



STAFF REPORT

2/27/2024

AGENDA ITEM

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

**FROM: CARLO TOMAINO
CITY MANAGER**

**BY: GRISEL CHAVEZ
DEPUTY CITY MANAGER**

**THOMAS BEKELE
PUBLIC WORKS DIRECTOR**

**REBECCA LOPEZ
EMERGENCY MANAGEMENT COORDINATOR**

SUBJECT: CONTINUANCE OF THE PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY IN RESPONSE TO THE FEBRUARY 2024 WINTER STORMS, A RESOLUTION AUTHORIZING AN EMERGENCY PUBLIC WORKS CONTRACT FOR THE REPAIR WORK AT PANORAMA PROMENADE TRAIL AND MOLINO AVENUE AND 20TH STREET, AND APPROVAL OF GENERAL SERVICES AGREEMENT WITH ZIMPRICH ENGINEERING INCORPORATED

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. The City Council will also consider adopting a resolution, by four-fifths vote, authorizing the City Manager, or his designee, pursuant to Public Contract Code Section 20168 and 22050, to enter into an emergency Public Works contract for the storm damage repairs at the Panorama Promenade Trail and Molino Avenue and 20th Street. Staff also requests City Council approve a General Services Agreement with Zimprich Engineering Incorporated for a not-to-exceed amount of Four Hundred Thirty-One Thousand Nine Hundred Ten Dollar (\$431,910) for work pertaining to Panorama Promenade Trail and 20th and Molino Ave Slope immediate repair projects.

Strategic Plan Goal(s):

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

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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 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, to find that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property and that the City may take immediate action required by the emergency, including procuring the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts to complete the emergency repair, to be completed within the scope of the agreement with the contractor, for the storm damage at the Panorama Promenade Trail and Molino Avenue and 20th Street.

Adopt a resolution, entitled,

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

3. Authorize the City Manager to enter into a General Services Agreement with Zimprich Engineering Incorporated for a not-to-exceed amount of Four Hundred Thirty-One Thousand Nine Hundred Ten Dollars (\$431,910) for work pertaining to Panorama Promenade Trail and 20th and Molino Avenue Slope emergency repair projects.

Fiscal Impact:

The City's preliminary cost estimate for the storm damage at the Panorama Promenade Trail and 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 will track all related costs and pursue available State reimbursement for all 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 a series of 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 10 days of an event. The City Council must then ratify the proclamation within 7 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). Currently, California continues to operate under a State of Emergency, as does Los Angeles County. At this time, the local emergency related to the February 2024 winter storms continues to exist.

The 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.

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 to 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.

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. If such authority is delegated and the delegee acts on an emergency contract, the City Manager must report to the agency governing body at its next meeting, why 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 at the earliest possible date that 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 and Molino Avenue and 20th Street is not repaired as

soon as possible. As such, the City Manager has determined that this emergency situation warrants repair work needed to be immediately undertaken to respond to the emergency without public bidding. Therefore, it is the City Manager's recommendation that the City Council, by a four-fifths vote, undertake the work to be done without a public bidding process.

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 as of February 6, 2024. The Promenade 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. The City believes 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 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 Incorporated, and Rex Endrizzi Incorporated) for due diligence and conducted site walks at the slope failure areas. Zimprich Engineering 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. The contract amount for the immediate repair work is \$299,910; the City authorized work to begin. Staff anticipates the Panorama Promenade Trail will remain closed for a minimum of eight weeks until the City's contractor can complete the temporary repairs.

Damage to Molino Avenue and 20th Street

The intersection of Molino Avenue and 20th Street experienced similar slope failure and erosion following, 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 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 2-6' in height. Zimprich Engineering 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 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.

Reviewed for Fiscal Impact:

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Sharon del Rosario

Attachments:

- A. Resolution Ratifying the Proclamation
- B. Resolution Authorizing Emergency Work
- C. Agreement with Zimprich Engineering Incorporated