

RESOLUTION NO. 03-2017

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA  
RESCINDING RESOLUTION NO. 01-2017 AND AUTHORIZING THE  
EXPENDITURE OF PUBLIC MONEY TO SAFEGUARD LIFE, HEALTH OR  
PROPERTY, FINDING THAT EMERGENCY CONDITIONS REQUIRE ABATEMENT AND  
DEMOLITION OF THE APARTMENT STRUCTURE LOCATED AT 310 ESPLANADE  
AVENUE, AND APPROPRIATING \$330,000 FROM FUND 30 EXCESS ERAF TOWARD THE  
COST OF THE ABATEMENT AND DEMOLITION WORK**

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**WHEREAS**, severe winter storms combined with high waves have caused significant erosion near the apartment structure at 310 Esplanade Avenue (“Property”), eroding the bluff supporting the structure, and undermining the structure, leading the City to yellow-tag it on January 25, 2016 after determining that it was unsafe for occupancy; and

**WHEREAS**, recent winter storms combined with extreme high tides and waves have caused additional erosion directly behind the apartment structure at 310 Esplanade Avenue (“Property”), further eroding the bluff supporting the structure, and undermining it; and

**WHEREAS**, the City initiated criminal code enforcement action against the Property owner in San Mateo County Superior Court on December 19, 2016; and

**WHEREAS**, it is predicted that additional winter storm events this winter combined with high tides and waves could cause further severe bluff erosion and subsidence, and it is thus imperative that remediation be taken at the Property before further significant bluff erosion occurs; and

**WHEREAS**, the recently created situation poses significant risks to public and private property, the environment and to the public health, safety and welfare and requires immediate efforts to prevent or mitigate a further emergency; and

**WHEREAS**, based on the current risks to public and private property, the environment and to the public health, safety and welfare, the emergency situation will not permit a delay resulting from competitive bid solicitation; and

**WHEREAS**, on January 4, 2017, the City Council adopted Resolution No. 01-2017 appropriating \$218,650 from Fund 30 Excess ERAF,

**WHEREAS**, since adoption of Resolution No. 01-2017, staff has received testing results showing that costs of hazardous materials abatement has increased;

**WHEREAS**, due to this increased abatement cost, it is necessary to appropriate more funds from Fund 30; and

**NOW, THEREFORE, BE IT RESOLVED** that City Council hereby rescinds Resolution No. 01-2017; and

**NOW, THEREFORE BE IT FURTHER RESOLVED** that the City Council of the City of Pacifica hereby determines that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property; and

**NOW, THEREFORE BE IT FURTHER RESOLVED** that the City Council delegates to the City Manager or her designee the authority to seek bids, negotiate and enter into an agreement, without competitive bidding, to promptly abate and demolish the apartment structure at the Property, take any directly related and immediate action required by the emergency, and procure the necessary equipment, services and supplies for those purposes, including authority to execute all documents necessary to effectuate demolition and abatement of the Property; and

**NOW, THEREFORE BE IT FURTHER RESOLVED** that the Council appropriates \$330,000 from Fund 30 Excess ERAF toward the costs of the necessary actions described herein to safeguard life, health or property.\* \* \* \*

**PASSED AND ADOPTED** at a special meeting of the City Council of the City of Pacifica, California, held on the 9th day of January, 2017 by the following vote:

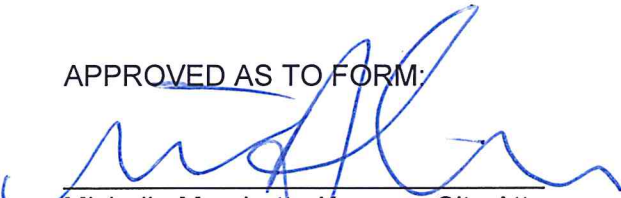
AYES: Martin, Vaterlaus, Digre, Keener, O'Neill  
NOYES: None  
ABSTAIN None  
ABSENT: None

  
\_\_\_\_\_  
Mike O'Neill, Mayor

ATTEST:

  
\_\_\_\_\_  
Kathy O'Connell, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michelle Marchetta Kenyon, City Attorney

*FOR:*