

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

1 RESOLUTION NO. RES-22-0154
2

3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AUTHORIZING THE CITY
5 MANAGER TO EXECUTE A CONTRACT WITH XYLEM
6 WATER SOLUTIONS USA, INC., WITHOUT ADVERTISING
7 FOR BIDS, FOR THE PURCHASE OF SUBMERSIBLE FILL
8 PUMPS FOR THE RAINBOW LAGOON FACILITY IN THE
9 AMOUNT OF \$145,242, WITH A 10% CONTINGENCY IN
10 THE AMOUNT OF \$14,524, FOR A TOTAL NOT TO
11 EXCEED AMOUNT OF \$159,766, FOR A PERIOD OF ONE
12 YEAR, AT THE DISCRETION OF THE CITY MANAGER
13

14 WHEREAS, the Rainbow Lagoon (lagoon) is a 5.5 acre manmade saltwater
15 lagoon that is located in what is now filled tidelands, where subtidal and intertidal habitat
16 historically were present; and

17 WHEREAS, the lagoon is a unique recreational amenity and serves as
18 functioning marine habitat for fish and wildlife and regulated by the California Coastal
19 Commission under CDP #5-91-193; and

20 WHEREAS, the lagoon sits at a higher elevation than the adjacent Rainbow
21 Harbor. Water replenishment and tidal exchange is manually conducted through the raising
22 and lowering of weirs and the activation of fill pumps that allow the replenishment and
23 exchange of seawater between the lagoon and harbor. It is environmentally and regulatorily
24 recognized that fresh seawater and tidal exchange is critical for an ecologically balanced
25 and healthy waterbody, regardless of whether this is done manually through mechanical
26 pumps or naturally through streams, inlets, or sloughs; and

27 WHEREAS, the main fill pump and secondary fill pump at the lagoon have
28 failed due to age and deterioration. The pumps, while previously having been serviced on

1 a regular basis, are now beyond repair and replacement is required and critical. A new fill
2 pump and new secondary fill pump are now necessary to supply, maintain, and replenish
3 seawater, which provides the needed oxygen to this water body. Without water exchange
4 and water replenishment offered by the fill pumps, the lagoon will eventually suffer due to
5 anoxic conditions (lack of oxygen). Anoxic conditions will exacerbate the growth of
6 undesired algae blooms in warm and hot weather, and the risk of significant algae blooms
7 will result in algae out-competing resident fish and marine organisms of oxygen and would
8 result in fish and marine organism die-off; and

9 WHEREAS, the City is obligated to maintain, protect, and preserve the
10 Rainbow Lagoon as a functioning marine habitat under its Coastal Development Permit;
11 and

12 WHEREAS, the City desires to procure Flygt Submersible Pumps which
13 features a patented N-Technology that consists of a unique shape and design of the
14 impeller, plus a self-cleaning impeller that minimizes failure and allows City staff to perform
15 the critical maintenance operations required to replenish and exchange water absent of
16 natural tidal connections between the Rainbow Harbor and the Rainbow Lagoon to avoid
17 habitat loss; and

18 WHEREAS, City staff have utilized and explored other pumps, but none have
19 met the technology requirements that self-cleaning impellers offer that are required in a
20 marine-based application where marine growth often builds in the pumps and piping and
21 debris can be pulled into the pumps. Other pumps have failed due to clogging; and

22 WHEREAS, pumps with this technology are the only pumps that will meet the
23 saltwater pumping needs and Flygt is the sole provider of this patented N technology and
24 Xylem Water Solutions USA, Inc. is the sole distributor of Flygt products; and

25 WHEREAS, as a result, no useful purpose would be served by advertising
26 for bids and to do so would constitute an idle and useless act and unnecessary expenditure
27 of public funds;

28 NOW, THEREFORE, the City Council of the City of Long Beach resolves as

