

CITY OF HERMOSA BEACH
RESOLUTION NO. RES-25-XXXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH,
CALIFORNIA, DECLARING AN EMERGENCY, RATIFYING ACTION TAKEN
BY THE CITY MANAGER AND AUTHORIZING THE CITY MANAGER TO TAKE
FURTHER ACTION AS MAY BE NECESSARY IN RESPONSE TO A SINK HOLE
ON VALLEY DRIVE DUE TO STORM DRAIN FAILURE**

WHEREAS, the City maintains and operates roadways and storm drains within the City of Hermosa Beach; and

WHEREAS, City staff responded to and temporarily stabilized a sinkhole on Valley Drive; and

WHEREAS, City staff determined that the cause of the sink hole was a result of the failure of a deteriorated storm drain underneath the roadway surface; and

WHEREAS, such hazards would potentially expose persons and property to injury and damage; and

WHEREAS, the deterioration of the storm drain infrastructure resulting in the collapse of additional roadway sections and adjacent underground utility structures constitutes an emergency under applicable law and such emergency would not reasonably permit delays associated with a competitive solicitation for bids and actions authorized herein are necessary to respond to the emergency; and

WHEREAS, in order to safeguard the public health and safety and to protect property, it is necessary to take immediate action to repair the storm drain infrastructure; and

WHEREAS, the City Council wishes to ratify the actions taken by the City Manager, pursuant to the letter of emergency declaration dated July 29, 2025, attached as Exhibit A, to repair the sink hole and address the emergency as described herein.

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

SECTION 1. The above-referenced recitals are true and correct and are incorporated herein.

SECTION 2. The City Council declares that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, and hereby delegates to the City Manager the authority to take such immediate further action as may be necessary to safeguard life, health or property in connection with repair to the sinkhole in accordance with Public Contracts Code Sections 20168 and 22050 and without otherwise complying with bid requirements required by law.

SECTION 3. The City Council authorizes action set forth herein and further ratifies action taken to date to address the potential collapse of the sink hole on the basis that the emergency described herein will not permit a delay resulting from a competitive solicitation of bids and the action is necessary to respond to the emergency.

PASSED, APPROVED, and ADOPTED on this 26th day of August 2025.

Mayor Rob 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
Interim City Attorney



**CITY OF
HERMOSA BEACH**
Public Works

To: City Council

From: City Manager

Date: 7.29.25

Re: Emergency Declaration for Sinkhole Repair on Valley Drive Due to Storm Drain Failure

The Municipal Code and the California Public Contract Code provide for the awarding of construction contracts for emergency repairs by the City Manager when an emergency resolution is adopted by resolution by no less than a 4/5 vote at the next City Council meeting after the emergency action to repair the damage.

Section 3.12.060 of the Municipal Code provides:

The purchasing officer shall establish a procedure whereby emergency purchases may be made free of the provisions of this chapter upon a showing by any agency or officer that the purchase required is for the immediate preservation of health, safety and welfare of the people or for the protection of property and that there is a present, immediate and existing emergency which could not reasonably be foreseen, or that the city stands to suffer substantial monetary loss.

Section 22050 of the Public Contract Code provides in pertinent part:

(a) (1) 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.

(2) Before a governing body takes any action pursuant to paragraph (1), it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, 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.

(b) (1) The governing body, by a four-fifths vote, may delegate, by resolution or ordinance, to the appropriate county administrative officer, city manager, chief engineer, or other nonelected agency officer, the authority to order any action pursuant to paragraph (1) of subdivision (a).

(2) If the public agency has no county administrative officer, city manager, chief engineer, or other nonelected agency officer, the governing body, by a four-fifths vote, may delegate

to an elected officer the authority to order any action specified in paragraph (1) of subdivision (a).

(3) If a person with authority delegated pursuant to paragraph (1) or (2) orders any action specified in paragraph (1) of subdivision (a), that person shall report to the governing body, at its next meeting required pursuant to this section, 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.

Public Contract Code section 1102 provides:

“Emergency,” as used in this code, means 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.

City staff has reported to the City Manager that the need for the following work is caused by 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 (the “Work”):

City staff responded to a reported sinkhole on a section of roadway on Valley Drive between Gould Avenue and the Kiwanis/Rotary Club. Based on visual inspection by City staff, the sinkhole appears to have been created due to the failure of a deteriorated storm drain pipe below the roadway. The failure of the storm drain pipe and the resulting roadway damage present an immediate hazard that could potentially expose persons and property to injury and damage. City staff have placed a temporary steel plate over the sinkhole, however future storm water flows may substantially undermine and damage additional segments of the roadway, curb, gutter, sidewalk and adjacent underground utility structures. Therefore, the possibility of worsening roadway conditions coupled with increased traffic and pedestrian volumes in the area necessitate that work be completed to repair the damage and limit additional damage prior to the August 20, 2025, start of the school year for the Hermosa Beach City School District.

Based on the foregoing, the City Manager finds that the Work will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency, and therefore authorizes staff to award a contract for the Work, and to report to the City Council 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.

Pursuant to Public Contract Code section 22050(c), said meeting shall occur not later than 7 days after the action, or at the City Council’s next regularly scheduled meeting if that meeting will occur not later than 14 days after the action, 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, unless a person with authority delegated has terminated that action prior to the governing body reviewing the emergency action and making a determination.