



## Legislation Text

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**File #:** 21-0176, **Version:** 1

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Erick Lee, Interim Public Works Director  
Prem Kumar, City Engineer  
Mamerto Estepa, Jr., Senior Civil Engineer

**SUBJECT:**

Consideration of a Resolution Declaring an Emergency and Confirmation of a Prior Delegation to the City Manager of Authority to Take Action in the Emergency Without Competitive Bids Pursuant to Public Contract Code Section 22050, and Authorization of Repairs to Parking Structure Lot 3 (Interim Public Works Director Lee).

**ADOPT RESOLUTION NO. 21-0045**

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**RECOMMENDATION:**

Staff recommends that the City Council:

1. Review the Emergency Action; and
2. Determine, by 4/5<sup>th</sup> Vote, that there is a need to continue the emergency action.

**FISCAL IMPLICATIONS:**

The emergency repairs to Parking Structure Lot 3 will be funded from the Parking Structure Lot 4 Repairs Project unexpended project balance of \$105,011.54.

**BACKGROUND:**

Parking Structure Lot 3, located at 1155 Morningside Drive (across from Metlox), was constructed in 1971. Due to its central location to Downtown, Metlox, Civic Center, and the beach, the structure is a high-traffic area, particularly during the summer season.

The 50-year old structure is approaching the end of its useful life and its visible deterioration requires immediate attention. Concrete spalls, the breaking away of pieces of concrete that extends to the steel reinforcement, is present along the railing curb of the 3<sup>rd</sup> Level, which impacts the anchorage of the existing railing. In addition, concrete spalls and loose concrete above the parking areas and travel way must be addressed out of concern for both pedestrians and motorists. A portion of the third level parking structure cantilevers over Center Place (the alley between 12<sup>th</sup> Street and Manhattan Beach Boulevard) and repairs are needed in this area as well. The Capital Improvement Plan (CIP) for Fiscal Year 2022-2023 programmed \$490K for the design and construction of improvements to rehabilitate the structure.

However, in early May 2021, the Building Official evaluated Parking Structure Lot 3 and indicated the structure would be “red tagged” if certain repairs were not performed immediately.

On December 15, 2020, the City Council awarded a contract to Pro Finish Construction Services, Inc. for the Parking Structure Lot 4 Repairs Project in the amount of \$568,205, and authorized the City Manager to approve additional work up to \$95,231. Pro Finish recently completed repairs to Parking Structure Lot 4 (Highland Avenue & Rosecrans Avenue) including spall repairs to the concrete curb and ceiling. Because those repairs are similar to repairs required for Lot 3, and Pro Finish’s crew is experienced in quickly and efficiently performing concrete spall repairs, the company was directed to perform the emergency repairs at Lot 3 via a contract change order. Pro Finish agreed to honor its unit prices for the Lot 4 project for the emergency repairs at Lot 3, and to perform the work in accordance with construction details for Lot 4. The emergency repairs to Lot 3 will be paid for using \$105,011.54 in unexpended project budget on the Parking Structure Lot 4 Repairs Project. This work was authorized to start on May 17, 2021, and will take place for approximately one month.

### **DISCUSSION:**

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. 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.

Given the upcoming summer season and the expected crowds that will come to Manhattan Beach, especially after the lifting of COVID-19 restrictions, it is imperative that the more immediate repairs to Parking Lot 3 be performed. The work to be performed by the contractor will address the areas of most concern and will be completed sometime in mid-June. Only portions of the parking structure and the alley way will be affected during the construction work. The parking structure and alley way will remain open to the public except for short intervals to set up and take down the contractor’s equipment.

California Public Contract Code Section 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 an emergency action, the City Manager or his designee shall report to the governing body, at its next meeting 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 from bids and why the action is necessary to respond to the emergency.

- If the City Manager orders an 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.

#### **PUBLIC OUTREACH:**

The Contractor is required to install "No Parking" signage for any stalls that are impacted due to the emergency repair work. Furthermore, the Contractor shall install the necessary traffic controls to direct traffic around the work area. Because circulation around and within Parking Structure Lot 3 is minimally impacted due to the repairs, no additional outreach has been performed.

#### **ENVIROMENTAL 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(d) 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.

#### **ATTACHMENTS:**

1. Resolution No. 21-0045
2. Resolution No. 12-6422
3. Change Order No. 3 - Pro Finish Painting, Inc. dba Pro Finish Construction Services