RESOLUTION NO. 24-0105

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL DIRECTING AND DELEGATING AUTHORITY TO THE CITY MANAGER TO TAKE ACTION IN AN EMERGENCY WITHOUT COMPETITIVE BIDS AND DELEGATING TO THE DIRECTOR OF PUBLIC WORKS AND CITY ENGINEER THE AUTHORITY TO APPROVE PLANS, SPECIFICATIONS AND DESIGN FOR REPAIR, DEMOLITION AND REPLACEMENT OF THE LOT 3 PARKING LOT STRUCTURE LOCATED AT 12TH STREET AND MORNINGSIDE DRIVE, MANHATTAN BEACH, PURSUANT TO CALIFORNIA PUBLIC CONTRACT CODE SECTIONS 1102, 22035 AND 22050, MANHATTAN BEACH MUNICIPAL CODE SECTION 2.37.080, AND CITY COUNCIL RESOLUTION NO. 12-6422; AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

THE MANHATTAN BEACH CITY COUNCIL DOES HEREBY FIND, RESOLVE AND DETERMINE AS FOLLOWS:

SECTION 1. The Lot 3 Parking Lot Structure (the "Structure"), located at 12th Street and Morningside Drive, in the City of Manhattan Beach ("City") has provided critical public parking to the City's downtown areas since its construction in 1971. During a routine inspection performed on June 18, 2024, in-house City staff observed visible corrosion in the steel columns and staircases leading to the third level of the Structure. Based on this inspection, on June 24, 2024, the third level of the Structure was closed to the public to protect the public health, safety and welfare. Thereafter, the City engaged IDS Group, Inc., a consultant structural engineering firm, to conduct a site visit to further evaluate the structural integrity of the Structure. On July 30, 2024, IDS observed structural damage to the steel pipe columns and stair risers, and determined that the damage was most likely caused by the water intrusion due to recent heavy rainstorms, and the proximity of the Structure to the ocean. As a result of its observations, IDS recommended the immediate shoring or closure to the public in the interests of public safety. The Structure was therefore fully closed to the public on July 30, 2024, including the sidewalks along 12th Street and Morningside Drive due to the portions of the Structure that overhang the public right-of-way. On August 6, 2024, temporary fencing was placed around the Structure.

SECTION 2. The City Council has adopted Manhattan Beach Municipal Code ("MBMC") Chapter 2.37, to provide standardized procedures for awarding contracts for public projects in conformance with the Uniform Public Construction Cost Accounting Act (California Public Contract Code Section 22000 et seq.) ("UPCCAA"). Pursuant to MBMC Section 2.37.080 and Manhattan Beach City Council Resolution No. 12-6422, in cases of emergency when repair or replacements are necessary, the City may proceed in compliance with Public Contract Code Section 22035, which authorizes the City Council to proceed at

once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts, by day labor under the direction of the governing body, by contractor, or by a combination of the two. Public Contract Code Section 22035 further provides that in case of an emergency, if notice for bids to let contracts will not be given, the City shall comply with Chapter 2.5 (commencing with Public Contract Code Section 22050).

SECTION 3. Accordingly, the City Manager is empowered to take various measures to protect the public health and safety, including the installation of safety measures, demolition of unsafe structures, and replacement of essential public facilities. In August, 2024 the City engaged Applied Restoration (ARI) to commence immediately the installation of temporary shoring at the Structure, including timber columns alongside the existing deteriorating columns, in order to stabilize the Structure for the protection of the persons walking by the Structure and prevent damage to nearby public and private property. Completion of the temporary shoring is anticipated to occur during the first week of September 2024.

