

ORD-29

October 3, 2023

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Declare an Ordinance amending Long Beach Municipal Code Section 2.84.170 to extend the temporary suspension of certain provisions of Title 2.84.100 for projects which address ongoing impacts caused by homelessness for one-year to July 23, 2024; read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

City staff requested the City Attorney's Office to prepare the attached Ordinance amending Section 2.84.170 of the Long Beach Municipal Code (LBMC) to extend the expiration date of the temporary suspension of provisions that remove the single job order threshold of seven hundred fifty thousand dollars (\$750,000) in an effort to renovate facilities and build free and affordable housing to combat the homelessness crisis.

According to the City of Long Beach's (City) 2023 Point in Time Count, the City has approximately 3,447 people experiencing homelessness.

Homelessness has disproportionately impacted Black, Indigenous, and Pacific Islander Long Beach residents who are approximately three times more likely to experience homelessness than other populations. Black people comprise only 12 percent of the population of the City, but in the most recent homelessness count completed in January 2023, accounted for approximately 30 percent of people experiencing homelessness. Approximately 38 percent of people experiencing homelessness have experienced violence or trauma in their lives. The number of students experiencing homelessness has grown by approximately 2.5 percentage points since 2022.

The State of California's COVID-19 State of Emergency that provided resources to keep many Long Beach residents from falling into homelessness ended February 28, 2023. On January 10, 2023, the City Council adopted a Resolution proclaiming a homelessness emergency in Long Beach. The City took immediate action to create additional housing to shelter and support homeless residents and build the needed infrastructure to address public safety concerns due to homelessness, violence, and severe mental and physical health issues.

To protect the public safety, health and welfare within the City, on January 24, 2023, the City Council adopted an Ordinance amending the LBMC by adding Chapter 2.84.170 to temporarily suspend certain provisions of Chapter 2.84, which expired on the later of (i) one hundred eighty (180) days after the effective date of the Ordinance, or (ii) with respect to projects begun prior to such date but not yet complete, on the date of completion of such project. The temporary suspension lapsed on July 23, 2023, one hundred eighty (180) days after the effective date of the Ordinance, except for projects begun but not complete. The City Council has the discretion to further extend the expiration date of the temporary extension.

Previously on May 24, 2016, the City Council approved an amendment to LBMC Section 2.84 and adopted Ordinance ORD-16-0008 relating to Job Order Contracts (JOC). On November 16, 2021, the City Council approved an amendment to LBMC Section 2.84.100 and 2.84.110 to increase the per work order threshold to \$750,000 and reduce the contractor performance to 15 percent.

The JOC project delivery system provides a significant benefit to the City, including faster completion of projects, cost savings, and reduced complexity of processes. The City uses the JOC program regularly for smaller construction projects like roof repairs, doorway replacements, tenant improvements, painting, park improvements, demolition, electrical maintenance, and other repairs including emergency requests. Adopted contractors are prequalified and enter into a competitively bid, fixed price, multi-year construction contract based on an established Construction Task Catalog for construction projects. The JOC program is used as a timely and cost-effective option for the delivery of renovation, repair, and minor construction projects.

In response to the State of California's COVID-19 State of Emergency, the City applied for and received Project HomeKey funding and other homeless servicing grants to begin assisting residents falling into homelessness. Pursuant to LBMC 2.84.100, the JOC program can only be utilized for single job order projects that are less than \$750,000. Due to the ongoing impacts caused by homelessness and the very stringent timelines required by grant funding from the State, City staff is requesting to extend the temporary removal of the single job order threshold to utilize the JOC program to expedite projects in response to the ongoing impacts caused by homelessness for one (1) additional year from July 23, 2023, the expiration date of the previous temporary suspension. This added authority will allow for a more efficient and timelier project delivery.

Projects required to respond to the ongoing impacts caused homelessness will include various tenant improvements required at recently purchased hotels, improvements required to quickly create additional emergency shelters, and other projects critical to increasing services for people experiencing homelessness.

This matter was reviewed by Principal Deputy City Attorney Vanessa S. Ibarra on September 18, 2023 and by Budget Management Officer Nader Kaamoush on September 15, 2023.

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TIMING CONSIDERATIONS

City Council action is requested on October 3, 2023, to continue with utilizing the JOC program in response to the proclaimed local emergency caused by homelessness.

FISCAL IMPACT

The full fiscal impact is unknown at this time and will be based on the work required and projects implemented to respond to the homelessness crisis. Any project that will be moved forward through the JOC program that is not currently budgeted will only proceed at such time as appropriations have been approved by the City Council. This recommendation has a moderate staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. Work on these projects will also likely impact other existing projects and may require staff reprioritization. The local job impact associated with this recommendation may have a positive impact on the local economy but is currently unknown.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



ERIC LOPEZ
DIRECTOR OF PUBLIC WORKS

APPROVED:



THOMAS B. MODICA
CITY MANAGER

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING SECTION 2.84.170 OF THE LONG BEACH MUNICIPAL CODE, TO TEMPORARILY SUSPEND CERTAIN PROVISIONS OF CHAPTER 2.84 FOR PROJECTS WHICH ADDRESS ONGOING IMPACTS CAUSED BY HOMELESSNESS

