



STAFF REPORT

7/9/2024

AGENDA ITEM

**TO: HONORABLE MAYOR
AND MEMBERS OF THE CITY COUNCIL**

**FROM: CARLO TOMAINO
CITY MANAGER**

**BY: THOMAS BEKELE
PUBLIC WORKS DIRECTOR**

SUBJECT: CONTINUANCE OF THE PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY IN RESPONSE TO FEBRUARY 2024 WINTER STORMS AND REAFFIRMING EMERGENCY CONDITIONS REQUIRING EMERGENCY ACTION TO COMPLETE EMERGENCY REPAIRS AT PANORAMA PROMENADE AND MOLINO AVENUE AND 20TH STREET

Summary:

The City Council will consider authorizing the City Manager to extend the proclamation of the existence of a local emergency in response to the February 2024 winter storms for 60 days. At the February 27, 2024, meeting, the City Council authorized the City Manager to extend the proclamation of the existence of a local emergency. The City Council adopted a Resolution, by a four-fifths vote, declaring authority to the City Manager or his designee, pursuant to Public Contract Code Sections 20168 and 22050, to enter into an emergency public works contract. The City Council also approved a Public Works contract with Zimprich Engineering Incorporated, for a not-to-exceed amount of four hundred thirty-one thousand nine hundred ten dollars (\$431,910), for emergency work pertaining to the Panorama Promenade Trail and the Molino Avenue and 20th Street slope immediate repair projects.

The City Council subsequently adopted resolutions, by a four-fifths vote, authorizing the City Manager, or his designee, pursuant to Public Contract Code Section 22050, to continue emergency storm damage repairs at the Panorama Promenade Trail and Molino Avenue and 20th Street. The City Council will consider adopting a Resolution authorizing the City Manager, or his designee, pursuant to Public Contract Code Section 22050, to continue emergency storm damage repairs at the Panorama Promenade Trail and Molino Avenue and 20th Street. Staff requests the City Council authorize the City Manager to extend proclamation of the existence of a local emergency in response to the February 2024 winter storms for 60 days. Staff recommends the City Council, by a four-fifths vote, reaffirm the emergency continues to exist and, therefore, the emergency contract work must

continue to be done without a public bidding process.

Strategic Plan Goal(s):

Goal No. 1 Financial Stability: Ensure the City's long-term financial stability and resilience.

Goal No. 2 Community Safety: Maintain community safety by supporting public safety services and increasing emergency preparedness.

Goal No. 4 Infrastructure: Maintain and improve the City's physical infrastructure, water system, and recreational spaces.

Recommendations:

1. Authorize the City Manager to extend the proclamation of the existence of a local emergency in response to the February 2024 winter storms for 60 days.
2. Adopt a resolution, by four-fifths vote, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIGNAL HILL, CALIFORNIA, DECLARING THE NEED TO CONTINUE THE EMERGENCY CONTRACTING AUTHORITY DELEGATED TO THE CITY MANAGER, OR HIS DESIGNEE(S), PURSUANT TO PUBLIC CONTRACT CODE SECTION 22050

Fiscal Impact:

The City's preliminary cost estimate for the storm damage at the Panorama Promenade Trail, Molino Avenue, and 20th Street locations is approximately \$800,000. The City Council approved a budget adjustment at its February 13, 2024, meeting to account for these project expenditures. The Public Works Department will continue to work with the engineering firms and contractors to finalize the repair costs. Staff continues tracking expenditures and pursuing available State and Federal reimbursement for City costs incurred.

Background:

On February 4, 2024, Governor Gavin Newsom proclaimed a State of Emergency for eight counties in Southern California, including Los Angeles County, as winter storms began impacting much of the State with high winds, damaging rain, and heavy snowfall. California Government Code 8630, et. seq., and the Signal Hill Municipal Code, Chapter 2, Section 2.76.060, provides the City Manager, as Director of Emergency Services, the authority to proclaim the existence of a local emergency if the City Council is not in session, which must be proclaimed within ten days of an event. The City Council must then ratify the proclamation within seven days, or the proclamation shall have no further force or effect.

On February 7, 2024, the City Manager acting as the Director of Emergency Services, signed a Proclamation of a Local Emergency due to the February 2024 winter storm activity. On February 13, 2024, the City Council adopted a resolution ratifying the proclamation of the existence of a local

emergency (Attachment A). California and Los Angeles County continue to operate under a State of Emergency. At this time, the local emergency related to the February 2024 winter storms continues to exist. Government Code Section 8630 requires the City Council to renew a local emergency for the duration of the emergency. To remain in effect, the City Council must renew the need for the local emergency every 60 days until the City Council terminates the local emergency. At the same meeting, the City Council adopted a resolution amending the adopted budget and authorizing budget appropriations for emergency repairs resulting from the 2024 winter storm damage in the amount of \$800,000.

At the February 27, 2024, City Council meeting, the City Council authorized the City Manager to extend the proclamation of the existence of a local emergency and adopted a resolution, by a four-fifths vote, declaring authority to the City Manager or his designee, pursuant to Public Contract Code Sections 20168 and 22050, to enter into an emergency public works contract with Zimprich Engineering Incorporated, for a not-to-exceed amount of Four Hundred Thirty-One Thousand Nine Hundred Ten Dollars (\$431,910), for the emergency work pertaining to Panorama Promenade and Molino Avenue and 20th Street slope immediate repair projects.

The City Council subsequently adopted resolutions, by four-fifths vote, authorizing the City Manager, or designee, pursuant to Public Contract Code Section 22050, to continue emergency storm damage repairs at the Panorama Promenade Trail and Molino Avenue and 20th Street.

