

ORD-21

January 24, 2023

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Declare an Ordinance amending the Long Beach Municipal Code by adding Chapter 2.84.170 to temporarily suspend certain provisions of Title 2.84.100 during the proclaimed local emergency caused by homelessness; read the first time and laid over to the next regular meeting of the City Council for final reading; declaring the urgency thereof; and, declare this Ordinance shall take effect immediately. (Citywide)

DISCUSSION

The amended Ordinance adding Chapter 2.84.170 (Chapter) to the Long Beach Municipal Code (LBMC) will remove the single job order threshold in an effort to renovate facilities and build free and affordable housing to combat the crisis of homelessness.

According to City of Long Beach's (City) 2022 Point in Time Count, Long Beach continues to have approximately 3,300 people experiencing homelessness throughout the city, which is a 77 percent increase since 2017 and a 62 percent increase from 2020 to 2022.

Homelessness has disproportionately impacted Black, Indigenous, and Pacific Islander Long Beach residents who are approximately three times more likely to be experience homelessness than other populations. Black people comprise only 13 percent of the population of the city but, in the most recent homelessness count completed in February 2022, accounted for approximately 36 percent of people experiencing homelessness. More than 40 percent of people experiencing homelessness have experienced violence or trauma in their lives, and 6 percent were fleeing violence when they became homeless. The number of veterans experiencing homelessness has grown by 48 percent since 2019.

The State of California's COVID-19 State of Emergency that provided resources to keep many Long Beach residents from falling into homelessness will eventually end. Immediate action is required 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 Long Beach, this Chapter provides a temporary suspension of rules related to Title 2.84.000 of the LBMC for the duration of a proclaimed local emergency and/or until project completion, whichever occurs last.

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. Prevailing wage and Project Labor Agreement will apply where applicable according to the scope and cost of a project.

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 recent emergency proclamation and the very stringent timelines required by grant funding from the State, the City is requesting to temporarily remove the single job order threshold to utilize the JOC program to expedite projects in response to the proclaimed local emergency caused by homelessness. This added authority will allow for a more efficient and timelier project delivery.

As part of the regular reporting associated with the Emergency proclamation, City staff will provide updates on projects performed under this authority throughout the duration of the emergency. Projects required to respond to the proclaimed emergency over 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. All current and future projects not related to supporting the vision, goals and desired outcomes of the proclaimed emergency will proceed within the established JOC thresholds.

This matter was reviewed by Principal Deputy City Attorney Richard F. Anthony on January 11, 2023, Business Services Bureau Manager Tara Mortensen on January 12, 2023, and by Budget Management Officer Nader Kaamoush on January 19, 2023.

TIMING CONSIDERATIONS

City Council action is requested on January 24, 2023, to amend the LBMC by adding Chapter 2.84.170 to proceed 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. The City Council retains the ability to set and approve the budget and resources available for homelessness emergency response related efforts. Any project that will be moved forward through the JOC program will utilize funding options including existing appropriated budget and City Council allocated budget and resources for the homelessness emergency. Where budget outside of existing and projected allocations do not exist, City staff will only proceed at such time as appropriations have been approved by the City Council. This recommendation has a moderate staffing impact beyond the 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. There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



ERIC LOPEZ
DIRECTOR OF PUBLIC WORKS

EOL:MS:rmw

APPROVED:



THOMAS B. MODICA
CITY MANAGER

OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
411 W. Ocean Boulevard, 9th Floor
Long Beach, CA 90802

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING SECTION 2.84.170, TO TEMPORARILY SUSPEND CERTAIN PROVISIONS OF CHAPTER 2.84 DURING THE PROCLAIMED LOCAL EMERGENCY CAUSED BY HOMELESSNESS; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

WHEREAS, on January 10, 2023, the City Council of the City of Long Beach adopted Resolution No. RES-23-_____ 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). It is projected that the City will face an acute shortage of winter homeless shelters through March 2023, with fewer than half of the number of shelter sites available in the County of Los Angeles compared to the winter of 2021-2022 and nearly two-thirds fewer shelter beds; and

WHEREAS, California Government Code Sections 8698.1 and 8698.2 allow local jurisdictions to declare a shelter crisis; the City of Long Beach's most recent shelter crisis is set to expire March 31, 2023; 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

1 homeless, ends in February of 2023, thus requiring immediate action in order to create
2 replacement and additional housing and shelter, and in order to support the necessary
3 infrastructure and laws required to protect and provide that shelter and housing; and

4 WHEREAS, the County and State's eviction moratorium, which has protected
5 many Long Beach residents from falling into homelessness, ends concurrently with the end
6 of California's State of Emergency regarding the COVID-19 pandemic on February 1, 2023;
7 and

8 WHEREAS, the City expanded interim bed access by 535 beds since 2020;
9 there are currently more than 1,300 interim housing beds citywide and the City Council
10 continues to prioritize the building of interim and permanent supporting housing, yet need
11 continues to outpace demand; and

12 WHEREAS, the City projects it will soon have a total of 15,346 supportive
13 and affordable units, of which 1,546 have been recently completed, 319 are currently under
14 construction, and more than 500 are in pre-development; and

15 WHEREAS, the City has responded to the rapid increase in its homeless
16 population with unprecedented investments into homelessness solutions, including a more
17 than \$80 million commitment in the 2022-2023 City budget for the expansion of bridge
18 housing, an additional Restorative Engagement to Achieve Collective Health (REACH)
19 team, call takers, library outreach workers, two mobile MSC units, a mental health and
20 substance use treatment van, a winter shelter partnership, and the hiring of professionals
21 to address the homelessness crisis and, notwithstanding these efforts, the number of those
22 experiencing homelessness in the City continues to increase and outstrip the resources
23 and services that the City has provided; and

