

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DETERMINING A NEED TO CONTINUE WORK UNDER EMERGENCY CONTRACTS FOR THE FCFA STATION 1 EMERGENCY GENERATOR REPLACEMENT PROJECT

WHEREAS, on September 13, 2022, pursuant to Public Contract Code (PCC) Section 22050, the City Council deemed it was in the public interest to immediately authorize the expenditure of City funds needed to safeguard the health, safety and welfare and to proceed immediately with the replacement of the emergency generator at the Five Cities Fire Authority (FCFA) Station 1; and

WHEREAS, On September 13, 2022, the City Council deemed the immediate replacement of the emergency generator was necessary in order to protect the public health, safety and welfare and would not permit a delay resulting from a competitive solicitation for bids and that prompt action, including authorization to expend all funds required for such replacement without competitive bidding, was necessary to respond to the emergency; and

WHEREAS, on September 13, 2022, the City Council adopted Resolution No. 5219 declaring an emergency and authorizing the City Manager to enter into any contract or agreement in order to immediately replace the emergency generator; and

WHEREAS, 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

WHEREAS, on September 27, 2022, the City Council adopted Resolution No. 5225 determining a need to continue work under emergency contracts to replace the emergency generator and has adopted a similar resolution at all subsequent regular City Council meetings; and

WHEREAS, 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.).

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WHEREAS, if it is determined that there is a need to continue the emergency action, PCC Section 22050 requires a four-fifths vote to authorize the continuation of the emergency action.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Arroyo Grande that the emergency declared by the City Council on September 13, 2022 regarding replacement of the generator at FCFA Station 1 shall be deemed to continue, that the action is necessary to respond to the emergency, and there is substantial evidence in the record the continued emergency will not permit a delay resulting from a competitive solicitation of bids.

BE IT FURTHER RESOLVED, that the recitals are incorporated herein and the local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council.

On motion by Council Member _____, seconded by Council Member _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

The foregoing Resolution was passed and adopted this 14th day of February, 2023.

CAREN RAY RUSSOM, MAYOR

ATTEST:

JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

WHITNEY MCDONALD, CITY MANAGER

APPROVED AS TO FORM:

ISAAC ROSEN, INTERIM CITY ATTORNEY