

City of Capitola

Special City Council Meeting Agenda

Friday, January 06, 2023 – 4:00 PM



Remote Meeting – Zoom Info Below
420 Capitola Avenue, Capitola, CA 95010

Mayor: Margaux Keiser
Vice Mayor: Kristen Brown
Council Members: Yvette Brooks, Joe Clarke, Alexandar Pedersen

Special Meeting of the Capitola City Council – 4:00 PM

1. Roll Call and Pledge of Allegiance

Council Members Yvette Brooks, Joe Clarke, Alexander Pedersen, Kristen Brown and Mayor Margaux Keiser.

2. Additions and Deletions to the Agenda

3. Additional Materials

Additional information submitted to the City after distribution of the agenda packet.

4. Oral Communications by Members of the Public

*Please review the Notice of Remote Access for instructions. Oral Communications allows time for members of the Public to address the City Council on any “Consent Item” on tonight’s agenda, or on any topic within the jurisdiction of the City that is not on the “General Government/Public Hearings” section of the Agenda. Members of the public may speak for up to three minutes, unless otherwise specified by the Mayor. Individuals may not speak more than once during Oral Communications. All speakers must address the entire legislative body and will not be permitted to engage in dialogue. A **maximum of 30 minutes** is set aside for Oral Communications.*

5. General Government / Public Hearings

All items listed in “General Government / Public Hearings” are intended to provide an opportunity for public discussion of each item listed. The following procedure pertains to each General Government item: 1) Staff explanation; 2) Council questions; 3) Public comment; 4) Council deliberation; 5) Decision.

A. Resolution Ratifying a Proclamation of Local Emergency

Recommended Action: Adopt a resolution ratifying a Proclamation of Local Emergency by the Director of Emergency Services due to a significant weather event commencing on January 3, 2023.

6. Adjournment

Notice of Remote Access

This special meeting is being held via Zoom. Members of the public can participate via Zoom or watch via YouTube.

Other ways to Watch:

City of Capitola, California YouTube Channel

To Join Zoom Application or Call in to Zoom:

Meeting link:

Or dial one of these phone numbers: **1 (669) 900 6833, 1 (408) 638 0968, 1 (346) 248 7799**

Meeting ID: **833 2817 3113**

Meeting Passcode: **678550**

To make a remote public comment:

Via Zoom Application: Use participant option to “raise hand”. The moderator will unmute you

Via Zoom phone call: Dial *9 on your phone to “raise your hand”. The moderator will unmute you

Notice regarding City Council: The City Council meets on the 2nd and 4th Thursday of each month at 7:00 p.m. (or in no event earlier than 6:00 p.m.), in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

Agenda and Agenda Packet Materials: The City Council Agenda and the complete Agenda Packet are available for review on the City’s website: www.cityofcapitola.org and at Capitola City Hall prior to the meeting. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue Capitola. Need more information? Contact the City Clerk’s office at 831-475-7300.

Agenda Materials Distributed after Distribution of the Agenda Packet: Pursuant to Government Code §54957.5, materials related to an agenda item submitted after distribution of the agenda packet are available for public inspection at the Reception Office at City Hall, 420 Capitola Avenue, Capitola, California, during normal business hours.

Americans with Disabilities Act: Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodations to participate in the meeting due to a disability, please contact the City Clerk’s office at least 24 hours in advance of the meeting at 831-475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

Capitola City Council

Agenda Report



Meeting: January 6, 2023

From: City Manager Department

Subject: Resolution Ratifying a Proclamation of Local Emergency

Recommended Action: Adopt a resolution ratifying a Proclamation of Local Emergency by the Director of Emergency Services due to a significant weather event commencing on January 3, 2023.

Background: The California Emergency Services Act 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 beyond the control of the services, personnel, equipment, and facilities of a city.

Capitola Municipal Code Section 8.08.060 empowers the Director of Emergency Services (City Manager) for Capitola to proclaim the existence of a local emergency when the City is affected or likely to be affected by the existence of disaster or extreme peril which is, or is 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 control.

On December 30 and 31, 2022, Santa Cruz County (including the City of Capitola) experienced a major rain event. As a result, flooding of the Soquel Creek caused damage to public and private property and various other roads and infrastructure in the City was damaged. Current estimates of damage relating to this weather event are not yet known.

On January 4, 2023, the City Manager/Director of Emergency Services signed a Proclamation of Local Emergency and issued evacuation orders for residents within Capitola Village, Riverview Drive, and Riverview Avenue.

On the morning of January 5, 2023 a major winter swell arrived and damaged numerous homes, businesses and the Capitola Wharf as well as other public infrastructure.

Discussion: Pursuant to Government Code Section 8630, a local emergency shall be deemed to continue to exist for a period of up to seven days, and thereafter by ratification and extension by the City Council, until the local emergency is terminated by the City Council.

The proposed resolution ratifies the proclamation of local emergency and deems it to continue to exist until terminated by the City Council.

Fiscal Impact: Staff has not yet determined the extent of the damage caused by the flood, or the expected cost of repairs. The City expects to exercise all available options to recover funds from applicable funding sources. Declaring a local emergency will best position the City to seek reimbursement from State and federal funds.