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

1 WHEREAS, On May 24, 2016, the City Council approved an amendment to
2 Long Beach Municipal Code (LBMC) Section 2.84, and adopted Ordinance ORD-16-0008
3 relating to Job Order Contracts (JOC). On November 16, 2021, the City Council approved
4 an amendment to LBMC Sections 2.84.100 and 2.84.110, and adopted Ordinance ORD-
5 21-0038 to increase the per project work order threshold to \$750,000 and reduce the
6 required contractor performance to 15 percent of each project; and

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

16 WHEREAS, in response to the State of California's COVID-19 State of
17 Emergency, the City applied for and received Project HomeKey funding and other
18 homeless servicing grants to begin assisting residents falling into homelessness. Pursuant
19 to LBMC 2.84.100, the JOC program can only be utilized for single job order projects that
20 are less than \$750,000. Due to the recent emergency proclamation, the City is requesting
21 to remove the single job order threshold to utilize the JOC program to expedite the projects,
22 in response to the proclaimed local emergency caused by homelessness, for a more
23 efficient and timelier project delivery; and

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1 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
2 follows:

3
4 Section 1. Section 2.84.170 is hereby added to the Long Beach Municipal
5 Code to read as follows:

6
7 2.84.170 Suspensions.

8 A. Suspend provisions of Chapter 2.84 that pertain to single job
9 order thresholds for projects which address the proclaimed local emergency
10 caused by homelessness, for a more efficient and timelier project delivery.

11 B. This Section 2.84.170 shall expire on the later of (i) one
12 hundred eighty (180) days after its effective date, or (ii) with respect to
13 projects begun prior to such date but not yet complete, on the date of
14 completion of such project, unless further extended by the City Council in its
15 discretion by an amendment to this Chapter.

16
17 Section 2. This ordinance is intended to be consistent with all applicable
18 state and federal law, and is not intended to regulate in any area preempted by state or
19 federal law. If any provision of this ordinance is found to be unconstitutional or otherwise
20 invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining
21 provisions of this ordinance which can be implemented without the invalid provisions, and
22 to this end, the provisions of this ordinance are declared to be severable. The City Council
23 hereby declares it would have adopted this ordinance and each provision hereof
24 irrespective of whether any one or more provisions are found invalid, unconstitutional or
25 otherwise unenforceable.

26
27 Section 3. This ordinance is an emergency ordinance duly adopted by the
28 City Council by a vote of five of its members. The City Clerk shall certify to a roll call and

1 vote on the question of the emergency of this ordinance and to its passage by the vote of
2 five members of the City Council of the City of Long Beach, and cause the same to be
3 posted in three conspicuous places in the City of Long Beach, and it shall thereupon take
4 effect and shall be operative immediately.

5
6 Section 4. This ordinance shall also be adopted by the City Council as a
7 regular ordinance, to the end that in the event of any defect or invalidity in connection with
8 the adoption of this ordinance as an emergency ordinance, the same shall, nevertheless,
9 be and become effective on the thirty-first (31st) day after its approved by the Mayor. The
10 City Clerk shall certify to the passage of this ordinance by the City Council and cause it to
11 be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect
12 on the thirty-first (31st) day after it is approved by the Mayor.

13
14 I hereby certify on a separate roll call and vote which was taken by the City
15 Council of the City of Long Beach upon the question of emergency of this ordinance at its
16 meeting of _____, 2023, the ordinance was declared to be an
17 emergency by the following vote:

18
19 Ayes: Councilmembers: _____

20 _____

21 _____

22 _____

23 Noes: Councilmembers: _____

24 _____

25 Absent: Councilmembers: _____

26 _____

27 Recusal(s): Councilmembers: _____

28 _____

OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
411 W. Ocean Boulevard, 9th Floor
Long Beach, CA 90802

1 I further certify that thereafter, at the same meeting, upon a roll call and vote
2 on adoption of the ordinance, it was adopted by the City Council of the City of Long Beach
3 by the following vote:

4
5 Ayes: Councilmembers: _____
6 _____
7 _____
8 _____
9 Noes: Councilmembers: _____
10 _____
11 Absent: Councilmembers: _____
12 _____
13 Recusal(s): Councilmembers: _____
14 _____

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DAWN MCINTOSH, City Attorney
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Long Beach, CA 90802

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I further certify that the foregoing ordinance was thereafter adopted on final reading 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: _____

City Clerk

Approved: _____
(Date)

Mayor

REQUEST TO ADD AGENDA ITEM

Date: January 20, 2023

To: Monique De La Garza, City Clerk

From: Thomas B. Modica, City Manager *T.M.*

Subject: Request to Add Agenda Item to Council Agenda of January 24, 2023

Pursuant to Municipal Code Section 2.03.070 [B], the City Councilmembers signing below request that the attached agenda item (due in the City Clerk Department by Friday, 12:00 Noon) be placed on the City Council agenda via the supplemental agenda.

The agenda title/recommendation for this item reads as follows:

Declare an Ordinance amending the Long Beach Municipal Code by adding Chapter 2.84.170 to temporarily suspend certain provisions of Title 2.84.100 during the proclaimed local emergency caused by homelessness; read the first time and laid over to the next regular meeting of the City Council for final reading; declaring the urgency thereof; and, declare this Ordinance shall take effect immediately. (Citywide)

Council District	Authorizing Councilmember	Signed by
1	Mary Zendejas	(Digital – attached email)
2	Cindy Allen	(Digital – attached email)
8	Al Austin	(Digital – attached email)