Analysis:

Municipal Public Works contracts are subject to the California Public Contract Code (PCC), which generally requires public bidding. However, under emergency circumstances, Section 20168 of the Public Contract Code allows the City an exemption from the public bidding process. Specifically, Section 20168 provides that, in case of an emergency, the City Council may pass a resolution by a four-fifths vote, declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property. Upon adoption of the resolution, the City may expend any sum required to mitigate the emergency without otherwise complying with the Local Agency Public Construction Act.

If a notice for bids to let contracts will not be given, the City Council must comply with the emergency contracting procedures in PCC Section 22050. The PCC Section 22050 permits the City to repair or replace a public facility, to take any directly related and immediate action required by the emergency, and to procure the necessary equipment, services, and supplies for those purposes without giving notice for bids to let contracts. The City Council must make findings, based on substantial evidence, set in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids and that the action is necessary to respond to the emergency.

The California Public Contract Code, PCC Section 22050, also authorizes (pursuant to a four-fifths vote) the City Manager or delegee to undertake repair work without following public bidding procedures in the event of an emergency to avoid danger to life and or property. As a delegate acting on an emergency contract, the City Manager must report to the agency governing body at its next meeting because the action was necessary to respond to the emergency. If the City Council acts on an emergency contract, it must review the emergency action at its next meeting and at each subsequent regular meeting thereafter to determine, by a four-fifths vote, that there is a need to

continue the action. Similarly, if the delegee acts on an emergency contract, the governing body shall review the action at its next regular meeting and each subsequent regular meeting thereafter to determine, by a four-fifths vote, whether there is a need to continue the emergency. The governing body is required to terminate any emergency contract actions as soon as the conditions warrant so that regular noticed bidding can resume.

There continues to be a threat to the public and property, as documented below, if the damaged infrastructure at Panorama Promenade Trail, Molino Avenue, and 20th Street is not repaired as soon as possible. As such, the City Manager has determined that this emergency continues to warrant immediate repair work to respond to the emergency without public bidding. Therefore, the City Manager recommends that the City Council, by a four-fifths vote, authorize the City Manager to continue emergency storm damage repairs at the Panorama Promenade Trail, Molino Avenue, and 20th Street. The resolution authorizing the emergency action is attached for City Council review (Attachment B).

Damage to Panorama Promenade Trail

The Panorama Promenade experienced significant slope failures in two localized areas following the February 6, 2024, rainstorm activity, resulting in the closure of the walking trail. The Promenade is a high-volume pedestrian walkway used by thousands of individuals every week. The City acted quickly in closing the trail to the public upon observing the damage; out of concern, the trail could further erode and create dangerous conditions, causing injury to pedestrians. The City believes it is imperative that repairs be completed as soon as possible to eliminate the existing dangerous conditions caused by the storm damage around and underneath the walkway surface.

Zimprich Engineering began the repair work and completed the backfilling and compacting of soil at the four slope locations, which demonstrated significant failure. The post and batter system material was delivered in mid-March. Although staff initially anticipated the contractor's work would be completed by the end of March, there were construction delays stemming from weather conditions, the redesign of the post and batter temporary wall system, as a result of further investigation by the Geotechnical Engineer, and material availability issues. As of the writing of this update, the soil backfill and stabilization at the slope are currently 90% complete; the installation of the post and batter systems is also 90% complete. The Geotechnical Engineer and the Public Works Director conducted several site visits and performed inspections. The contractor completed the temporary repair by end of April. The City opened the trail to the public at the end of April.

The City conducted an agronomic soil study to identify the soil amendments needed to enhance plant growth and mitigate soil erosion. The agronomic study identified soil amendments critical for the establishment of vegetation on the slope. The City received an estimate to perform the necessary soil treatment or soil amendments, temporary irrigation, and planting on the slope. The estimated cost for these tasks is approximately \$280,000. The City is currently reviewing and assessing funding options to carry out this work and determining the mechanism by which FEMA would reimburse these funds.

Damage to Molino Avenue and 20th Street

The Molino Avenue and 20th Street intersections experienced similar slope failure and erosion, resulting in a damaged hillside that must be stabilized. The failure created unsafe eroding conditions

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that could worsen if left unattended, which could ultimately damage private property, such as vehicles parked on the street and adjacent residential properties. The eroding conditions could also create roadway hazards, should the debris runoff fall into the adjacent local streets, impacting moving vehicle traffic. The road was initially partially closed and was later reopened after extensive cleaning by City staff. Zimprich Engineering began repair work in mid-February by installing erosion control devices such as plastic sheeting and sandbags to stabilize the site. Construction of the retaining wall commenced on April 2nd. The removal of an unforeseen 24" thick subterranean concrete and an abandoned 8" oil pipeline that belonged to Oil Operators Incorporated, both of which were found running parallel under the foundation of the proposed retaining wall, delayed the project by three to four weeks. However, work on the construction of the retaining wall has commenced and is anticipated to be completed by June 29 or the week of July 8.

Based on the continuing impacts of the February 2024 winter storm damage and subsequent rain events, staff requests the City Council authorize the City Manager to extend the proclamation of the existence of a local emergency in response to the February 2024 winter storms for 60 days. Staff recommends that the City Council, by a four-fifths vote, reaffirm that the emergency continues to exist and, therefore, the emergency contract work must continue without a public bidding process. Staff will provide another update to the City Council at the next City Council meeting.

Reviewed for Fiscal Impact:

Sharon del Rosario

Attachments:

- A. Resolution Ratifying the Proclamation
- B. Resolution to Continue the Emergency