

RESOLUTION NO. 25-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA DECLARING THAT EMERGENCY CONDITIONS EXIST ARISING FROM A STORM DRAIN COLLAPSE AND SIGNIFICANT SOIL EROSION AT THE REAR OF THE PROPERTY AT 4425 LUCERA CIRCLE/ALONG THE BOUNDARY TRAIL AND AUTHORIZING EMERGENCY REPAIR TO CONDUCT STORM DRAIN REPLACEMENT AND EROSION CONTROL WORK WITHOUT PUBLIC BIDDING AND FINDING THE PROJECT STATUTORILY AND CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW UNDER CEQA PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15269(C) (EMERGENCY PROJECTS) AND 15301 (EXISTING FACILITIES)

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

1. Sections 22035 and 22050 of the California Public Contract Code authorize the City of Palos Verdes Estates ("City") to award a public works contract to perform emergency work upon adoption by the City Council by a four-fifths vote of a resolution declaring that the public interest and necessity demand the immediate expenditure of public funds to safeguard life, health, or property.
2. In September 2025, City Staff discovered a collapsed storm drain and the need for immediate storm drain repair and erosion control work to prevent repaid soil subsidence events. ("Emergency Event").
3. The storm drains and related facilities are in need of emergency repair as a result of the Emergency Event
4. The need for erosion control work and repair of the City's storm drain facilities requires immediate action that will not permit undergoing the formal competitive bidding process because the health, safety, and welfare of the public would be harmed by the damaged storm drain and soil subsidence that poses substantial risks damage person or property.
5. City Staff has determined that the present situation represents a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss of property ("Staff Findings"); and
6. Due to unforeseen conditions and specialty of the work, few contractors are qualified to perform these services for storm drain repairs and erosion control work.
7. California Public Contract Code section 1102 defines an emergency as "a sudden unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services".

8. California Public Contract Code section 22050(a) authorizes the City to award a public works contract to perform emergency work without giving notice for bids to let contracts upon adoption by the City Council ("City Council"), by a four-fifths vote, of a resolution finding 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.
9. Compliance with competitive bidding procedures typically takes several months, and would not allow prompt action to be taken, as required to safeguard the public and prevent further damage to City and private property.
10. The City Council now desires to adopt the Staff Findings as its own and determine that an emergency exists, pursuant to the California Public Contracting Code, and hereby finds that time does not permit the preparation of a solicitation for competitive bids before commencement of the emergency storm drain repair and erosion control work.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Palos Verdes Estates:

SECTION 2. That the foregoing Recitals are true and correct and are incorporated herein by this reference.

SECTION 3. Council Findings. After considering the record of proceedings, including the foregoing Recitals, reports, information and recommendations from Staff, the City Council hereby takes the following actions based on substantial evidence set forth in the Staff Findings and minutes of this meeting:

1. The City Council declares that the damage to the collapsed storm drain and significant soil erosion at the rear property at 4425 Lucera Circle/along the Boundary Trail and the existence of potential additional damage constitutes a dangerous condition and is an emergency as defined under Public Contract Code section 1102.
2. The City Council further declares, pursuant to Public Contract Code section 22050, that in order to safeguard life, health, or property, the public interest and necessity demand the immediate expenditure of public money to complete erosion control work and storm drain repair damages to the rear property at 4425 Lucera Circle/along the Boundary Trail and take all actions necessary to prevent further damage.
3. The City Council finds, pursuant to Public Contracting Code section 22050, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that this action is necessary to respond to the emergency.
4. The City Council hereby authorizes the City Manager or his designee to order any action required to remedy the emergency relating to the damaged condition

of the collapsed storm drain and significant soil erosion at the rear property of 4425 Lucera Circle/along the boundary trail and surrounding area, and to procure the necessary equipment, services, and supplies for those purposes. Additionally, the City Manager or his designee is hereby authorized to negotiate and award a contract for the repair work without giving notice for bids to let contracts. The City Manager or his designee is directed to report to the City Council at the next regularly scheduled meeting, and at every meeting thereafter until the action is terminated, in order to determine if there is a need to continue the action. At the next regularly scheduled meeting and at every meeting thereafter until the action is terminated, the City Council shall determine, by a four-fifths vote, if there is a need to continue the emergency action.

SECTION 4. Bidding Exemption. Pursuant to the findings and declarations made in Section 3 of this Resolution, the City Council hereby finds that the award of a contract(s) for the emergency repairs to the collapsed storm drain and significant soil erosion at the rear property of 4425 Lucera Circle/along the boundary trail is exempt from the competitive bidding requirements found in the Public Contract Code and is instead governed by Public Contract Code 22050.

SECTION 5. CEQA. The proposed Project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, section 15269(c) (Emergency Projects), which exempts specific actions to prevent or mitigate an emergency. Here, the project involves the emergency repairs to the collapsed storm drain and significant soil erosion at the rear property of 4425 Lucera Circle/along the boundary trail, to mitigate the clear and imminent danger caused by the present damage to the affected City storm drains and related public and private property along the boundary trail and at the rear property of 4425 Lucera Circle. Without immediate action, the integrity of the affected storm drains, and related public and private property will be compromised, which will have the potential to result in property damage and presents a health and safety risk to the public, which risks include but are not limited to, water contamination or a soil subsidence event. Alternatively, the proposed Project is categorically exempt from environmental review pursuant to State CEQA Guidelines, section 15301, Existing Facilities (Class 1). The Class 1 exemption allows, in part, for the repair of existing structures that will result in negligible or no expansion of former use. This includes the rehabilitation of deteriorated or damaged structures to meet current standards of public health and safety. Here, the Project proposes repairs to collapsed storm drain and significant soil erosion at the rear property of 4425 Lucera Circle/along the boundary trail, which are necessary to meet current standards of public health and safety and avoid any future risk. These repairs and installation will not expand the former use; they are merely to mitigate the current emergency situation. The City has also considered whether the proposed Project is subject to any exception to the Class 1 exemption, as set forth in State CEQA Guidelines section 15300.2, and found no exception applies.

SECTION 5. If any section, subsection, subdivision, sentence, clause, or phrase in this Resolution or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity

or effectiveness of the remaining portions of this Resolution or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 6. This Resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify to the passage and adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED on this 12th day of November 2025.

APPROVED:




Victoria A. Lozzi, Mayor

ATTEST:



Tameka Cook, City Clerk

APPROVED AS TO FORM:



Trevor Rusin, City Attorney

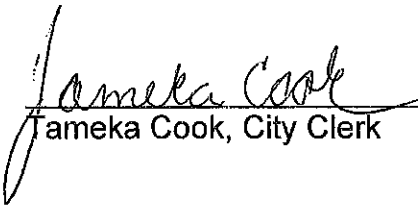
CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF PALOS VERDES ESTATES) SS:

I, Tameka Cook, City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R25-41** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 12th day of November 2025, by the following vote:

AYES:	COUNCILMEMBERS:	McGowan, Lazzaro, Quinn, Kemps, and Lozzi
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:



Tameka Cook, City Clerk