

REVISED SPECIAL MEETING AGENDA EL SEGUNDO CITY COUNCIL

WEST CONFERENCE ROOM - 350 Main Street

The City Council, with certain statutory exceptions, can only take action upon properly posted and listed agenda items.

Unless otherwise noted in the Agenda, the Public can only comment on City-related business that is within the jurisdiction of the City Council and/or items listed on the Agenda during the **Public Communications** portion of the Meeting. The time limit for comments is five (5) minutes per person.

Before speaking to the City Council, please come to the podium and state: Your name and residence and the organization you represent, if desired. Please respect the time limits.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact City Clerk, 310.524.2307. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

REVISED (ADDING ITEM #2 UNDER SPECIAL MATTERS) SPECIAL MEETING OF THE EL SEGUNDO CITY COUNCIL TUESDAY, DECEMBER 6, 2011 – 4:30 P.M.

CALL TO ORDER

ROLL CALL

PUBLIC COMMUNICATIONS - (<u>Related to City Business Only</u> - 5 minute limit per person, 30 minute limit total). Individuals who have received value of \$50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves before addressing the City Council. Failure to do so is a misdemeanor and punishable by a fine of \$250.

SPECIAL MATTERS: -2- matter

1. Interview of candidates and potential appointments to the Investment Advisory Committee and the Community Cable Advisory Committee.

2. Consideration and possible action to adopt a resolution pursuant to Public Contract Code § 20168 finding that an emergency exists and authorizing contracting without the need for bidding pursuant to Public Contract Code § 22050 for repairing and improving netting and poles at the Lakes Golf Course driving range.

Recommendation - 1) adopt a resolution pursuant to Public Contract Code § 20168 finding that an emergency exists and authorizing contracting without the need for bidding pursuant to Public Contract Code § 22050 for repairing and improving netting and poles at the Lakes Golf Course driving range; and 2) take such additional, related, action that may be desirable.

ADJOURNMENT

POSTED:

DATE: 1EC. 5, 2011

NAME: MONA F. SHILLING

MEETING DATE: December 6, 2011 **AGENDA HEADING:** Special Matters

AGENDA DESCRIPTION:

Consideration and possible action to adopt a resolution pursuant to Public Contract Code § 20168 finding that an emergency exists and authorizing contracting without the need for bidding pursuant to Public Contract Code § 22050 for repairing and improving netting and poles at the Lakes Golf Course driving range and authorizing the City Manager to execute an agreement with Judge Netting, Inc. (Fiscal Impact: \$400,000)

RECOMMENDED COUNCIL ACTION:

- 1. Adopt a draft resolution pursuant to Public Contract Code § 20168.
- 2. Authorize the City Manager to execute a public works contract with Judge Netting, Inc. (an Arizona Corporation) in a form approved by the City Attorney.
- 3. Take such additional, related, action that may be desirable.

ATTACHED SUPPORTING DOCUMENTS:

Draft resolution.

FISCAL IMPACT: Budget Adjustment Required

Amount Budgeted: \$0

Additional Appropriation: Yes \$287,000.00

Account Number(s): Continuing Appropriations: 503-400-5301-8104 (\$43,000);

503-400-5302-6215 (\$9,500); 503-400-5307-6215 (\$10,500); FY 11-12: 503-400-5301-8104 (\$60,000); 601-400-5301-8104

(\$45,000); 405-400-0000-6215 (\$119,000)

ORIGINATED BY: Stephanie Katsouleas, Public Works Director

REVIEWED BY: Bob Cummings, Recreation and Parks Director

APPROVED BY: Doug Willmore, City Manager

BACKGROUND AND DISCUSSION:

About 20 years ago 75-foot wooden telephone-type poles were installed around The Lakes to secure netting for the driving range. It was later determined that the nets were too low to prevent golf balls from being driven out of the facility. Subsequently, 20 foot metal extensions were affixed to the top of the wooden poles. While the extended net height of 95 feet was better, it is still too low to contain *all* of the golf balls within the range.

On Wednesday, November 30 – Thursday, December 1, 2011 Southern California experienced unusually high winds. Among other things, the winds caused damage at "The Lakes" to the netting and wooden/metal poles at the driving range, snapping approximately 10 of the wooden poles and several of the metal extensions. The driving range is now closed and will remain

closed until the remaining poles can be removed and new netting and poles can be installed to prevent golf balls from exiting the property.

Emergency Justification

Many of the wooden net poles have broken and staff is concerned that the structural integrity of remaining poles may have been compromised in the recent wind storm. Although some poles have been reinforced with steel guy wires and anchors, there is concern that additional moderate to high winds could cause further damage, thereby negatively impacting the long term success of the current repairs. There is also concern that if any of the remaining poles on the south side of the golf range fall, there will be additional damage to the West Basin Municipal Water District (WBMWD) facility, specifically its chemical reservoir.

