



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL AGENDA

Mayor Dave Potter, Councilmembers Jeff Baron,
Alissandra Dramov, Karen Ferlito, and Bobby
Richards
Contact: 831.620.2000 www.ci.carmel.ca.us

All meetings are held in the City Council Chambers
East Side of Monte Verde Street
Between Ocean and 7th Avenues

CITY COUNCIL SPECIAL MEETING Friday, February 9, 2024 1:30 PM

HYBRID MEETING ATTENDANCE OPTIONS

This meeting will be held in person and via teleconference ("hybrid"). The public is welcome to attend the meeting in person or remotely via Zoom, however, the meeting will proceed as normal even if there are technical difficulties accessing Zoom. The City will do its best to resolve any technical issues as quickly as possible. To view or listen to the meeting from home, you may also watch the live stream on the City's YouTube page at: <https://www.youtube.com/@CityofCarmelbytheSea/streams>. To participate in the meeting via Zoom, copy and paste the link below into your browser.

**<https://ci-carmel-ca-us.zoom.us/j/82787477634> Webinar ID: 82787477634 Passcode:
285002 Dial in: (253) 215-8782**

HOW TO OFFER PUBLIC COMMENT

The public may give public comment at this meeting in person, or using the Zoom teleconference module, provided that there is access to Zoom during the meeting. Zoom comments will be taken after the in-person comments. The public can also email comments to cityclerk@ci.carmel.ca.us. Comments must be received at least 2 hours before the meeting in order to be provided to the legislative body. Comments received after that time and up to the beginning of the meeting will be made part of the record.

CALL TO ORDER AND ROLL CALL

PUBLIC APPEARANCES - Limited to items on the agenda.

Under the Brown Act, public comment for matters on the agenda must relate to that agenda item. Hateful, violent, and threatening speech is impermissible public comment as it disrupts the conduct of the public meeting. This is a warning that if a member of the public attending this meeting remotely violates the Brown Act by failing to comply with these requirements of the Brown Act, then that speaker will be muted.

ORDERS OF BUSINESS

Orders of Business are agenda items that require City Council, Board or Commission discussion, debate, direction to staff, and/or action.

1. Resolution 2024-013, Ratifying the Amended Proclamation of Existence of a Local Emergency due to the 2024 February Winter Storm Events

ADJOURNMENT

This agenda was posted at City Hall, Monte Verde Street between Ocean Avenue and 7th Avenue, Harrison Memorial Library, located on the NE corner of Ocean Avenue and Lincoln Street, the Carmel-by-the-Sea Post Office, 5th Avenue between Dolores Street and San Carlos Street, and the City's webpage <http://www.ci.carmel.ca.us> in accordance with applicable legal requirements.

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this agenda, received after the posting of the agenda will be available for public review at City Hall located on Monte Verde Street between Ocean and Seventh Avenues during regular business hours.

SPECIAL NOTICES TO PUBLIC

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 831-620-2000 at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting (28CFR 35.102-35.104 ADA Title II).



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

February 9, 2024
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Nova Romero, City Clerk
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution 2024-013, Ratifying the Amended Proclamation of Existence of a Local Emergency due to the 2024 February Winter Storm Events

RECOMMENDATION:

Motion to adopt Resolution 2024-013, Ratifying a Proclamation of Existence of a Local Emergency due to the 2024 February Winter Storm Events (**Attachment 1**).

BACKGROUND/SUMMARY:

Monterey County experienced severe winter storms from late December 2023 to early January 2024, resulting in widespread flooding and downed trees across the central coast. On January 9, 2024, the Monterey County Board of Supervisors ratified the County Administrative Officer's proclamation of a local emergency issued on January 3, 2024 (**Attachment 2**).

In early February, the central coast was struck again by a powerful storm system bringing more high winds, heavy rainfall, and flooding to the area, adding to the already oversaturated soil. Due to the ongoing winter storms threatening life and safety, structures, and other critical infrastructure, Governor Gavin Newsom declared a State of Emergency in multiple California counties, including Monterey County, on February 2, 2024 (**Attachment 3**). The County of Monterey Department of Emergency Management named the ongoing emergency incident the "2024 February Winter Storms" on February 3, 2024.

