



## MEMORANDUM

**TO:** City Council

**FROM:** Bill Robeson, Assistant City Manager/Public Works Director

**BY:** Steve Kahn, Interim City Engineer

**SUBJECT:** Consideration to Adopt a Resolution Pursuant to Public Contract Code Section 22050 Determining to Continue Work Under Emergency Contracts for the FCFA Station 1 Emergency Generator Replacement Project, PW 2021-09

**SUMMARY:** The continuation of the emergency action and the update of the Emergency generator replacement project at FCFA Station 1 is categorically exempt from the California Environmental Quality Act ("CEQA") under the Class 2 exemption, which applies to the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, and where none of the exceptions to the exemption apply. (State CEQA Guidelines, § 15302.)

**DATE:** February 14, 2023

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### **SUMMARY OF ACTION:**

Adoption of the Resolution by the required four-fifths vote will allow for the continued accelerated replacement of the emergency generator at the Five Cities Fire Authority (FCFA) Station 1.

### **IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:**

There are no additional fiscal impacts from adoption of this Resolution. The FY 2021-22 and FY 2022-23 Capital Improvement Program (CIP) budgets included \$680,018 (\$46,780 General Fund, \$318,738 Sales Tax Funds, and \$314,500 of California Nuclear Power Preparedness (NPP) Program funding) for the subject project. The engineer's construction cost estimate for the project is currently \$646,453. FCFA staff will seek to secure the NPP funding upon completion of the construction documents and associated engineer's construction cost estimate. It is anticipated that NPP funding will cover approximately 50% or \$323,277. Staff time will be necessary to coordinate construction activities with the contractor and special inspectors.

**Item 9.h.**

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#### **RECOMMENDATION:**

1) Receive and file an update of the emergency generator replacement project at the FCFA Station 1; and 2) Adopt a Resolution determining that there is a need to continue the emergency action for the replacement of the emergency generator in accordance with Public Contract Code Section 22050.

#### **BACKGROUND:**

Public Contract Code (PCC) Section 22050 allows a public agency, in the case of an emergency, to 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 going through a formal bid process. At its regular meeting on September 13, 2022, the City Council adopted Resolution No. 5219 declaring an emergency and authorizing the accelerated replacement of the emergency generator at the FCFA Station 1 by eliminating the formal bid process.

PCC Section 22050 requires that after proceeding with an emergency project, the City Council shall review the emergency action at its next regularly scheduled meeting and at every regularly scheduled meeting thereafter until the emergency action is terminated, and if it is determined that there is a need to continue the action, authorize continuation of the emergency action by a four-fifths vote. On September 27, October 11 and 25, November 22, December 13, 2022, January 10 and 24, 2023 the Council adopted Resolution Nos 5225, 5231, 5239, 5243, 5250, 5253, and 5262 respectively, determining a need to continue work under emergency contracts to replace the emergency generator at the FCFA Station 1.

#### **ANALYSIS OF ISSUES:**

Since the January 24, 2023 City Council meeting, the status of the project is as follows:

- *On January 25, 2023, two bids were received on the FCFA Station 1 Emergency Generator Replacement Project. The bids were from Electricraft, Inc. for \$462,357 and Thoma Electric for \$561,889. There are sufficient funds in the Project budget to move forward on the Project with the low apparent bidder. Staff is working to award to bid to Electricraft, Inc. and start the Project.*

While a portable generator has been brought on site that allows for the opening of the apparatus bay doors and some lighting at the fire station, it does not provide power to the server room or the station alerting system, which are critical needs. Therefore, there remains an imminent danger to public health and safety as this situation may cause delay of emergency 9-1-1 services during the event of a power outage. Because of this, staff recommends that the emergency action be continued.

**Item 9.h.**

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As required by statute, staff will continue to bring a similar item to the Council on subsequent agendas with the necessary findings until the necessary emergency work has been completed or until the emergency action is terminated. Until this future item, staff will continue to work with the design consultant and selected contractor to complete the improvements on an accelerated basis.

**ALTERNATIVES:**

The following alternatives are provided for the Council’s consideration:

1. Receive and file an update of the emergency generator replacement project at the FCFA Station 1; and adopt the proposed Resolution finding that there is a need to continue the emergency action for the replacement of the emergency generator in accordance with Public Contract Code Section 22050;
2. Receive and file an update of the emergency generator replacement project at the FCFA Station 1; do not adopt the proposed Resolution; and direct staff to prepare a Resolution to terminate the need to continue work under emergency action; or
3. Provide other direction to staff.

**ADVANTAGES:**

Adoption of the Resolution will allow for the accelerated replacement of the emergency generator at the FCFA Station 1 which will ensure power during the event of a power outage thereby providing rapid response time in the event of an emergency situation.

**DISADVANTAGES:**

No disadvantages are identified at this time.

**ENVIRONMENTAL REVIEW:**

The continuation of the emergency action and the update of the emergency generator replacement project at FCFA Station 1 is categorically exempt from the California Environmental Quality Act (“CEQA”) under the Class 2 exemption, which applies to the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, and where none of the exceptions to the exemption apply. (State CEQA Guidelines, § 15302.).

**PUBLIC NOTIFICATION AND COMMENTS:**

The Agenda was posted at City Hall and on the City’s website in accordance with Government Code Section 54954.2.

Attachment:

1. Proposed Resolution