WHEREAS, on January 10, 2023, the City Council of the City of Long Beach adopted Resolution No. RES-23-0004 making certain findings and proclaiming the existence of a local emergency caused by conditions and threatened conditions of homelessness within the City of Long Beach (City), which if not corrected, constitutes an imminent and proximate threat to the safety of persons and property within the City; and

WHEREAS, shelter and housing is particularly important during the coming winter months when people experiencing homelessness in the City are likely to face heightened exposure and dangers from living outdoors, and heightened dangers from the combination of COVID-19, flu outbreak and respiratory syncytial virus (RSV); and

WHEREAS, California Government Code Sections 8698.1 and 8698.2 allow local jurisdictions to declare a shelter crisis; and

WHEREAS, the State of California’s COVID-19 State of Emergency, which has provided resources to keep many Long Beach residents from falling into homelessness, ended in February of 2023, thus requiring immediate action in order to create replacement and additional housing and shelter, and in order to support the necessary infrastructure and laws required to protect and provide that shelter and housing; and

WHEREAS, the County and State’s eviction moratorium, which has protected many Long Beach residents from falling into homelessness, ended concurrently with the

1 end of California’s State of Emergency regarding the COVID-19 pandemic on February 1,
2 2023; and

3 WHEREAS, the City of Long Beach has designated significant resources to
4 address homelessness in the City, but the threat to life and property remains at stake
5 beyond the control of the services, personnel, equipment, and facilities of this City,
6 requiring the City to protect the public safety, health, and welfare within the City through
7 this ordinance; and

8 WHEREAS, On May 24, 2016, the City Council approved an amendment to
9 Long Beach Municipal Code (LBMC) Section 2.84, and adopted Ordinance ORD-16-0008
10 relating to Job Order Contracts (JOC). On November 16, 2021, the City Council approved
11 an amendment to LBMC Sections 2.84.100 and 2.84.110, and adopted Ordinance ORD-
12 21-0038 to increase the per project work order threshold to \$750,000 and reduce the
13 required contractor performance to 15 percent of each project; and

14 WHEREAS, the JOC project delivery system provides a significant benefit to
15 the City of Long Beach (City), including faster completion of projects, and reduced
16 complexity of processes. The City uses the JOC program regularly for smaller construction
17 projects like roof repairs, doorway replacements, tenant improvements, painting, park
18 improvements, demolition, electrical maintenance, and other repairs including emergency
19 requests. Contractors are prequalified and enter into a competitively bid, fixed price, multi-
20 year construction contract based on an established Construction Task Catalog for
21 construction projects. The JOC program is used as a timely and cost-effective option for
22 the delivery of renovation, repair and minor construction projects; and

23 WHEREAS, in response to the State of California’s COVID-19 State of
24 Emergency, the City applied for and received Project HomeKey funding and other
25 homeless servicing grants to begin assisting residents falling into homelessness;

26 WHEREAS, on Pursuant to LBMC 2.84.100, the JOC program can only be
27 utilized for single job order projects that are less than \$750,000;

28 WHEREAS, due to the emergency proclamation, on January 24, 2023, the

1 City Council adopted an ordinance amending the Long Beach Municipal Code by adding
2 Chapter 2.84.170 to temporarily remove the single job order threshold to utilize the JOC
3 program to expedite the projects, in response to the proclaimed local emergency caused
4 by homelessness, which expired on the later of (i) one hundred eighty (180) days after the
5 effective date of the ordinance, or (ii) with respect to projects begun prior to such date but
6 not yet complete, on the date of completion of such project;

7 WHEREAS, the temporary suspension lapsed on July 23, 2023, one hundred
8 eighty (180) days after the effective date of the ordinance, except for projects begun but
9 not complete;

10 WHEREAS, City staff is requesting to extend the temporary removal of the
11 single job order threshold to utilize the JOC program to expedite projects in response to
12 the ongoing impacts caused by homelessness for one (1) additional year to July 23, 2024,
13 to allow for a more efficient and timelier project delivery.

14 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
15 follows:

17 Section 1. Section 2.84.170 is hereby added to the Long Beach Municipal
18 Code to read as follows:

20 2.84.170 Suspensions.

21 A. Suspend provisions of Chapter 2.84 that pertain to single job
22 order thresholds for projects which address ongoing impacts caused by
23 homelessness, for a more efficient and timelier project delivery.

24 B. This Section 2.84.170 shall expire on the later of (i) July 23,
25 2024, or (ii) with respect to projects begun prior to such date but not yet
26 complete, on the date of completion of such project, unless further extended
27 by the City Council in its discretion by an amendment to this Chapter.

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1 Section 2. This ordinance is intended to be consistent with all applicable
2 state and federal law, and is not intended to regulate in any area preempted by state or
3 federal law. If any provision of this ordinance is found to be unconstitutional or otherwise
4 invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining
5 provisions of this ordinance which can be implemented without the invalid provisions, and
6 to this end, the provisions of this ordinance are declared to be severable. The City Council
7 hereby declares it would have adopted this ordinance and each provision hereof
8 irrespective of whether any one or more provisions are found invalid, unconstitutional or
9 otherwise unenforceable.

10 Section 3. The City Clerk shall certify to the passage of this ordinance by
11 the City Council and cause it to be posted in three (3) conspicuous places in the City of
12 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
13 Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council
of the City of Long Beach at its meeting of _____, 2023, by
the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

Approved: _____
(Date)

Mayor