Due to these recent series of storm events, local infrastructure in Carmel-by-the-Sea has suffered from flooding, erosion, damage to beach access stairs, numerous downed trees, impacting road safety and obstructing public roads. The storm damage has affected both public and private property, leading to widespread loss of power affecting many residents of Carmel-by-the-Sea.

The impacts of the storms have already caused significant damage to roadways and widespread damage to public and private property. The soil in the City remains saturated, increasing the risk of further damage from flooding, erosion, and downed trees. The full extent of the damage caused is still being assessed as the storms are ongoing.

In accordance with the California Emergency Services Act and Carmel-by-the-Sea Municipal Code, the City Administrator, acting in his role as the Director of Emergency Services for the City, issued a Proclamation

of Local Emergency on February 6, 2024. The Proclamation was amended on February 8, 2024, for clarity (**Attachment 4**). The amended emergency proclamation requires ratification by the City Council by Resolution within 7 days, which is included as Attachment 1.

If Council adopts the attached Resolution, the Council will need to review the continued need for a local emergency at least once every sixty (60) days until the Council terminates the local emergency, in accordance with Government Code Section 8630(c).

FISCAL IMPACT:

No direct fiscal impact for this action.

PRIOR CITY COUNCIL ACTION:

None.

ATTACHMENTS:

Attachment 1) Resolution 2024-013

Attachment 2) County of Monterey Resolution 1-9-2024

Attachment 3) CA State of Emergency Proclamation 2-2-2024

Attachment 4) Amended Emergency Proclamation signed 2-8-2024

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

Attachment 1

RESOLUTION NO. 2024-013

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
RATIFYING THE CITY ADMINISTRATOR'S AMENDED PROCLAMATION OF THE
EXISTENCE OF A LOCAL EMERGENCY DUE TO THE 2024 FEBRUARY WINTER STORMS**

WHEREAS, the California Emergency Services Act (California Government Code section 8630, et. seq.) establishes procedures for proclaiming local emergencies and responding promptly to the needs that arise during emergencies; and

WHEREAS, Chapter 2, section 2.64.020 of the City of Carmel-by-the-Sea ("City") Municipal Code defines "emergency" as the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat; and

WHEREAS, Chapter 2, section 2.64.050 of the City of Carmel-by-the-Sea ("City") Municipal Code designates the City Administrator as the Director of Emergency Services for the City; and

WHEREAS, Chapter 2, section 2.64.060 empowers the City Administrator, as the Director of Emergency Services, to proclaim the existence or threatened existence of a local emergency when the City Council is not in session so long as such proclamation is ratified by the City Council within seven (7) days; and

WHEREAS, a winter storm event commencing in late December 2023, and continuing into January and February 2024 has resulted in and is anticipated to result in multiple significant rainfall and coastal flooding events causing damage to public infrastructure and private property within Carmel-by-the-Sea; and

WHEREAS, on January 9, 2024, the Monterey County Board of Supervisors adopted a Resolution ratifying the County Administrative Officer's proclamation of a local emergency issued on January 3, 2024; and

WHEREAS, due to the ongoing winter storms threatening life and safety, structures, and other critical infrastructure, Governor Gavin Newsom declared a State of Emergency in multiple California counties, including Monterey County, on February 2, 2024; and

WHEREAS, the County of Monterey Department of Emergency Management named the ongoing emergency incident the "2024 February Winter Storms" event on February 3, 2024; and

WHEREAS, the 2024 February Winter Storm events have resulted in flooding, erosion, downed trees and powerlines, resulting in significant infrastructure damage to both public and private property, including roadways, beach access stairs, and causing loss of power to many residents of Carmel-by-the-Sea; and

WHEREAS, the impacts of the storms have resulted in overly saturated soils, increasing the risk of further damage from flooding, erosion, and downed trees. The full extent of the damage caused is still being assessed as the storms are ongoing; and

WHEREAS, soil conditions in the City remain saturated as a result of the 2024 February Winter Storms, and additional storms are expected later this, increasing the likelihood of further damage from earth slippage events, including the potential for flooding; and

WHEREAS, the true extent of the damages caused by the 2024 February Winter Storms, has yet to be ascertained; and

