



## Legislation Text

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**File #:** 17-0169, **Version:** 1

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Mark Danaj, City Manager

**FROM:**

Stephanie Katsouleas, Public Works Director

Shawn Igoe, Utilities Division Manager

**SUBJECT:**

Update on Emergency Action Taken by the City Manager Regarding the Repair, Replacement and Installation of Equipment at the 23<sup>rd</sup> Street and Peck Avenue Stormwater Pump Station, and Approval for Continuation of the Emergency Work (Public Works Director Katsouleas).

**APPROVE**

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**RECOMMENDATION:**

Staff recommends that the City Council:

1. Approve, by 4/5<sup>th</sup> Vote, continuation of the emergency action taken to repair, replace and install equipment at the 23<sup>rd</sup> Street and Peck Ave Stormwater Pump Station.

**FISCAL IMPLICATIONS:**

An appropriation from the General Fund to the Stormwater Fund for \$221,415 was required and approved through Resolution No. 17-0015 at the March 21, 2017 City Council meeting to cover the emergency repairs and contingency if needed. If the City's claim is successful, all or a portion of this amount will be fully reimbursed to the General Fund.

**BACKGROUND:**

On December 4, 2012, the City Council adopted Resolution No. 12-6422, delegating authority to the City Manager to take action in emergencies pursuant to California Public Contract Code (PCC) Section 22050. Per Resolution No. 12-6422, in the event of an emergency the City Manager may take action to repair public facilities without advertising for bids if the repair is in the public interest and necessitates the immediate expenditure of public money to safeguard life, health or property.

On March 8, 2017, the City approved an emergency declaration for needed repairs to the stormwater pump station at 23<sup>rd</sup> Street and Peck Ave. Please recall that California Public Contract Code 22050 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.
- The City Council, by a four-fifths vote, may delegate, by resolution or ordinance, to the city manager, chief engineer, or other nonelected agency officer, the authority to order any such action. (On December 4, 2012, the City Council adopted Resolution No. 12-6422, delegating authority to the City Manager to take action in emergencies pursuant to California Public Contract Code Section 22050.)
- If the City Manager orders any emergency action, the City Manager or his designee shall report to the governing body, at its next meeting required pursuant to this section, 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. (This report explains 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.)
- If the City Manager orders any emergency action, the governing body shall initially review the emergency action at its next regularly scheduled meeting and at least at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action.

On March 21, 2017 the City Council also adopted Resolution No. 17-0015, approving the agreement between the City of Manhattan Beach and Ellison Environmental Inc. (dba Fluid Resource Management (Contractor)), for the repair, replacement and installation of equipment at the 23<sup>rd</sup> St. and Peck Ave. stormwater pump station.

Staff last reported that the Contractor had not received all of the components required to complete the installation and repairs, but that work would commence as soon as they were received.

#### **DISCUSSION:**

As of the April 18<sup>th</sup> City Council meeting, it is expected that the components will have arrived and that the work authorized by the City Manager to complete the necessary repairs will commence. Please note that although the contractor had originally estimated an April completion date, the delay in materials delivery has pushed that schedule into May. Once FRM has completed the installation of pumps and associated equipment, Control Automation Design will finalize the repair and replacement of the City's electronic communications.

Staff has filed a claim with the SCE contractor, and will continue to pursue reimbursement.

Therefore, staff recommends that City Council:

- 1) Approve by 4/5 vote the continuation of an emergency declared by the City Manager pursuant to Resolution No. 12-6421, without soliciting competitive bids pursuant to California Public Contract Code Section 22050, for the replacement and installation of the stormwater pumps and equipment at the 23<sup>rd</sup> St. and Peck Ave. Stormwater Pump Station

## **POLICY ALTERNATIVES:**

Do not find that there is a need to continue the replacement and installation of the Stormwater Pump Station pumps and equipment.

### **PROS:**

General Funds would not be expended to complete the emergency repairs to the Stormwater Pump Station.

### **CONS:**

Flooding of the intersection will continue during storm events, risking additional damage to public and private property.

## **PUBLIC OUTREACH/INTEREST:**

Staff is continuing to maintain regular communication with the residents to keep them abreast of the project schedule and impacts during construction.

## **ENVIRONMENTAL REVIEW**

The City reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and determined that the project qualifies for a Class 1(b) categorical exemption pursuant to Section 15301, Existing Facilities of the State CEQA Guidelines. No environmental review is necessary.

## **LEGAL REVIEW**

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

## **ATTACHMENT:**

None.