An engineer from Judge Netting who specializes in golf course and driving range fencing has assessed the situation and will not endorse the current wooden poles with metal extensions at the current height of 95 ft. His recommendation is to replace the wooden poles with new taller steel poles that can sustain winds and allow for the required and necessary height of 120 ft. Replacing the 20 year old wooden net poles with new taller steel poles will 1) virtually eliminate the possibility of winds bringing the poles down, 2) significantly reduce the number of golf balls leaving the facility and 3) provide a reasonable and necessary level of protection and safety to the public and adjacent facilities.

The increased height requires that the Director of Planning and Building Safety review the proposed modification and determine whether to require a CEQA assessment. Greg Carpenter, the City's Planning and Building Safety Director, has reviewed the plans and has determined that additional CEQA review is not required.

Ordinarily, the Public Contracts Code ("PCC") requires formal bidding for all public works projects. PCC § 20168, however, allows the City Council to adopt a resolution by four-fifths vote "declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property." Pursuant to this section and PCC § 22050, the City Council may by-pass bidding requirements ordinarily required under the PCC. An "emergency" is defined 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."

Here, there is an imminent danger to public health and safety for several reasons including, without limitation: (1) people and/or property could be severely impacted should the structural integrity of the remaining wood poles fail and the poles topple, (2) the threat of falling poles on the adjacent WBMWD chemical reservoir, and (3) the potential harm to people and property of golf balls leaving the facility if the poles and netting are not immediately replaced.

Funding

It is estimated that replacing the net poles on both the north and south sides will cost approximately \$400,000. It is also estimated that insurance will pay for about \$113,000, which represents the cost of replacing the current wood poles to their original condition. However, since it has been determined that the original height of 75 ft is inadequate to prevent golf balls from leaving the facility and that poles providing 120 ft height must be made of steel, staff is recommending that City Council authorize both the emergency repair and upgrade for an

additional \$287,000.00. There is approximately \$168,000.00 available in The Lakes Golf Course budget, leaving a balance of \$119,000.00 that would need to be covered by the General Fund.

Timeline

Judge Netting has indicated they could have new metal poles delivered within a week and installed in about three weeks.

RESOLUTION	NO.
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A RESOLUTION ADOPTED PURSUANT TO PUBLIC CONTRACTS CODE § 20168 FINDING THAT **EMERGENCY EXISTS** WITHIN THE CITY AND **AUTHORIZING CONTRACTING WITHOUT THE NEED FOR BIDDING PURSUANT TO § 22050.**

The City Council does resolve as follows:

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

- Α. Pursuant to Public Contracts 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 Wednesday, November 30 – Thursday, December 1, 2011 Southern California experienced unusually high winds. Among other things, the winds caused damage at "The Lakes" to the netting and wooden/metal poles at the driving range, snapping approximately 10 of the wooden poles and several of the metal extensions. The Golf Course Driving Range is now inoperable.
- D. In compliance with applicable law, and to protect public, health, safety and welfare, the City took immediate emergency action to close the driving range in accordance with El Segundo Municipal Code ("ESMC")§ 1-7-12.
- E. The repair/replacement of the netting and poles constitutes a sudden, unexpected occurrence that poses a clear and imminent danger to the City property, its citizens, and employees and adjacent properties. This threat requires immediate action to prevent or mitigate the loss or impairment of essential public services. There is an imminent danger to public health and safety for several reasons including, without limitation: (1) people and/or property could be severely impacted should the structural integrity of the remaining wood poles fail and the poles topple: (2) the threat of falling poles on the adjacent WBMWD chemical reservoir; and (3) the potential harm to people and property of golf balls leaving the facility if the poles and netting are not immediately replaced.
- F. Under such emergency conditions, the City Council finds that the delay resulting from public bidding would imperil essential public services.

Resolution No. Page 1 of 3 SECTION 2: In light of the emergency described above, the City Council directs the City Manager, or designee, to take all steps necessary to protect public health, safety and welfare including, without limitation, awarding contracts in accordance with PCC § 22050.

SECTION 3: This Resolution will become effective immediately upon adoption and remain effective unless superseded by a subsequent resolution.

SECTION 4: The City Council will review this emergency action at its next regularly scheduled meeting and at every regularly scheduled meeting thereafter until the work described above is completed. The Council must determine by a four-fifths vote that there is a need to continue the work at each meeting.

PASSED AND ADOPTED this 6th day of December, 2011.

	Eric Busch, Mayor
APPROVED AS TO FORM: Mark D. Hensley, City Attorney	
By: Karl H. Berger, Assistant City Attorney	

CERTIFICATION

COUNTY OF LOS ANGELES) CITY OF EL SEGUNDO)	SS
CERTIFY that the whole number of members that the foregoing resolution, being RESO adopted by the said City Council, approve attested by the City Clerk of said City, all	ity of El Segundo, California, DO HEREBY pers of the City Council of the said City is five; OLUTION NO was duly passed and ed and signed by the Mayor of said City, and at a regular meeting of the said Council held , 2011, and the same was so passed and
AYES: NOES: ABSENT: ABSTENTION: NOT PARTICIPATING:	
WITNESS MY HAND THE OFFICIA , 2011.	AL SEAL OF SAID CITY this day of
	Cindy Mortesen, City Clerk Of the City of El Segundo, California (SEAL)