

RESOLUTION NO. 5062

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD DECLARING AN EMERGENCY PURSUANT TO SECTION 20168 OF THE PUBLIC CONTRACT CODE AND SECTION 3.24.040 OF THE SOLEDAD MUNICIPAL CODE AND AUTHORIZING EMERGENCY REPAIR WORK TO CITY WATER MAINS AND APPURTENANT FACILITIES IN AN INITIAL AMOUNT NOT TO EXCEED \$50,000

WHEREAS, on February 18, 2015, the City's water delivery system sustained significant damage due to over-pressured water wells; and

WHEREAS, an initial assessment of the damage indicates breaks in water mains located at Soledad Street, at the intersection of Monterey and Encinal Streets, and in the vicinity of Front and East Streets, as well as at water lines at several private residences; and

WHEREAS, Staff has retained Monterey Peninsula Engineering to assist in determining the extent of the damage, and to provide assistance with required repairs; and

WHEREAS, Staff is of the opinion that the aforesaid damages, if not immediately repaired, create a real potential that the City will be without sufficient water to meet fire suppression and public water demand needs; and

WHEREAS, Staff believes there is a need to perform water system repair and remedial work on an expedited basis in order to protect the City's water supply and delivery system and ensure the general health, safety and welfare of the citizens of Soledad; and

WHEREAS, Staff is of the opinion that adherence to purchase bidding requirements set forth in Chapter 3.24 of the Soledad Municipal Code, and contract bidding procedures established in the Public Contract Code, will result in unacceptable delays before the City can commence repairs to the City's water system; and

WHEREAS, Section 3.24.040 of the Soledad Municipal Code provides an exception to the bidding requirements for the purchase of equipment when an "emergency" (defined in part as a breakdown in machinery or an essential service which requires the immediate purchase of supplies or services to protect the public health, welfare and safety) arises, and damage to various water mains in the City's water delivery system has created a City emergency; and

WHEREAS, Section 20168 of the Public Contract Code provides that in the case of an emergency, the City Council, by four-fifths vote, may pass a resolution declaring that the public interest and necessity demand the immediate expenditure of public funds to safeguard life, health and property, and that such monies may be expended without compliance with mandatory contract bidding procedures; and

WHEREAS, Section 1102 of the Public Contract Code defines emergency as a sudden, unexpected occurrence that poses a clear and imminent danger, requiring action to prevent or

mitigate the loss or impairment of life, health or property, and the circumstances surrounding the sudden, unexpected and significant damage to water mains in the City's water delivery system have created the need to take immediate action to address the cause of said failure, meeting this definition of emergency; and

WHEREAS, although it is not possible at this time to accurately estimate the cost of the work necessary to repair the above-referenced damaged water mains, City Staff has set an initial estimate of \$50,000.

NOW THEREFORE, BE IT HEREBY RESOLVED, that the City Council of the City of Soledad hereby resolves as follows:

1. Based on the recitals set forth above, which are incorporated herein by reference, the City Council hereby declares that an emergency situation, as defined in both Soledad Municipal Code Chapter 3.24 and Public Contract Code Section 1102, exists with respect to the need to take immediate action to repair broken water mains and appurtenant facilities in the City's water delivery system so as to ensure adequate water supply to the citizens of Soledad.
2. By this Resolution, and the authority granted by Soledad Municipal Code Chapter 3.24 and Public Contract Code Section 20168, the City Council finds that the public interest and necessity demand the immediate obligation of funds to repair and rehabilitate various water mains and appurtenant facilities in the City's water delivery system without need to comply with formal bidding procedures, and approves and/or ratifies the action of Staff and the City Manager to enter into any contract and/or task order with appropriate service providers and construction companies, including but not limited to Monterey Peninsula Engineering, to provide the necessary analytical and remedial services, in an initial amount not to exceed \$50,000.
3. In order to provide funding for the repair work set forth herein, the Council approves expenditure of an amount not to exceed \$50,000 from the Water Operations Fund.
4. City Staff and the City Council shall review the status of the emergency and all emergency actions taken at the Council's next regularly scheduled meeting, and at every regularly scheduled meeting thereafter, to determine whether the emergency and all work commenced in response thereto can be terminated.
5. City Staff is further directed and authorized to take all other actions related to this emergency, such as the provision of notice to agencies with jurisdiction over water quality related matters, notice to the public, and all actions necessary to

provide members of the public with adequate drinking water, and to report such actions at the next regularly scheduled City Council meeting.

PASSED AND ADOPTED at an emergency meeting of the City Council of the City of Soledad duly held at 1:30 P.M. on the 18th day of February, 2015, by the following vote:

AYES, and in favor thereof, Councilmembers: Christopher K. Bourke, Patricia D. Stephens, Mayor Pro Tem Alejandro Chavez and Mayor Fred J. Ledesma

NOES, Councilmember: None

ABSENT, Councilmember: Richard J. Perez

ABSTAIN, Councilmember: None



FRED J. LEDESMA, Mayor

ATTEST



ADELA P. GONZALEZ, City Clerk

