

RESOLUTION NO. 18-61

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF COMMERCE,
CALIFORNIA, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH
ANIMAL PEST MANAGEMENT SERVICES, INC. TO PERFORM COYOTE
ABATEMENT SERVICES AND ADOPTING THE RELATED NOTICE OF
EXEMPTION**

WHEREAS, City of Commerce residents have expressed extreme concern regarding the presence of coyotes in the City in 2017 and potential issues that might come up as it relates to aggressive coyote attacks; and

WHEREAS, while the California Environmental Quality Act ("CEQA") generally requires review of discretionary "projects," there are exemptions in certain circumstances. The City must therefore determine whether a project is exempt from CEQA. (Guidelines, § 15061, subd. (a).) Exemptions can be statutory (sections 15260-15285), categorical (sections 15300-15333), or "common sense." If a project is not exempt from CEQA, the City must determine whether the activity will have a significant impact on the environment. (Guidelines, § 15063, subd. (a).) If so, the City must either prepare an environmental impact report or a mitigated negative declaration; and

WHEREAS, the City retained the services of Blodgett Baylosis Environmental Planning in 2017 to determine the potential effect of the coyote mitigation program proposed by the professional services agreement with Animal Pest Management Services, Inc. Included in its analysis was an evaluation of the evidence and circumstances precipitating the agreement. Following its study, Blodgett Baylosis determined that the coyote abatement program is exempt from CEQA. Attached to this Resolution is the proposed Notice of Exemption; and

WHEREAS, Staff agrees with the analysis of Blodgett Baylosis and believes that the services to be performed by the underlying agreement qualifies for multiple exemptions. First, emergency projects fall within statutory exemptions and constitute "[s]pecific actions necessary to prevent or mitigate an emergency." (Guidelines, § 15269, subd. (c).) "Emergency" means "a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to life, health...." (Guidelines, § 15359; see also Guidelines, § 15269, subd. (c) [not included are long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term].); and

WHEREAS, coyote sightings and attacks were an issue in 2017 in the City and have a strong probability of occurrence in the short-term. This was an unexpected and concerning development. Natural sources of food are apparently minimal in Commerce, which is located in the middle of an expansive urban sprawl, and in their apparent desperation, the coyotes become more aggressive, attacking people, killing pets, and

following residents while they walk with their pets and patrons of businesses within the City. The situation poses a serious threat of harm to residents, their pets, small children, and visitors to the City. The underlying agreement is necessary to address issues as they could potentially come up posed by coyotes; and

WHEREAS, the agreement is also exempted by section 15308 of the Guidelines, as the agreement and this Resolution constitute regulatory action by the City pursuant to its police power to assure maintenance, enhancement and protection of the environment. "Environment" as defined by CEQA "means the physical conditions that exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, ambient noise, or objects of historic or aesthetic significance." (Guidelines, § 15360.) Clearly, the environment is impacted by the presence of aggressive animals that threaten families' ability to use the outdoors, and place them in fear that they or their pets could be physically harmed or killed. The agreement and corresponding resolution are for the protection of that environment; and

WHEREAS, the abatement program also qualifies for the "General Rule Exemption" section 15061 of the Guidelines, since it can be "seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment..." (Guidelines, § 15061, subd. (b)(3).) The enclosed Notice of Exemption discusses the facts and findings which satisfy the General Rule Exemption.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES RESOLVE AS FOLLOWS:

Section 1. Incorporation of Recitals

The above recitals are true and correct and are incorporated herein as if set forth in full.

Section 2. Findings

The City Council of the City of Commerce makes the following findings with regard to the underlying agreement and the proposed coyote abatement program:

- The proposed Coyote Abatement Program will specifically address a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to life and/or health.
- The proposed Coyote Abatement Program and the actions implementing it constitute regulatory action by the City pursuant to its police power to assure maintenance, enhancement and protection of the environment.
- The proposed Coyote Abatement Program will not result in any dislocation of land uses.

- The proposed Coyote Abatement Program does not have a possibility of creating any significant environmental effects, as discussed in the Notice of Exemption.
- The proposed Coyote Abatement Program will not result in any impacts to sensitive resources.
- The proposed Coyote Abatement Program will not result in any cumulative impacts; have the potential for damaging scenic resources; involve the placement of a project over a site the Department of Toxic Substances Control (DTSC) and the Secretary for Environmental Protection has identified as being affected by hazardous waste; or result in any impacts on historic resources

Section 3. Notice of Exemption

The City Council of the City of Commerce hereby adopts the Notice of Exemption prepared by Blodgett Baylosis in 2017 pertaining to the professional services agreement with Animal Pest Management Services, Inc. and the Resolution. The Notice of Exemption reflects the City Council's independent judgment and analysis.

Section 4. Filing

The City Clerk for the City of Commerce shall file the Notice of Exemption with the County Clerk for the County of Los Angeles.

Section 5. Approval of Agreement

The City Council of the City of Commerce hereby approves the Professional Services Agreement with Animal Pest Management Services, Inc. on as needed basis. The Mayor is authorized to execute the Agreement for and on behalf of the City.

PASSED, APPROVED AND ADOPTED this 1st day of May 2018.

Oralia Rebollo, Mayor

ATTEST:

Lena Shumway, City Clerk