



Legislation Details (With Text)

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On agenda: 3/21/2017 **Final action:**

Title: Resolution Approving a Contract Authorizing the Repair, Replacement and Installation of Equipment at the 23rd St. and Peck Ave. Stormwater Pump Station, and Approve Continuation of the Emergency Work (Public Works Director Katsouleas).
APPROVE AND APPROPRIATE

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution No. 17-0015, 2. Agreement, 3. Exhibit A, 4. Exhibit B

Date	Ver.	Action By	Action	Result
3/21/2017	1	City Council Regular Meeting		

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Mark Danaj, City Manager

FROM:

Stephanie Katsouleas, Public Works Director
Shawn Igoe, Utilities Division Manager

SUBJECT:

Resolution Approving a Contract Authorizing the Repair, Replacement and Installation of Equipment at the 23rd St. and Peck Ave. Stormwater Pump Station, and Approve Continuation of the Emergency Work (Public Works Director Katsouleas).

APPROVE AND APPROPRIATE

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt a Resolution authorizing the City Manager to execute a contract with Fluid Resource Management for \$160,000.
2. Authorize the City Manager to execute an amendment with Control Automation Design for \$24,512.50 in a form approved by the City Attorney.
3. Authorize the City Manager to authorize an additional contingency of \$36,902.50 for any unforeseen conditions.
4. Approve by 4/5th vote the continuation of an emergency declared by the City Manager pursuant Resolution No. 12-6421, without soliciting competitive bids pursuant to California

Public Contract Code Section 22050, for the replacement and installation of the stormwater pumps and equipment at the 23rd St. and Peck Ave. Stormwater Pump Station.

5. Approve the transfer of \$221,415 from the General Fund to the Stormwater Fund to effect the repairs.
6. Appropriate \$221,415 from the Stormwater Fund for these repairs.

FISCAL IMPLICATIONS:

This is an unbudgeted emergency repair. The Stormwater Fund does not have sufficient funding to effect the repairs; as a result, the General Fund will need to transfer funds to the Stormwater Fund. Further, the transferred funds will need to be appropriated in the Stormwater Fund once transferred. As a result, funds totaling \$221,415 will be transferred from the General Fund and appropriated from the Stormwater Fund to cover the emergency repairs, and contingency if needed. If the City's claim (discussed below) is successful, this amount would be fully reimbursed.

BACKGROUND:

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 (PCC) 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.

On March 8, 2017, the City approved an emergency declaration for needed repairs to the stormwater pump station at 23rd Street and Peck Ave. Please recall that 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.

DISCUSSION:

The work authorized by the City Manager for Fluid Resource Management (FRM) to complete the necessary repairs is underway, and is still scheduled to be completed in early April. As of this report, the motors have been sent out for the appropriate repairs and all damaged electrical equipment has been removed. The replacement electrical equipment has been ordered and is expected to be in before the end of March along with the repaired motors. FRM will then commence installation of the motors and equipment.

Once FRM 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.

Staff has filed a claim with the SCE contractor, and will continue to pursue reimbursement.

Therefore, staff recommends that City Council:

- 1) Adopt a resolution authorizing the City Manager to execute a contract with Fluid Resource Management for the emergency work for a total amount of \$160,000.
- 2) Authorize the City Manager to execute and amendment with Control Automation Design for the emergency work for a total amount of \$24,512.50.
- 3) Approve an appropriation from the general fund to the stormwater fund for \$221,415.

Approve by 4/5 vote the continuation of an emergency declared by the City Manager pursuant Resolution No. 12-6421, without soliciting competitive bids pursuant to California Public Contract Code Section 22050, for the replacement and installation of the stormwater pumps and equipment at the 23rd St. and Peck Ave. Stormwater Pump Station.

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 is continuing to 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 and determined that no additional legal analysis is necessary.

Attachments:

1. Resolution No. 17-0015
2. Agreement
3. Exhibit 1
4. Exhibit 2