WHEREAS, on February 8, 2024 the City Administrator issued an Amended Proclamation attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA, that the Amended Proclamation of the Existence of a Local Emergency issued by the City Administrator acting as the Director of Emergency Services is hereby confirmed and ratified by the City Council of the City of Carmel-by-the-Sea; and

BE IT FURTHER RESOLVED, that said local emergency shall be deemed to continue to exist and shall be reviewed at least once every 60 days until its termination is proclaimed by the City Council of the City of Carmel-by-the-Sea per California Government Code section 8630; and

BE IT FURTHER RESOLVED, that the City Administrator or his designee is authorized to take whatever other action is authorized under the Carmel-by-the-Sea Municipal Code and state and federal law, subject to any required authorization from the City Council, consistent with this Resolution and its basic purposes.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 9th day of February, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk

Exhibit A – Amended Emergency Proclamation dated 2-8-2024

**Before the Board of Supervisors in and for
the County of Monterey, State of California**

Attachment 2

Resolution No.

Ratifying the Proclamation)
of a Local Emergency issued)
by the County Administrative)
Officer on January 3, 2024)

WHEREAS, the California Emergency Services Act (Government Code section 8630, et seq.) establishes procedures for proclaiming emergencies and responding promptly to the needs that arise during emergencies; and,

WHEREAS, Section 2.68.060 of the Monterey County Code and Section 8630 of the Government Code empower the County Administrative Officer or designee, or the Board of Supervisors, if the Board of Supervisors is in session, to proclaim the existence of a local emergency when the County is affected by or likely to be affected by a public calamity; and,

WHEREAS, pursuant to Government Code Section 8630(b), once a local emergency is declared, it will remain in effect for a period of no more than seven (7) days, unless ratified by the Board of Supervisors; and,

WHEREAS, pursuant to Government Code Section 8630(c), the Board of Supervisors shall review the need for continuing the local emergency at least once every sixty (60) days until the Board of Supervisors terminates the local emergency; and,

WHEREAS, the governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant; and,

WHEREAS, pursuant to Government Code Section 8685, et seq., in order to obtain monies from both state and federal agencies, the local government must declare a local emergency; and,

WHEREAS, conditions of a local emergency can be better controlled if the local government has specific powers granted through the proclamation of a local emergency; and,

WHEREAS, a storm event commencing December 27, 2023, and continuing into January 2024, has resulted in and is anticipated to result in multiple significant rainfall and coastal flooding events causing damage to public infrastructure and private property within Monterey County; and,

WHEREAS, conditions of extreme peril to the safety of person and property arose within the area of the Carmel Lagoon in Monterey County caused by tidal action, river flow and flooding commencing during the early morning of December 28, 2023; and,

WHEREAS, water has risen and during the rains and storm surge that may continue to rise to a level that threatens the flooding residences in low lying areas near the Carmel River Lagoon, and flooding may inundate potable water delivery systems, sewer collection systems, and other utility systems in the area; and,

WHEREAS, water has risen and during the rains and storm surge that may continue to rise to a level that threatens the flooding residences in low lying areas near the Salinas River Lagoon, and threatens the loss of safe ingress and egress, including emergency service access, the inundation of agricultural fields, and erosion and excessive transport of sediment; and,

WHEREAS, the aforesaid conditions of extreme peril warrant and necessitate the ratification of the Proclamation of the Existence of a Local Emergency issued by the County Administrative Officer on January 3, 2024, and immediate action is necessary to mitigate public calamity, and to protect life and property as affected by such emergency.

NOW THEREFORE, BE IT RESOLVED, by the Board of Supervisors in and for the County of Monterey as follows:

