

**CITY OF HERMOSA
BEACH RESOLUTION NO.
XXXXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH
AWARDING A CONSTRUCTION CONTRACT TO CEM CONSTRUCTION
CORPORATION FOR THE CIP 114 GREENWICH VILLAGE NORTH –
UNDERGROUND UTILITIES ASSESSMENT DISTRICT IN THE AMOUNT OF
\$2,307,500, AUTHORIZING CONTRACT CHANGE ORDERS UP TO
\$461,500, APPROVING PROJECT DESIGN AND PLANS PURSUANT TO
GOVERNMENT CODE SECTION 830.6, AND ESTABLISHING A PROJECT
PAYMENT ACCOUNT**

WHEREAS, Southern California Edison Company, Verizon Communications, Inc., and Crown Castle, Inc. designed and prepared the plans to construct CIP 114 Greenwich Village North Underground Utilities ("Project"); and

WHEREAS, the City of Hermosa Beach ("City") solicited competitive bids for the Project; and

WHEREAS, Bids were received and opened publicly on May 29, 2025, and CEM Construction Corporation was chosen as the lowest responsible bidder; and

WHEREAS, the City Council, concurrent with the adoption of this Resolution, desires to award the construction contract to the lowest responsible bidder, CEM Construction Corporation for the Project; and

WHEREAS, Gov. Code § 830.6 provides in pertinent part:

Neither a public entity nor a public employee is liable under this chapter for an injury caused by the plan or design of a construction of, or an improvement to, public property where such plan or design has been approved in advance of the construction or improvement by the legislative body of the public entity or by some other body or employee exercising discretionary authority to give such approval or where such plan or design is prepared in conformity with standards previously so approved, if the trial or appellate court determines that there is any substantial evidence upon the basis of which (a) a reasonable public employee could have adopted the plan or design or the standards therefor or (b) a reasonable legislative body or other body or employee could have approved the plan or design or the standards therefor.

WHEREAS, it is impractical for this City Council to approve every plan or design the City undertake; and

WHEREAS, it is the public policy of this State to encourage municipalities such as the City take the actions described in Gov. Code § 830.6 so as to avail municipalities and the public treasury with the protections of Gov. Code § 830.6; and

WHEREAS, the City Council desires to take full advantage of the liability protections of Government Code section 830.6.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council wishes to obtain the immunities set forth in Government Code § 830.6 with regards to the plans and construction of the Project.

SECTION 2. The City Council hereby delegates the following City officers to approve the plan or design of a construction of, or an improvement to, public property, and to exercise any other power for which the City Council may delegate under Gov. Code § 830.6:

1. City Engineer

SECTION 3. The City Engineer finds that the plans are complete, and the Project may be constructed.

SECTION 4. Design Immunity; Authorization

A. The design, plans and vendor proposals for the Project are determined to be consistent with the City's standards and are approved;

B. The design approval set forth in this Resolution occurred before actual work on the Project construction commenced;

C. The approval granted by this Resolution conforms with the City's General Plan;

D. The City Engineer, or designee, is authorized to act on the City's behalf in approving any alterations or modifications of the design and plans approved by this Resolution; and

E. The approval and authorization granted by this Resolution is intended to

avail the City and its delegated officers of the immunities set forth in Government Code § 830.6.

SECTION 4. Award of Contract

A. The City Council hereby awards the construction contract for Capital Improvement Program Project 114 – Greenwich Village North Undergrounding District to CEM Construction Corporation in the amount of \$2,307,500.00.

B. The City Council hereby authorizes the Director of Public Works to establish a project contingency for the Project in the amount of \$461,500 and to approve contract change orders up to the amount of the approved project contingency.

SECTION 5. For purposes of the Contract Documents administering the Project, the City establishes an account containing sufficient monies from the current and following fiscal year budget to pay for the project. This Account is the sole source of funds available for the Construction Sum as defined in the Contract Document administering the Project.

SECTION 6. Severability. If any section or provision of this Resolution is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Resolution shall remain valid. The City Council hereby declares that it would have adopted this Resolution, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

SECTION 7. The City Clerk is directed to certify the adoption of this Resolution.

SECTION 8. This Resolution will become effective immediately upon adoption.

PASSED, APPROVED, and ADOPTED on this 22nd day of July 2025.

Robert Saemann

PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, CA

ATTEST:

APPROVED AS TO FORM:

Myra Maravilla
City Clerk

Todd Leishman
City Attorney