



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 Tuesday, January 17, 2023 12:30 PM

THIS MEETING IS VIA TELECONFERENCE ONLY

Governor Newsom's Executive Order N-29-20 has allowed local legislative bodies to hold public meetings via teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body.

To that end, this meeting will be held via Zoom teleconference and web-streamed on the City's website ONLY. To participate via teleconference click the following link to attend via Zoom (or copy and paste link in your browser): Join Zoom Meeting <https://ci-carmel-ca-us.zoom.us/j/87522865240> Meeting ID: 875 2286 5240 Passcode: 151761 Dial in: (253) 215-8782

The public can also email comments to cityclerk@ci.carmel.ca.us. Comments must be received 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 added to the agenda and made part of the record.

CALL TO ORDER AND ROLL CALL

OPEN SESSION

PUBLIC APPEARANCES

Members of the Public are invited to speak on any item that does not appear on the Agenda and that is within the subject matter jurisdiction of the City Council. The exception is a Closed Session agenda, where speakers may address the Council on those items before the Closed Session begins. Speakers are usually given three (3) minutes to speak on any item; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. If an individual wishes to submit written information, he or she may give it to the City Clerk. Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

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 2023-008, Ratifying a Proclamation of Existence of a Local Emergency due to the 2022-23 Atmospheric River Winter Storm Event

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

January 17, 2023
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Brian Pierik, City Attorney
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution 2023-008, Ratifying a Proclamation of Existence of a Local Emergency due to the 2022-23 Atmospheric River Winter Storm Event

RECOMMENDATION:

Motion to adopt Resolution 2023-008, ratifying a proclamation of existence of a local emergency due to the 2022-23 Atmospheric River Winter Storm Event.

BACKGROUND/SUMMARY:

On December 30 and 31, 2022, Monterey County ("County") and the City of Carmel by-the-Sea ("City"), experienced a major rain event (the "2022-23 Atmospheric River Winter Storm").

As a result of the 2022-23 Atmospheric River Winter Storm, major flooding in the County and the City caused damage to public and private property, such as road closures, and loss of power.

Various other roads and infrastructure in the City have been damaged as a result of the 2022-23 Atmospheric River Winter Storm; and

Damage to infrastructure has 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; damage to storm drain infrastructure; and damage to public and private utilities and damage to public facilities and parks throughout the County and in the City.

Current estimates of the damage caused by the 2022-23 Atmospheric River Winter Storm exceed \$1.5 million, and the true extent of the damage caused by the 2022-23 Atmospheric River Winter Storm has yet to be ascertained.

On January 4, 2023, California Governor Gavin Newsom proclaimed a state of emergency in response to severe winter storms that relate to a series of atmospheric river systems that struck California in December 2022, and are forecasted to continue; and

On January 4, 2023, Interim County Administrative Officer of the County proclaimed the existence of a local

emergency on January 4, 2023.

On January 4, 2023, the Board of Supervisors of the County adopted a resolution ratifying the County Administrative Officer's proclamation of a local emergency.

Soil conditions in the City remain saturated as a result of the 2022-23 Atmospheric River Winter Storm and additional atmospheric storm events are expected increasing the likelihood of further damage from earth slippage events, including the potential for flooding.

On January 13, 2023, based on the events described above, Chip Rerig (City Administrator of the City and the Director of Emergency Services of the City) issued a Proclamation of Existence of a Local Emergency by the City Administrator (Attachment 1).

FISCAL IMPACT:

No direct fiscal impact for this action.

PRIOR CITY COUNCIL ACTION:

None

ATTACHMENTS:

Attachment 1) Proclamation of Existence of Local Emergency (Winter Storm 22-23)

Attachment 2) Resolution 2023-008

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

WHEREAS, the California Emergency Services Act (California Government Code sections 8639, 8550, et. seq.) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, caused by conditions such as an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat; 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, including conditions such as an epidemic, 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, California Governor Gavin Newsom proclaimed a state of emergency on January 4, 2023, in response to severe winter storms that relate to a series of atmospheric river systems that struck California in December 2022, and are forecasted to continue; and

WHEREAS, the interim County Administrative Officer of the County of Monterey proclaimed the existence of a local emergency on January 4, 2023; and

