



CITY OF COMMERCE AGENDA REPORT

TO: Honorable City Council

Item No. _____

FROM: City Administrator

SUBJECT: RESOLUTION AWARDING ANIMAL PEST MANAGEMENT SERVICES, INC. A PROFESSIONAL SERVICES AGREEMENT TO PERFORM COYOTE ABATEMENT SERVICES AND ADOPTING THE RELATED NOTICE OF EXEMPTION

MEETING DATE: May 1, 2018

RECOMMENDATIONS:

Approve the proposed Resolution which:

1. Adopts the Notice of Exemption regarding the Professional Services Agreement for Coyote Abatement with Animal Pest Management Services, Inc.
2. Approves the Professional Services Agreement for Coyote Abatement in the City of Commerce.

BACKGROUND:

In 2017 City engaged the professional services of Animal Pest Management Services, Inc. following the coyote attacks on animals and humans in the City. Most recently the issue of coyote attacks subsided, however, Commerce residents still express concern regarding the potential presence of coyotes in the City. The 2017 incidents are very troubling to staff, residents, and visitors in the City of Commerce.

ANALYSIS:

While 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.

In 2017 the City retained the services of Blodgett Baylosis Environmental Planning 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 hereto is the proposed Notice of Exemption of 2017.

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].)

Should the same situation occur as in 2017 when coyote sightings and attacks had a strong probability of occurrence in the short-term, the situation would pose a serious threat of harm to residents, their pets, small children, and visitors to the City. This was an unexpected and concerning development of aggressive coyotes in 2017. The underlying agreement is necessary to address the issues should they arise again.

The agreement is also exempted by section 15308 of the CEQA Guidelines, as the agreement and approving resolution constitute regulatory action by the City pursuant to its police powers 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.

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.

RECOMMENDATION:

The health, safety, and welfare of the City’s residents, residents’ pets, and visitors could be at risk due to the potential threat of the coyotes in the area. Therefore, staff recommends

(1) adopting the Notice of Exemption and (2) adopting the Resolution approving the Professional Services Agreement with Animal Pest Management Services, Inc. on an as-needed basis.

ALTERNATIVES:

1. Approve staff recommendation.
2. Provide staff with further direction.

FISCAL IMPACT:

- Per the proposal, the cost of implementing the aforementioned program would be as follows: Initial Set Up Fee \$1,000 (Minimum Charge for the First 2 Nights)
- Per night for Addressing Issue: \$500

Staff recommends that funds be allocated at the mid-year budget review should there be a need to engage the services.

Prepared by: Lena Shumway, Administrative Services Director and City Clerk

Reviewed by: Vilko Domic, Finance Director

Approved as to form: Norma Copado, Assistant City Attorney

Respectfully submitted: Edgar P. Cisneros, City Administrator

ATTACHMENTS:

1. Notice of Exemption
2. Resolution
3. Professional Services Agreement