



Legislation Details (With Text)

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In control: City Council Regular Meeting
On agenda: 3/8/2017 **Final action:**
Title: Initial Review of Emergency Action Taken by the City Manager to Repair, Replace and Install Equipment at the 23rd Street and Peck Avenue Stormwater Pump Station and Determining that there is a Need to Continue the Action (Public Works Director Katsouleas).
APPROVE

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution No. 12-6422

Date	Ver.	Action By	Action	Result
3/8/2017	1	City Council Regular Meeting		

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Mark Danaj, City Manager

FROM:

Stephanie Katsouleas, Director of Public Works

Shawn Igoe, Utilities Division Manager

SUBJECT:

Initial Review of Emergency Action Taken by the City Manager to Repair, Replace and Install Equipment at the 23rd Street and Peck Avenue Stormwater Pump Station and Determining that there is a Need to Continue the Action (Public Works Director Katsouleas).

APPROVE

RECOMMENDATION:

Staff recommends that the City Council:

1. Review Emergency Action
2. Determine, by a 4/5th Vote, that there is a Need to Continue the Emergency Action.

FISCAL IMPLICATIONS:

Tonight's action is the initial review of the emergency repair, and thus has no immediate fiscal impact. Staff will present a subsequent report at a future council meeting that will describe the fiscal implications arising from this unbudgeted emergency repair.

BACKGROUND:

The City operates 2 stormwater pumps located at the 23rd St. and Peck Ave. Stormwater Pump Station (Station). During storm events, water from approximately 100 acres flows into this low point station and is pumped to a higher elevation at a rate in excess of 2,000 gallons per minute, where it then discharges to the Polliwog Retention Basin. From the Polliwog Retention Basin, the Los Angeles County Flood Control District then pumps this stormwater into its own conveyance system, which ultimately discharges to Santa Monica Bay near 28th Street and The Strand.

In the last Quarter of 2016, the City lost communication and power to the 23rd St/Peck Station. Upon arrival, City staff found that a Southern California Edison contractor was replacing utility poles in the area of the Station and had intentionally disconnected power to the Station. Based on the work being conducted, the contractor estimated that the Station would have intermittent power for an additional 24-72 hours as additional poles were replaced. Thereafter, while conducting routine inspections, City staff found that the Station was fully submersed in water caused by rain and runoff from a storm event. It was apparent that power had not been restored to the station after the pole replacement work was completed, resulting in the equipment being unable to perform pumping duties. Once evacuation of the water was completed, staff found significant damage had occurred to the pumps and equipment, including damage to the communication conduit and wiring to the Station.

City staff met with representatives from Southern California Edison and its contractor to discuss the equipment damage that occurred at the Station. During this discussion, the contractor's representative confirmed that its crews had failed to re-energize the service providing power to the Station. Due to the critical function of the station in heavy rains, staff requested that the contractor immediately complete the necessary repairs to the Station, but the contractor stated that such work is outside its capabilities or resources.

In preparation for the repairs, staff determined that the replacement and installation of new pumps and equipment would be most effectively accomplished by an experienced stormwater pump station contractor. Staff contacted RHS Industries to help the City assess the extent of work needed to repair and or replace the Station equipment. RHS Industries agreed to conduct the assessment, but after several weeks had passed, staff became concerned that the company was not returning calls. Unfortunately, in that short period, RHS Industries went out of business. Soon after, staff contacted Romtec Utilities and sent them as-built drawings of the Station and its equipment. Romtec stated that due to its workload, it would not be able to visit the site to assess the scope of work to be done until early January. Upon closer review, Romtec advised the City that it would be quicker and more cost-effective to repair the existing equipment, rather than do a complete replacement, which would require increasing the vault size (major construction). However, Romtec does not perform repair work to pump stations, and instead referred the City to Fluid Resource Management (FRM). In late January, staff met with FRM to discuss evaluation of the work to be completed. FRM stated that they had the background and experience necessary to complete these repairs. Several weeks later after a site review and assessment, FRM determined that the pumps could in fact be repaired but that the electronics would need to be replaced.

At the time of the power failure, we had not yet entered the rainy season and there were no forecast indications that this would be a particularly wet year. However, as discussed above finding a qualified contractor who could help evaluate and determine the extent of the work needed to be done proved very difficult. Unfortunately, the search to find a qualified vendor who could evaluate the extent of the damage put the city into an emergency situation given that we are now well into what has become a very wet season with the continued threat of property damage to residents adjacent to 23rd St. and Peck.

DISCUSSION:

On December 4, 2012, the City Council adopted Resolution No. 12-6422, delegating authority to the City Manager to take action in emergencies pursuant to California Public Contract Code Section 22050. Per Resolution No. 12-6422, in the event of an emergency the City Manager may take action to repair public facilities without advertising for bids if the repair is in the public interest and necessitates the immediate expenditure of public money to safeguard life, health or property. Given the rain events that the City has already experienced, in particular the flooding at this specific intersection, and the fact that the rainy season still has another 2 months left, it is imperative that the pump station be repaired immediately. The City risks significant property damage to surrounding homes if another heavy and prolonged rain event happens before the Station is completely repaired. For these reasons, the City Manager authorized Fluid Resource Management to complete the necessary repairs. That work is underway, and is scheduled to be completed in approximately 30 days.

Staff is satisfied that the work proposed by Fluid Resource Management and Control Automation Design is fair, reasonable and consistent with industry standards. Once Fluid Resource Management has completed the necessary work to the pumps and equipment, Control Automation Design will finalize the needed repairs and replacements to the City's electronic communications. Control Automation Design is already the City's Supervisory Control and Data Acquisition (SCADA) contractor, which provides operational communication for our water, wastewater and stormwater facilities.

Staff has filed a claim with the SCE contractor, and has been in communication with the contractor's insurance company, which is processing that claim. Staff will also file a claim with SCE, which engaged the contractor for the work that resulted in damage to the pump station.

California Public Contract Code 22050 provides that:

- 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.
- The City Council, by a four-fifths vote, may delegate, by resolution or ordinance, to the city manager, chief engineer, or other nonelected agency officer, the authority to order any such

action. (On December 4, 2012, the City Council adopted Resolution No. 12-6422, delegating authority to the City Manager to take action in emergencies pursuant to California Public Contract Code Section 22050.)

- If the City Manager orders any emergency action, the City Manager or his designee 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. (This report explains 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.)
- If the City Manager orders any emergency action, the governing body shall initially review the emergency action at its next regularly scheduled meeting 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.

POLICY ALTERNATIVES:

Do not find that there is a need to continue the replacement and installation of the Stormwater Pump Station pumps and equipment.

PROS:

General Funds would not be expended to complete the emergency repairs to the Stormwater Pump Station.

CONS:

Flooding of the intersection will continue during storm events, risking additional damage to public and private property.

PUBLIC OUTREACH/INTEREST:

Staff has reached out to the residents in the impacted area regarding the Station. Staff will maintain regular communication with the residents to keep them abreast of the project schedule and impacts during construction.

ENVIRONMENTAL REVIEW

The City reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and determined that the project qualifies for a Class 1(b) categorical exemption pursuant to

Section 15301, Existing Facilities of the State CEQA Guidelines. No environmental review is necessary.

LEGAL REVIEW

The City Attorney has reviewed this report.

Attachment:

1. Resolution No. 12-6422