



CITY OF LAGUNA NIGUEL CITY COUNCIL AGENDA ITEM

TO: Honorable Mayor and Council Members

FROM: Tamara S. Letourneau, City Manager/Director of Emergency Services

DATE: May 10, 2023

SUBJECT: Adoption of Resolution No. 2023-1427, Ratifying the Director of Emergency Services' Proclamation of the Existence of a Local Emergency in Connection with Recent Earth Movement Under La Paz Road

RECOMMENDATION

Staff recommends that the City Council Adopt Resolution No. 2023-1427, ratifying the Director of Emergency Services' proclamation of the existence of a local emergency due to the recent earth movement under La Paz Road under Government Code Section 8630 and Division 15 of Title 11 of the Laguna Niguel Municipal Code ("Emergency Preparedness").

BACKGROUND

La Paz Road has been actively monitored by the City since 1997 and has periodically experienced incremental movement of the roadbed and slope below. Over time, the roadway has shown signs of earth movement, including cracks in the pavement. In 2001, the City installed 54 caissons to slow or stop the earth movement and hold the roadway in place. In 2008, additional caissons were installed to stabilize the roadway. Throughout this time, the City has made repairs to the street, sidewalks, curb and gutters to maintain the road infrastructure and ensure pedestrian and commuter safety.

In April 2021, the City observed more significant movement of the pavement and sidewalk within the project limits than had been observed previously. This movement caused substantial damage to the roadbed and sidewalk on the southbound side of La Paz Road between Rancho Niguel and Kings Road (Attachment A). Several attempts were made by the City to repair the damaged road. At this time, the City initiated additional geotechnical evaluations of the impacted area along La Paz Road.

In September 2021, out of an abundance of caution, the City closed the southbound number two (curb lane) to vehicular and pedestrian traffic. The City then continued to monitor the affected area. In January 2022, the City retained Psomas and Ninyo & Moore to conduct an engineering study and geotechnical analysis to the area along La Paz Road between Rancho Niguel and Kings Road. The City has been receiving regular reports providing updates on the slope movement from its Geotechnical Consultant, GMU.

ANALYSIS

On May 4, 2023, the City received a report from its Geotechnical Consultant, GMU, on the conditions of the slope on the southbound lanes on La Paz Road between Rancho Niguel and Kings Road. The report indicated that the site shows increasing signs of vertical displacement and that new tension cracks are visible in the soil adjacent to the sidewalk. The report further indicated that the movement has been creeping at depth, which is indicative of deep-seated landslide movement. The increased movement can likely be attributed to the heavy rainfall that the City has received this winter.

In an abundance of caution and at the recommendation of the City's Geotechnical Consultant GMU, the City has determined that it is necessary to close both southbound lanes along La Paz Road between Rancho Niguel and Kings Road and to take action to complete this in an expeditious fashion.

Section 11-15-5 (A) of the Laguna Niguel Municipal Code designates the City Manager as the City's Director of Emergency Services. In an emergency, Section 11-15-6 (A)(1) of the Laguna Niguel Municipal Code authorizes the Director of Emergency Services, if the City Council is not in session, to proclaim the existence or threatened existence of a local emergency.

On May 5th, 2023, the City's Director of Emergency Services proclaimed a local emergency in response to GMU's report (Attachment B). The proclamation of local emergency allows the City to mobilize local resources, accelerate procurement of supplies, and seek future reimbursement by the State and Federal government. The existence of a local emergency will also aid the City in its application for a Federal Emergency Management Agency (FEMA) Hazard Mitigation grant to provide funding for the permanent repair of La Paz Road. The application process is lengthy, and ratifying the emergency proclamation allows the City to appropriately respond to the earth movement under La Paz Road.

Section 11-15-6 of Division 15 of Title 11 of the Laguna Niguel Municipal Code provides for the requirement of City Council ratification of the proclamation within seven days of its issuance, or the local emergency shall not remain in effect. Resolution No. 2023-1427, if approved, would ratify the Proclamation (Attachment C).

Upon the declaration of an emergency on May 5th, City staff retained a consultant to immediately prepare the traffic plan to reroute the traffic between Rancho Niguel and Kings Road. Further procurement is underway to make the physical changes to the roadway. These changes to the traffic flow will happen as soon as possible.