1. The Proclamation of a Local Emergency issued by the County Administrative Officer on January 3, 2023, is hereby ratified.
2. Pursuant to Government Code Section 8630(c) the Board of Supervisors shall review the continuing need for a local emergency at least once every sixty (60) days, until terminated by the Board of Supervisors.
3. That during the existence of said local emergency the powers, functions, and duties of the County Administrative Officer and the Emergency Organization of this County (Department of Emergency Management) shall be those prescribed by State law and the ordinances, resolutions, and approved plans of the County of Monterey in order to mitigate the effects of said local emergency.
4. During the existence of said local emergency the powers, functions, and duties of the County Administrative Officer, or designee, the Sheriff's Office, Department of Public Works, Facilities, and Parks, Department of Housing and Community Development, and the Emergency Organization of the County of Monterey shall be those prescribed by State law and the ordinances, resolutions, and approved plans of the County of Monterey in order to mitigate the effects of the local emergency.
5. Pursuant to Public Contract Code, sections 20134, 20395, and 22050, the Public Works Director and the General Manager of the Water Resources Agency, or their designees, are hereby authorized to engage independent contractors to complete all necessary work to mitigate the effects of said local emergency. Contracts for this work may be executed without prior Board approval of the plans, specifications, and working details, without giving notice for bids to let contracts

PASSED AND ADOPTED on this 9th day of January, upon motion of Supervisor _____, seconded by Supervisor _____, by the following vote, to-wit:

AYES:
NOES:
ABSENT:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original resolution of said Board

of Supervisors duly made and entered in the minutes thereof of Minute Book _____ for the meeting on _____. Attachment 2

Dated:

Valerie Ralph
Clerk of the Board of Supervisors
County of Monterey, State of California

By _____, Deputy

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS on January 23, 2024, I proclaimed a State of Emergency to exist in San Diego and Ventura counties due to the late December 2023 through early January 2024 winter storms; and

WHEREAS these severe winter storms also struck Humboldt, Imperial, Monterey, San Mateo, and Santa Cruz counties bringing intense rainfall, Attachment 3 and

WHEREAS these winter storms caused widespread river and coastal flooding, flash flooding, high surf conditions, mudslides, and debris flows threatening life and safety, structures, and other critical infrastructure; and

WHEREAS the impacts from these winter storms also caused significant damage to roadways and widespread damage to public and private property; and

WHEREAS under the provisions of Government Code section 8558(b), I find that conditions of extreme peril to the safety of persons and property exist due to these winter storms; and

WHEREAS under the provisions of Government Code section 8558(b), I find that the conditions caused by these winter storms, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the magnitude of the damage caused by these winter storms; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of these winter storms.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in Humboldt, Imperial, Monterey, San Mateo, and Santa Cruz counties due to the impacts of these winter storms.

IT IS HEREBY ORDERED THAT:

1. All operative provisions contained in my January 23, 2024 State of Emergency proclamation are hereby incorporated and applicable to Humboldt, Imperial, Monterey, San Mateo, and Santa Cruz counties as a

result of the storms identified in this and the previous Proclamation.

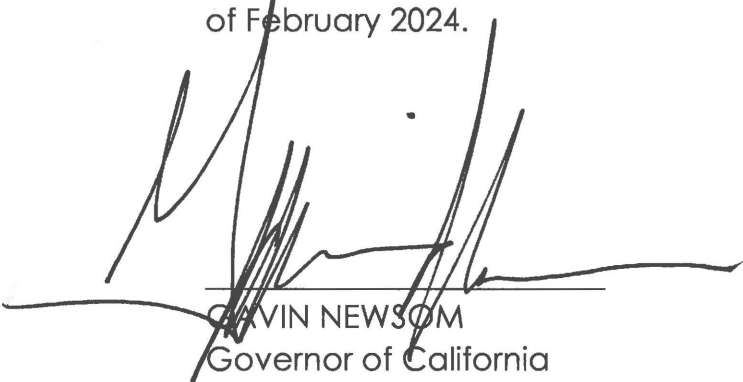
- 2. The California Department of Transportation shall formally request immediate assistance, as appropriate, through the Federal Highway Administration's Emergency Relief Program, United States Code, Title 23, section 125, in order to obtain federal assistance for highway repairs, reconstruction, or restoring access to roadways impacted by these winter storms.
- 3. The restrictions set forth in Penal Code section 396, which are automatically triggered upon proclamation of a State of Emergency, are suspended, and no such restrictions are imposed, for Monterey County for these winter storms.