SECTION 4. Based upon the foregoing conditions, and based upon substantial evidence in the record, including but not limited to the staff report and public comment, and in compliance with the Municipal Code and California Public Contract Code, the City Council finds and directs as follows:

A. An emergency condition for the demolition, repair and replacement of the Structure exists;

B. The public interest and necessity demand the immediate expenditure of public money to safeguard life, health and property;

C. The above described emergency has not and would not allow for the delay that would result from a competitive solicitation of bids, and the City Council hereby waives competitive bidding under Public Contract Code Section 22050;

D. The City Manager is hereby directed to execute all necessary contracts and documents with contractor(s) or vendor(s) for the demolition, repair and replacement of the Structure, 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;

E. The City Council also hereby delegates authority to the City Manager, Public Works Director, and City Engineer to order other immediate actions directly related to the emergency situation beyond those contemplated in paragraph D above, as may be necessary to address the emergency situation;

F. Furthermore, the City Council recognizes that certain necessary emergency stabilizing the repairs were carried out between June 18, 2024 and the date of this resolution. The City Council hereby ratifies and affirms the actions of

the City Manager, Public Works Director, and City Engineer, taken to carry out emergency repairs of the Structure and procurement of the necessary equipment, services and supplies for those purposes; and

G. Nothing herein restricts the authority of the City Manager to enter into contracts pursuant to her existing authority under applicable ordinances and Municipal Code.

SECTION 5. The City Council hereby acknowledges that it must approve this resolution by a four-fifths vote of the entire City Council and make a finding that the emergency will not permit a delay resulting from a competitive solicitation for bids. The City Council also recognizes that it may delegate by resolution the authority to order the actions necessary to carry out the required improvements to any non-elected officer of the City.

SECTION 6. In accordance with Public Contract Code Section 22050(b)(1), the City Council hereby delegates to the City Manager the authority to order any action specified in Public Contract Code Section 22050(a)(1) and to expend funds without complying with municipal and state competitive bidding requirements and to order any other action, both in relation to the above-mentioned emergency and in relation to any future emergency.

SECTION 7. In accordance with Public Contract Code Section 22050(b)(1), the City Council further delegates to the Director of Public Works and City Engineer the authority to approve plans, specifications and designs for the repair, demotion and replacement of the Structure.

SECTION 8. In accordance with Public Contract Code Section 22050(b)(3), if the City Manager, Public Works Director, or City Engineer orders any action as authorized by paragraph E of Section 4 of this Resolution, the City Manager, Public Works Director, or City Engineer shall report to the City Council, at its next meeting required pursuant to Public Contract Code Section 22050(b)(3).

SECTION 9. The City Council hereby finds that the emergency demolition, repair, and replacement actions contemplated herein are exempt from the California Environmental Quality Act (CEQA) pursuant to the statutory exemption for Emergency Projects (State CEQA Guidelines Section 15269) because the demolition is necessary to address a clear and imminent danger and requires immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. Because the existing structure overhangs the public right of way on three sides, collapse poses a threat to life, health, property and essential public services.

Additionally, the City Council finds that the interim surface parking aspect of the project qualifies for the following categorical exemptions:

-Class 1 categorical exemption pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines because the project would modify the

ground floor of an existing parking facility to provide fewer parking spaces than the existing facility, thus resulting in no expansion of the existing use.

-Class 2 categorical exemption pursuant to Section 15302 (Replacement or Reconstruction) of the State CEQA Guidelines because the existing parking structure would be replaced with a flat parking lot with substantially the same purpose as the existing structure and substantially the same capacity as the ground floor of the existing structure.

-Class 4 categorical exemption pursuant to Section 15304 (Minor Alterations to Land) of the State CEQA Guidelines because grading necessary to accommodate a surface parking lot would occur at a lot that has less than 10 percent slope, is not in a waterway, wetland, or scenic area, and is not in officially mapped areas of geological hazard.

SECTION 10. This Resolution shall take effect immediately.

SECTION 11. The City Clerk shall certify to the adoption of this Resolution.

ADOPTED on September 3, 2024.

AYES: Lesser, Napolitano, Montgomery, Howorth, and Mayor Franklin.
NOES: None.
ABSENT: None.
ABSTAIN: None.

JOE FRANKLIN
Mayor

ATTEST:

LIZA TAMURA
City Clerk

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES) SS.
)
CITY OF MANHATTAN BEACH)

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing resolution, being Resolution No. 24-0105 duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 3rd day of September, 2024 and that the same was so passed and adopted by the following vote, to wit:

Ayes: Lesser, Napolitano, Montgomery, Howorth, and Mayor Franklin.
Noes: None.
Absent: None.
Abstain: None.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 4th day of September, 2024.

City Clerk of the City of
Manhattan Beach, California

(SEAL)