WHEREAS, the Board of Supervisors of the County of Monterey adopted a resolution ratifying the County Administrative Officer's proclamation of a local emergency issued on January 4, 2023; and

WHEREAS, on December 30 and 31, 2022, Monterey County, including the City, experienced a major rain event (the "2022-23 Atmospheric River Winter Storm"); and

WHEREAS, as a result of the 2022-23 Atmospheric River Winter Storm, major flooding in the County, including the City, caused damage to public and private property, such as road closures, and loss of power; and

WHEREAS, various other roads and infrastructure in the City have been damaged as a result of the 2022-23 Atmospheric River Winter Storm; 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; damage to storm drain infrastructure; and damage to public and private utilities and damage to public facilities and parks throughout Monterey County; and,

WHEREAS, current estimates of the damage caused by the 2022-23 Atmospheric River Winter Storm exceed \$1.5 million, and the true extent of the damage caused by the 2022-23 Atmospheric River Winter Storm has yet to be ascertained; and

WHEREAS, soil conditions in the City and remain saturated as a result of the 2022-23 Atmospheric River Winter Storm and an additional atmospheric storm event is expected on January 14, 15, and 16, increasing the likelihood of further damage from earth slippage events, including the potential for flooding; and

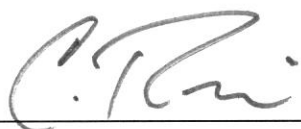
NOW, THEREFORE, the Director of Emergency Services finds that:

- A. Conditions caused by the 2022-23 Atmospheric River Winter Storm in the City, including without limitations the currently undiscovered damage related to the 2022-23 Atmospheric River Winter Storm, 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 in order 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 January 12, 2023, at 11:00 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 13th day of January 2023

A handwritten signature in dark ink, appearing to read "C. Rerig", is written above a horizontal line.

Director of Emergency Services
Chip Rerig

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

Attachment 2

RESOLUTION NO. 2023-008

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
RATIFYING THE CITY ADMINISTRATOR'S PROCLAMATION OF THE EXISTENCE OF A
LOCAL EMERGENCY DUE TO THE 2022-2023 ATMOSPHERIC RIVER WINTER STORM**

WHEREAS, the California Emergency Services Act (California Government Code sections 8639, 8550, et. seq.) defines a local emergency as the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, caused by conditions such as an epidemic, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of a city, and require the combined forces of other political subdivisions to combat; 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, including conditions such as an epidemic, 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, California Governor Gavin Newsom proclaimed a state of emergency on January 4, 2023, in response to severe winter storms that relate to a series of atmospheric river systems that struck California in December 2022, and are forecasted to continue; and

WHEREAS, the interim County Administrative Officer of the County of Monterey proclaimed the existence of a local emergency on January 4, 2023; and

WHEREAS, the Board of Supervisors of the County of Monterey adopted a resolution ratifying the County Administrative Officer's proclamation of a local emergency issued on January 4, 2023; and

WHEREAS, on December 30 and 31, 2022, Monterey County, including the City, experienced a major rain event (the "2022-23 Atmospheric River Winter Storm"); and

WHEREAS, as a result of the 2022-23 Atmospheric River Winter Storm, major flooding in the County, including the City, caused damage to public and private property, such as road closures, and loss of power; and

WHEREAS, various other roads and infrastructure in the City have been damaged as a result of the 2022-23 Atmospheric River Winter Storm; and

Attachment 2

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; damage to storm drain infrastructure; and damage to public and private utilities and damage to public facilities and parks throughout Monterey County; and

WHEREAS, current estimates of the damage caused by the 2022-23 Atmospheric River Winter Storm exceed \$1.5 million, and the true extent of the damage caused by the 2022-23 Atmospheric River Winter Storm has yet to be ascertained; and

WHEREAS, soil conditions in the City and remain saturated as a result of the 2022-23 Atmospheric River Winter Storm and an additional atmospheric storm event is expected on January 14, 15, and 16, increasing the likelihood of further damage from earth slippage events, including the potential for flooding; and

WHEREAS, based on said events, the City Administrator of the City of Carmel-by-the-Sea declared the existence of a local emergency within the City on January 13, 2023

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA, that the 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 30 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 17th day of January 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk