS TREES

