

RESOLUTION R18-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA DECLARING THAT THE PUBLIC INTEREST AND NECESSITY DEMAND THE IMMEDIATE EXPENDITURE OF PUBLIC MONEY TO SAFEGUARD LIFE, HEALTH OR PROPERTY PURSUANT TO PUBLIC CONTRACT CODE § 20168 AND CONTRACTING WITH 316 ENGINEERING & CONSTRUCTION, INC. WITHOUT BIDDING PURSUANT TO PUBLIC CONTRACT CODE § 22050 FOR PINALE LANE EMERGENCY REPAIR PROJECT

The City Council resolves as follows:

SECTION 1. The City Council finds and declares as follows:

- A. Pursuant to Public Contract Code (“PCC”) § 20168, the City Council may, upon a four-fifths vote, declare that public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property because of an emergency.
- B. In accordance with PCC §§ 20168 and 22050, the City Council 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.
- C. On February 13, 2018, an approximate 6-foot by 8-foot hole formed in the pavement on Pinale Lane, caused by the failure of existing 12-inch diameter corrugated metal pipe (CMP) storm drain pipe, precluding access by emergency vehicles, and potentially enlarging due to predicted rain storms.
- D. Based upon the City Manager’s declaration of emergency, the City Council finds that there is an imminent threat to public health, safety, welfare and property that requires immediate action.
- E. In compliance with applicable law, and to protect public health, safety, welfare and property the City Manager took immediate emergency action authorizing the Director of Public Works/City Engineer to undertake all actions required to take actions required to abate the sinkhole without the need for public bidding, pursuant to PCC § 22050, and has reported his actions to the City Council.
- F. Under such emergency conditions, the City Council finds that the delay resulting from public bidding would have prolonged conditions of extreme peril to the safety of persons and property.
- G. The project is exempt from review under the California Environmental Quality Act of 1970, as amended, Public Resources Code section 21000 et seq. (“CEQA”) pursuant to Section 15269, subdivision (c) of the CEQA Guidelines because the demolition of the public nuisance on the Property is an emergency project necessary to protect public health, safety, welfare and property.

SECTION 2. *Emergency Declaration.* The City Council finds that the facts set forth in Section 1, above, demonstrate that an emergency condition within the meaning of PCC §20168 exists.

SECTION 3. *Award of Contract.* The City Council ratifies the City Manager's execution of the contract based to remedy the emergency condition based on the finding that the emergency condition did not permit the delay resulting from a competitive solicitation for bids.

SECTION 4. This Resolution does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Resolution's effective date. Any such amended part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 5. If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

SECTION 6. To the extent that any other resolution pertaining to the finding that an emergency exists within the City is incorporated into this Resolution, it is superseded in its entirety.

SECTION 7. The Mayor, or presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption by the City Council of the City of Palos Verdes Estates, and the City Clerk, or her duly appointed deputy, is directed to attest thereto.

SECTION 8. This Resolution will become retroactively effective beginning February 13, 2018, upon adoption and remain effective unless superseded by a subsequent resolution.


PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES THIS 13TH DAY OF MARCH 2018.


James D. Vandever, Mayor

ATTEST:


Lauren Pettit, City Clerk

APPROVED AS TO FORM:


Christi Hogin, City Attorney