Attachment 3

I FURTHER DIRECT that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 2nd day of February 2024.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State

**AMENDED PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY
BY THE CITY ADMINISTRATOR**

WHEREAS, the California Emergency Services Act (California Government Code section 8630, et. seq.) establishes procedures for proclaiming local emergencies and responding promptly to the needs that arise during emergencies; and

WHEREAS, Chapter 2, section 2.64.020 of the City of Carmel-by-the-Sea ("City") Municipal Code defines "emergency" as the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat; and

WHEREAS, Chapter 2, section 2.64.050 of the City of Carmel-by-the-Sea ("City") Municipal Code designates the City Administrator as the Director of Emergency Services for the City; and

WHEREAS, Chapter 2, section 2.64.060 empowers the City Administrator, as the Director of Emergency Services, to proclaim the existence or threatened existence of a local emergency when the City Council is not in session so long as such proclamation is ratified by the City Council within seven (7) days; and

WHEREAS, a winter storm event commencing in late December 2023, and continuing into January and February 2024 has resulted in and is anticipated to result in multiple significant rainfall and coastal flooding events causing damage to public infrastructure and private property within Carmel-by-the-Sea; and

WHEREAS, on January 9, 2024, the Monterey County Board of Supervisors adopted a Resolution ratifying the County Administrative Officer's proclamation of a local emergency issued on January 3, 2024; and

WHEREAS, due to the ongoing winter storms threatening life and safety, structures, and other critical infrastructure, Governor Gavin Newsom declared a State of Emergency in multiple California counties, including Monterey County, on February 2, 2024; and

WHEREAS, on February 3, 2024, the County of Monterey Department of Emergency Management named the current emergency event as the "2024 February Winter Storms"; and

WHEREAS, the February Winter Storms have caused major flooding and damage to public and private property, and such as road closures, loss of power, and fallen trees; and

WHEREAS, damage to infrastructure have included localized flooding, roadway slope erosion and embankment slip-outs, debris flows, landslides, and culvert failure affecting the safety of said roadways; obstruction of public roadways from stormwater, storm debris and roadway failure or closure; damage to storm drain infrastructure; and damage to public and private utilities and damage to public facilities and parks throughout Monterey County; damage and loss of beach access stairs, and beach erosion; and

WHEREAS, soil conditions in the City remain saturated because of the 2024 February

Winter Storms, and additional storms are expected to occur, increasing the likelihood of further damage from earth slippage events, including the potential for flooding; and

WHEREAS, the true extent of the damages caused by the 2024 February Winter Storms, has yet to be ascertained.

NOW, THEREFORE, the Director of Emergency Services finds that:

- A. Conditions caused by the 2024 February Winter Storms in the City, including without limitations the currently undiscovered damage related to these storms, constitute conditions of disaster and extreme peril to the safety of persons, their property, and public services; and
- B. An emergency, as defined in Section 2.64.020 of the City Municipal Code, Government Code Section 8558(c), the Public Contracts Code Section 1102, now exists in the City; and
- C. During the existence of said local emergency the powers, functions, and duties of the City Manager or designee shall be those prescribed by State law and the ordinances, resolutions, codes, and approved plans of the City to mitigate the effects of local emergency; and
- D. Pursuant to section 2.64.020 of the City municipal code, all expenditures made in connection with this local emergency, including mutual aid activities, shall be deemed to be for the first protection and benefit of the inhabitants and property of the City; and
- E. The City Administrator, or his designee, is hereby, designated as the authorized Agent for the City for the purposes of receipt, processing, and coordination of all inquiries and requirement necessary to obtain available County, State, and Federal assistance; and
- F. Pursuant to Government Code section 8630, the local emergency shall be deemed to continue to exist for a period of up to seven (7) days, and thereafter by ratification and extension by the City Council until it is terminated by the City Council.
- G. At the time of this proclamation, the City Council is not in session.

NOW, THEREFORE, BE IT RESOLVED, a local emergency is hereby declared on February 8, 2024, at 9:00 a.m. within the City of Carmel-by-the-Sea. During the local emergency, the powers, and duties of the City Administrator and of the City Council shall be as defined in state and federal law, and the ordinances, resolutions, and approved plans of the City of Carmel-by-the-Sea in order to mitigate the effects of said local emergency; and

This proclamation shall be transmitted to the City Council within seven (7) days for ratification, and this local emergency shall continue until terminated by further declaration of the undersigned, or by resolution of the City Council.

SIGNED AND SUBSCRIBED on this 8th day of February 2024.



Director of Emergency Services Chip Rerig