

RESOLUTION NO. 2024-02-XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIGNAL HILL, CALIFORNIA, DECLARING AUTHORITY TO THE CITY MANAGER, OR HIS DESIGNEE(S), PURSUANT TO PUBLIC CONTRACT SECTION 20168 AND 22050 TO ENTER INTO AN EMERGENCY PUBLIC WORKS CONTRACT

WHEREAS, the City of Signal Hill (“City”) is a municipal corporation and general law City; and

WHEREAS, City staff has reported to the City Council (“Staff Findings”):

Damage to Panorama Promenade Trail

The Panorama Promenade Trail experienced significant slope failures in two localized areas following the February 6 rainstorm activity, resulting in the closure of the walking trail as of February 6, 2024. The Panorama Promenade Trail is a high-volume pedestrian walkway used by thousands of individuals on a weekly basis. 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. It is imperative that repairs be completed as soon as possible to eliminate the existing dangerous conditions around and underneath the walkway surface, caused by the storm damage. Public Works staff met with the City’s geotechnical consultant on site to evaluate the damaged conditions and provide a recommendation for immediate repairs. Staff promptly reached out to three contractors (WA Rasic, Zimprich Engineering Inc., and Rex Endrizzi Incorporated) for due diligence and conducted site walks at the slope failure areas. Zimprich Engineering Incorporated was the most responsive contractor with the necessary labor and equipment to perform the work on an emergency basis and submitted a proposal within the requested three-working-day deadline necessitated by the emergency nature of the work. The contract amount for the immediate repair work is \$299,910. Work has already begun. Staff anticipates the trail will continue to remain closed for a minimum of 8 weeks until temporary repairs can be completed.

Damage to Molino Avenue and 20th Street

The intersection of Molino Avenue and 20th Street experienced similar slope failure and erosion following the early February rainstorms, resulting in a damaged hillside which must be stabilized. The failure created unsafe eroding conditions that could worsen if left unattended, which could ultimately lead to damage to private property, such as vehicles parked on the street and the 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 for safety and is now reopened. Public Works staff and its consultants evaluated the damaged conditions and developed a plan for immediate and permanent repair which will require installation of a retaining wall with 2-6' in height. Zimprich Engineering Incorporated provided a proposal for this work and will perform the installation of the retaining wall upon the execution of the contract. The contract amount for this work is \$132,000. The contractor has already begun the immediate temporary repair. Based on the continuing impacts of the February 2024 winter storm damage, 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 will provide another update to the City Council at the next City Council meeting.

WHEREAS, pursuant to applicable law, contracts for public projects over \$5,000 shall be awarded to the lowest responsible bidder after advertisement; and

WHEREAS, Public Contract Code section 20168, a part of the Local Agency Public Construction Act, provides that in case of an emergency, the legislative body of a local agency may pass a resolution by a four-fifths vote of its members declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property and, upon adoption of the resolution, permits expending any sum required in the emergency without complying with the act, subject to compliance with the emergency contracting procedures in Public Contract Code section 22050; and

WHEREAS, California Public Contract Code Section 22050(a) provides that in the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, may repair, or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts; and

WHEREAS, pursuant to Section 22050(b), the City Council, by a four-fifths vote, may delegate, by resolution or ordinance, to the appropriate City administrative officer or City Manager (hereinafter “delegee”), the authority to order any action pursuant to Section 22050(a); and

WHEREAS, if the delegee pursuant to Section 22050(b) orders any action specified in Section 22050(a), delegee shall report to the City Council, at its next meeting as required pursuant to Section 22050, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency; and

WHEREAS, if a delegee pursuant to Section 22050(b) orders any action specified in Section 22050(a), the City Council shall initially review the emergency action not later than seven days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action, and at least every 14 days thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action, unless the delegee has terminated that action prior to the City Council review and determination; and

WHEREAS, when the City Council reviews the emergency action, it shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Signal Hill as follows:

SECTION 1. The City Council, after consideration of the staff report and presentation, discussion, oral testimony, and evidence presented to the City Council, hereby finds that the above recitals are true and correct and incorporate them herein and adopts the Staff Findings as its own.

SECTION 2. The City Council hereby finds, based on substantial evidence set forth in this resolution and accompanying staff report and in accordance with Section 20168 and 22050 of the Public Contract Code, that the needed emergency repairs to the Panorama Promenade Trail and Molino Avenue and 20th Street locations will not permit a delay resulting from a competitive solicitation for bids, that the action to award the emergency contract is necessary to respond to the emergency, and that competitive proposals would be unavailing or would not produce an advantage, and that the advertisement for competitive bid would thus be undesirable or impractical.

SECTION 3. The City Council hereby authorizes the City Manager to execute the emergency repairs contract on behalf of the City in an amount not to exceed \$431,910.

SECTION 4. The City Clerk is directed to record in the minutes of the meeting at which this resolution is adopted, the City Council findings and the evidence offered in support thereof, that the emergency repairs needed will not permit a delay resulting from a competitive solicitation for bids, that the emergency contract action is necessary to respond to the emergency.

SECTION 5. City Staff is directed to prepare a staff report to the City at its next and subsequent regular meetings why the emergency repairs would not permit a delay resulting from a competitive solicitation and why the emergency repair contract action was necessary to respond to the emergency, so that the City Council may review the emergency contract action at its next regular meeting and at subsequent regular meetings thereafter to determine, by a four-fifths vote, whether there is a need to continue the action, or whether conditions warrant to terminate the emergency contracting action so that regular noticed bidding can resume.

SECTION 6. The City Clerk shall attest and certify to the passage and adoption of this Resolution and enter it into the book of original resolutions, and it shall become effective immediately upon its approval by a four-fifths (4/5) vote of the City Council.

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council of the City of Signal Hill, California, on this 27th day of February 2024.

LORI Y. WOODS
MAYOR

ATTEST:

DARITZA GONZALEZ
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF SIGNAL HILL)

I, DARITZA GONZALEZ, City Clerk of the City of Signal Hill, California, hereby certify that Resolution No. 2024-02-XXXX was adopted by the City Council of the City of Signal Hill at a regular meeting held on the 29th day of February, 2024, and that the same was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DARITZA GONZALEZ
CITY CLERK