Attachments:

1. Proposed Resolution
2. January 4, 2023 Emergency Proclamation

Report Prepared By: Report Prepared By: Julia Moss, City Clerk

Reviewed By: Julia Moss, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

RESOLUTION NO.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA RATIFYING
THE EMERGENCY SERVICES DIRECTOR'S PROCLAMATION DECLARING THE
EXISTENCE OF A LOCAL EMERGENCY**

WHEREAS, the California Emergency Services Act (California Government Code sections 8630, 8550 et seq.) empowers the City of Capitola ("City") City Council to authorize, by ordinance a local official, to proclaim the existence of a local emergency when the City Council is not in session; and

WHEREAS, a local emergency proclaimed by an official designated by ordinance shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body; and

WHEREAS, Capitola Municipal Code Sections 8.08.050 designates the City Manager as the Director of Emergency Services for the City, and Capitola Municipal Code Section 8.08.060 empowers the Director of Emergency Services to proclaim the existence of a local emergency when the City is affected or likely to be affected by the existence of disaster or extreme peril which is, or is 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 control; and

WHEREAS, Capitola Municipal Code Section 8.08.020 defines an 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 or earthquake, or other conditions...which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities for this city, requiring the combined forces of other political subdivisions to combat"; and

WHEREAS, commencing on December 30, 2022, the City experienced heavy rains causing flood related significant damage to public infrastructure and private property throughout the City; and

WHEREAS, on January 4, 2023, due to the conditions created by the weather, the Director of Emergency Services issued a Proclamation of Existence of Local Emergency ("Proclamation"), a copy of which is attached hereto; and

WHEREAS, on January 4, 2023, the Director of Emergency Services issued an evacuation order for Capitola Village/Riverview neighborhoods; and

WHEREAS, at the time of issuance of the Proclamation, the City Council was not in session.

NOW, THEREFORE, the City Council of the City of Capitola does resolve as follows:

1. A local emergency exists throughout the City; and

2. The Proclamation issued by the City Manager acting as the Director of Emergency Services on January 4, 2023 is hereby ratified; and
3. During the existence of said emergency, the powers, functions, and duties of the Director of Emergency Services and the emergency organization of the City of Capitola shall be those prescribed by State law, ordinances, and resolutions of the City and by the City of Capitola Emergency Plan; and
4. Pursuant to Capitola Municipal Code Section 8.08.090, all expenditures made in connection with this local emergency, including mutual aid activities, shall be deemed to be for the direct protection and benefit of the inhabitants and property of the City of Capitola; and
5. Said local emergency shall be deemed to continue to exist until it is terminated by the City Council.

PASSED AND ADOPTED by the City Council of the City of Capitola, California, this 6th day of January, 2023, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Margaux Keiser, Mayor

ATTEST:

Julia Moss, City Clerk

**PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY
BY THE DIRECTOR OF EMERGENCY SERVICES
OF THE CITY OF CAPITOLA, STATE OF CALIFORNIA**

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;

WHEREAS, Capitola Municipal Code Section 8.08.060 empowers the Director of Emergency Services for the City of Capitola to proclaim the existence of a local emergency when the City is affected or likely to be affected by the existence of disaster or extreme peril which is, or is 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 control; and

WHEREAS, on December 30 and 31, 2022, Santa Cruz County, including the City of Capitola, 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 of Soquel Creek in Santa Cruz County caused damage to public and private property in the unincorporated County just upstream from Capitola; and

WHEREAS, various other roads and infrastructure in the City of Capitola has been damaged as a result of the 2022-23 Atmospheric River Winter Storm; 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 of Capitola and County of Santa Cruz remain saturated as a result of the 2022-23 Atmospheric River Winter Storm, and an additional atmospheric storm event is expected on January 4 and 5, 2023, increasing the likelihood of further damage from earth slippage events, including the potential for flooding; and

WHEREAS, at the time of this Proclamation, the City Council is not in session.

NOW, THEREFORE, IT IS PROCLAIMED AS FOLLOWS:

1. Conditions caused by the 2022-23 Atmospheric River Winter Storm in the City of Capitola, including but not limited to flooding along Soquel Creek, as well as other 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.

2. An emergency, as defined in Section 8.08.020 of the Capitola Municipal Code, Government Code Section 8558(c), and Public Contract Code Section 1102, now exists in the City of Capitola.

3. 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 of Capitola in order to mitigate the effects of the local emergency.

4. Pursuant to Section 8.08.090 of the Capitola Municipal Code, all expenditures made in connection with this local emergency, including mutual aid activities, shall be deemed to be for the direct protection and benefit of the inhabitants and property of the City of Capitola.

5. The City Manager, or his designee, is hereby designated as the authorized Agent for the City of Capitola for the purposes of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available County, State, and federal assistance.

6. 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.

DATE: January 4, 2023

DocuSigned by:
Jamie Goldstein
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JAMIE GOLDSTEIN
CITY MANAGER/ DIRECTOR OF
EMERGENCY SERVICES

APPROVED AS TO FORM:

DocuSigned by:
Samantha W. Zutler
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SAMANTHA W. ZUTLER
CITY ATTORNEY

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