ALTERNATIVES CONSIDERED

The City Council could choose not to ratify the proclamation, which would not allow the local emergency to remain in effect and would limit the City's ability to address this emergency appropriately. This alternative is not recommended because of the deteriorating conditions related to the recent earth movement under La Paz Road.

FISCAL REVIEW

Since July 2021, the City has allocated \$650,000 for the La Paz Road Earth Movement Evaluation, utilizing American Rescue Plan (ARP) funds and the General Fund illustrated in the following table.

Time Period	Cost (Source)	Description
July 2021	\$50,000 (General Fund)	The City initiates geotechnical evaluation.
February 2022	\$150,000 (ARPA)	The City continues geotechnical evaluation.
July 2022	\$200,000 (ARPA) Budgeted as a CIP project in the FY 2022-23 budget.	The City initiates engineering evaluation to include monitoring, data collection, and development of a report that analyzes the cause and potential solutions.
February 2023	\$250,000 (ARPA)	The City continues monitoring and starts developing a FEMA application for grant funds to design and construct an improved interim lane closure design.
Total	\$650,000	

The City continues to monitor all costs associated with La Paz Road and will seek potential reimbursement and additional grant opportunities to mitigate costs.

LEGAL REVIEW

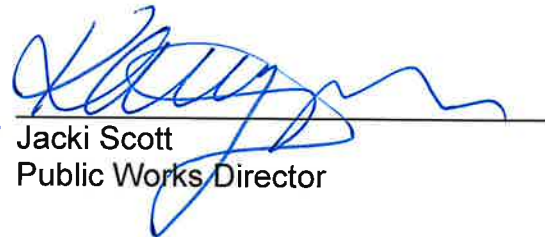
The City Attorney’s Office has reviewed and approved this report and Resolution No. 2023-1427 as to form.

CONCLUSION

Staff recommends that the City Council Adopt Resolution No. 2023-1427, ratifying the Director of Emergency Services’ proclamation of the existence of a local emergency due to the recent earth movement under La Paz Road under Government Code Section 8630 and Division 15 of Title 11 of the Laguna Niguel Municipal Code (“Emergency Preparedness”).



Tamara S. Letourneau
City Manager


for

Jacki Scott
Public Works Director



Scott C. Smith
City Attorney



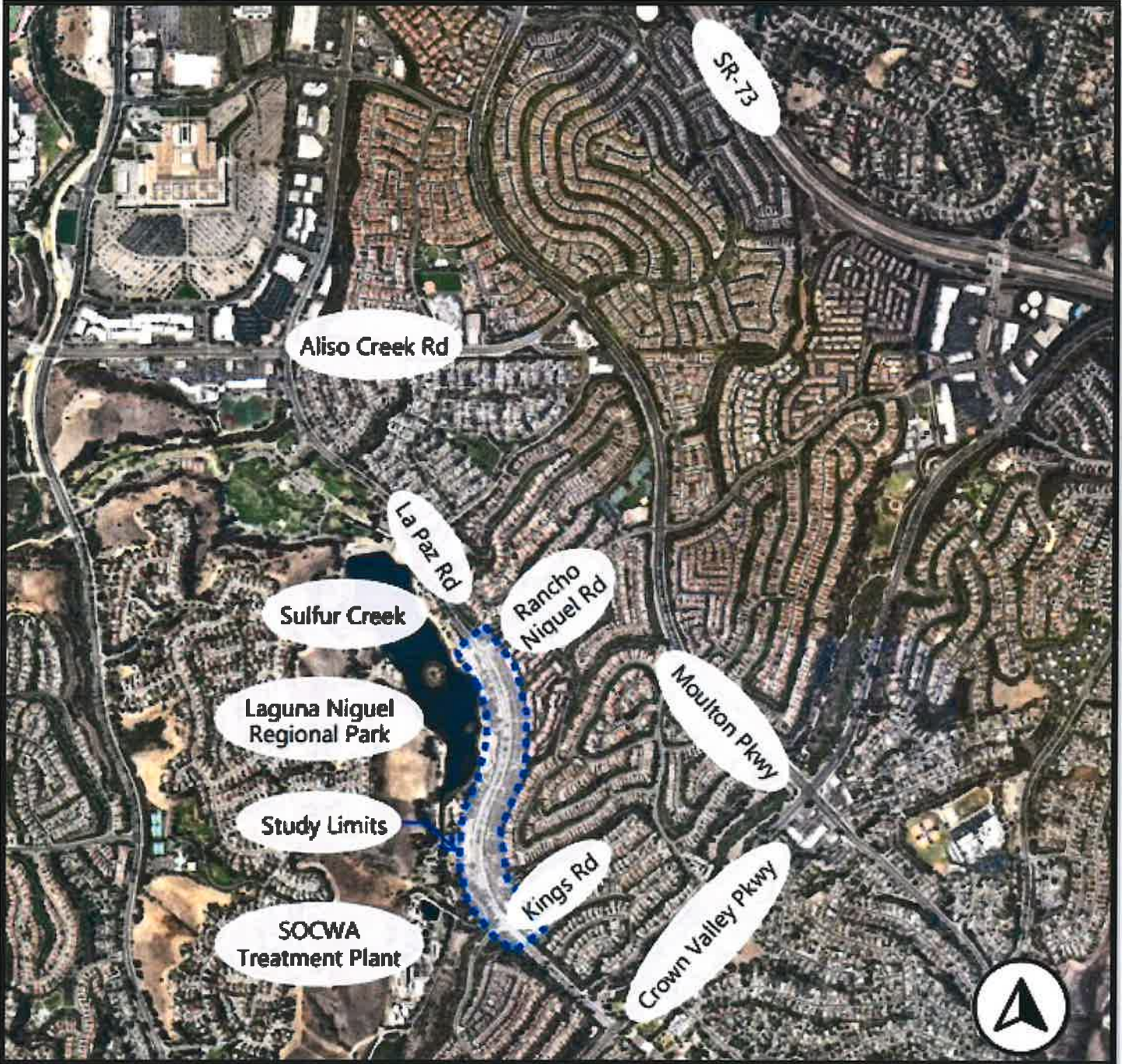
Kevin X. O'Connor
Management Assistant

Attachments:

- A. Local Vicinity Map of La Paz Road
- B. Proclamation of the Existence of a Local Emergency
- C. Resolution No. 2023-1427

ATTACHMENT A

Local Vicinity Map of La Paz Road



ATTACHMENT B

Proclamation of the Existence of a Local Emergency

**PROCLAMATION DECLARING THE EXISTENCE OF A LOCAL EMERGENCY
UNDER GOVERNMENT CODE SECTION 8630 AND DIVISION 15 OF TITLE 11 OF
THE LAGUNA NIGUEL MUNICIPAL CODE BY THE DIRECTOR OF EMERGENCY
SERVICES OF THE CITY OF LAGUNA NIGUEL IN CONNECTION WITH THE
RECENT EARTH MOVEMENT UNDER LA PAZ ROAD**

WHEREAS, Government Code Section 8630 authorizes the proclamation of a local emergency by the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body.

WHEREAS, Section 11-15-5 (A) of the Laguna Niguel Municipal Code designates the City Manager as the Director of Emergency Services; and

WHEREAS, Section 11-15-6 (A)(1) of the Laguna Niguel Municipal Code authorizes the Director of Emergency Services, if the City Council is not in session, to proclaim the existence or threatened existence of a local emergency; and

WHEREAS, on the 5th day of May 2023, the Director of Emergency Services of the City of Laguna Niguel found that due to the existence of recent earth movement under La Paz Road, that there is potential of risks to life and property exist within said City; and

WHEREAS, the City of Laguna Niguel's ability to mobilize local resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and seek future reimbursement by the State and Federal Government will be critical to successfully respond to recent earth movement under La Paz Road.

WHEREAS, the safety, health, and well-being of persons within the territorial limits of the City of Laguna Niguel is of the highest priority; and

WHEREAS, the Director of Emergency Services believes and has concluded that the current conditions of potential risk warrant a proclamation of local emergency; and

NOW, THEREFORE, pursuant to Section 11-15-6 (A)(1) of the Laguna Niguel Municipal Code, it is hereby proclaimed that a local emergency now exists in the City of Laguna Niguel on account of the recent earth movement under La Paz Road.

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of this local emergency the powers, functions, and duties of the emergency organization of the City of Laguna Niguel, as defined in the Laguna Niguel Municipal Code Section 11-15-7, shall be those prescribed by state law, the Laguna Niguel Municipal Code, including Section 11-15, by other applicable ordinances, resolutions and approved emergency plans of the City of Laguna Niguel. The City Council shall take action to ratify this Proclamation within seven days, or a local emergency shall not remain in effect; and

IT IS FURTHER ORDERED, that all City Departments shall track costs for staffing, supplies, and equipment related to the recent earth movement under La Paz Road and forward that information to the City's Director of Emergency Services; and

IT IS FURTHER ORDERED, that a copy of this Proclamation shall be forwarded to the State Office of Emergency Services and to such other government agencies and officials as the City's Director of Emergency Services deems prudent or necessary.

Dated: May 5th, 2023



Tamara S. Letourneau
City Manager/Director of Emergency Services

Attest:



Marissa J. Asistin
City Clerk

ATTACHMENT C

Resolution No. 2023-1427

RESOLUTION NO. 2023-1427

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA NIGUEL
RATIFYING THE DIRECTOR OF EMERGENCY SERVICES' PROCLAMATION OF
THE EXISTENCE OF LOCAL EMERGENCY DUE TO THE RECENT EARTH
MOVEMENT UNDER LA PAZ ROAD UNDER GOVERNMENT CODE SECTION 8630
AND DIVISION 15 OF TITLE 11 OF THE LAGUNA NIGUEL MUNICIPAL CODE
("EMERGENCY PREPAREDNESS")**

WHEREAS, Government Code Section 8630 authorizes the City Council, or an official designated by ordinance of the City Council, to proclaim the existence of a local emergency; and

WHEREAS, Laguna Niguel Municipal Codes Section 11-15-5 (a), adopted as Ordinance 94-75, designates the City Manager as the Director of Emergency Services for the City of Laguna Niguel; and

WHEREAS, pursuant to Laguna Niguel Municipal Code section 11-15-6(a)(1), the Director of Emergency Services is specifically empowered to proclaim the existence or threatened existence of a local emergency, as defined in Government Code Section 8558(c), if the City Council is not in session, subject to ratification by the City Council within seven days thereafter; and

WHEREAS, the Director of Emergency Services did proclaim the existence of a local emergency within the City of Laguna Niguel on the 5th day of May 2023 due to the existence of and threats posed to the City by earth movement under La Paz Road; and

WHEREAS, the City Council was not in session and could not immediately be called into session on the date the Director of Emergency Services made her Proclamation; and

WHEREAS, Government Code Section 8558(c) defines a local emergency, in relevant part, as "the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by conditions such air pollution, fire... or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat..."; and

WHEREAS, the safety, health, and well-being of persons within the territorial limits of the City of Laguna Niguel is of the highest priority; and

WHEREAS, the mobilization of local resources, the ability to coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and allow for future reimbursement by the state and federal government will be critical to successfully responding to the recent earth movement under La Paz Road; and

WHEREAS, the City Council does hereby find that the above described conditions of extreme peril did warrant and necessitate the Proclamation of the existence of a local emergency by the Director of Emergency Services.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Laguna Niguel, that the Proclamation of the Existence of a Local Emergency by the Director of Emergency Services of the City of Laguna Niguel due to the recent earth movement under La Paz Road under Government Code Section 8630 and Chapter 11-15 of the Laguna Niguel Municipal Code (“Emergency Preparedness”), as issued on May 5th, 2023, is hereby ratified and confirmed.

IT IS FURTHER RESOLVED AND ORDERED that within the next sixty (60) days, a report on the most recent conditions of emergency and disaster be presented to this City Council so that this City Council may determine whether conditions of emergency and disaster still exist; and

IT IS FURTHER RESOLVED AND ORDERED that the local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council.

PASSED AND ADOPTED this 10th day of May 2023.

Kelly Jennings, Mayor

ATTEST:

Marissa J. Asistin, City Clerk