

**AGENDA
ITEM**

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CALEXICO California

WHERE CALIFORNIA AND MEXICO MEET

AGENDA
ITEM

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CITY COUNCIL AGENDA STAFF REPORT

DATE: October 18, 2023

TO: Mayor and City Council

APPROVED BY: Esperanza Colio Warren, City Manager

REVIEWED BY: Sandra L. Fonseca, Interim Finance Director

PREPARED BY: Lilliana Falomir, Public Works Manager – Administrative

DocuSigned by:
Lilliana Falomir
AD5550803023420...

SUBJECT: Resolution of the City Council of the City of Calexico Pursuant to Public Contract Code (PCC) Section 22035 Finding that an Emergency Existed Due to the Need to Repair One (1) Sinkhole in the Intersection of First Street and Heber Avenue and Authorizing the City Manager to Execute a Contract Without Competitive Bidding Pursuant to PCC Section 22050 in the Amount of \$125,600.07 to Fix the Sinkhole.

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Recommendation:

To adopt a Resolution of the City Council of the City of Calexico Pursuant to Public Contract Code (PCC) Section 22035 Finding that an Emergency Exists Due to the Need to Repair One (1) Sinkhole in the Intersection of First Street and Heber Avenue and Authorizing the City Manager to Execute a Contract Without Competitive Bidding Pursuant to PCC Section 22050 in the Amount of \$125,600.07 to fix the sinkhole.

Background:

Pursuant to Public Contract Code (PCC) § 22035, the City Council may declare that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property in the case of emergency. In accordance with PCC §§ 22035 and 22050, the City Council may repair or replace a public facility, take any 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. Under PCC § 1102 an emergency means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

Discussion and Analysis:

On August 4, 2023, Public Works staff discovered a sinkhole at the intersection of First Street and Heber Avenue. After further inspection, this unexpected occurrence posed a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, and/or essential public services, and constituted an emergency. Public Works staff with the authorization of the City Manager contracted A&R Construction to excavate the sinkhole, repair the storm drain line, install a concrete fill, and refill and patch the sinkhole with asphalt. Sufficient funds exist in the City's wastewater operating fund to repair the storm drain line. Thus, Public Works staff recommends that the City Council approve the attached resolution authorizing the emergency repair of the storm drain line in the intersection of First Street and Heber Avenue without competitive bidding and authorize the City Manager to execute a purchase order and/or contract with A&R Construction for the repair of the sinkhole at the intersection of First Street and Heber Avenue totaling One Hundred Twenty-Five Thousand Six Hundred and 07/100 Dollars (\$125,600.07).

Fiscal Impact:

Capital Improvement Program Budgeted Item for FY 2023-2024	
Fund No. 547-90-940-56003-000	\$125,600.07
Total	\$125,600.07

Coordinated With:

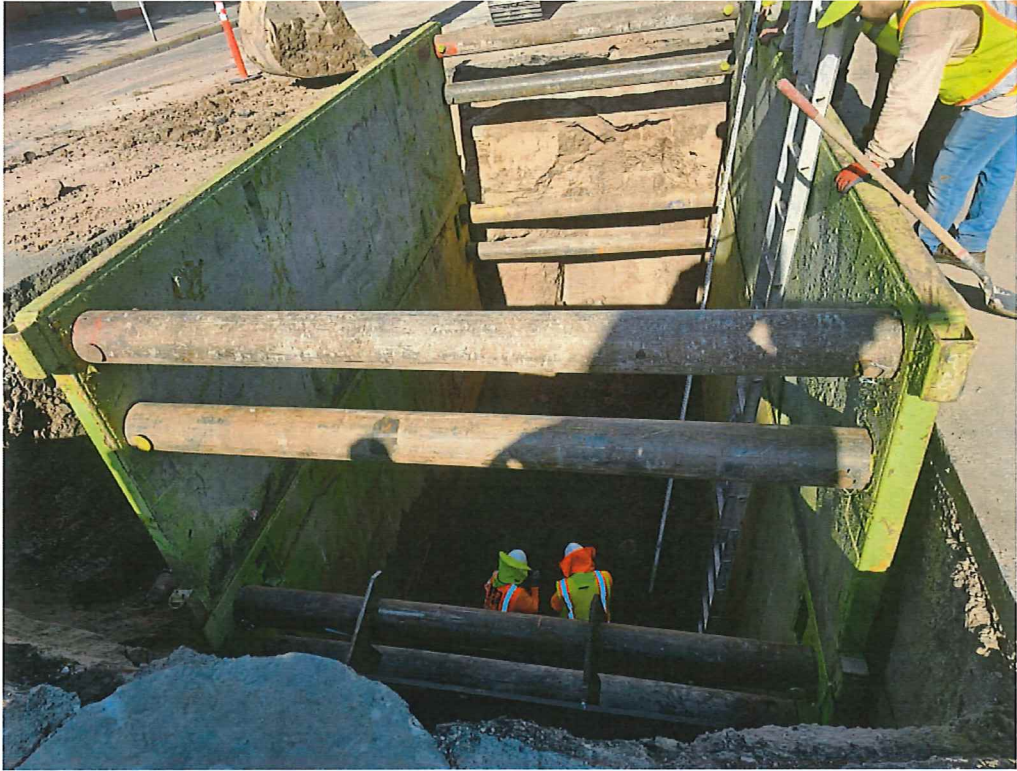
City Manager's Office.
City Attorney's Office.
Public Works Department.
Office of the City Clerk.

Attachment(s):

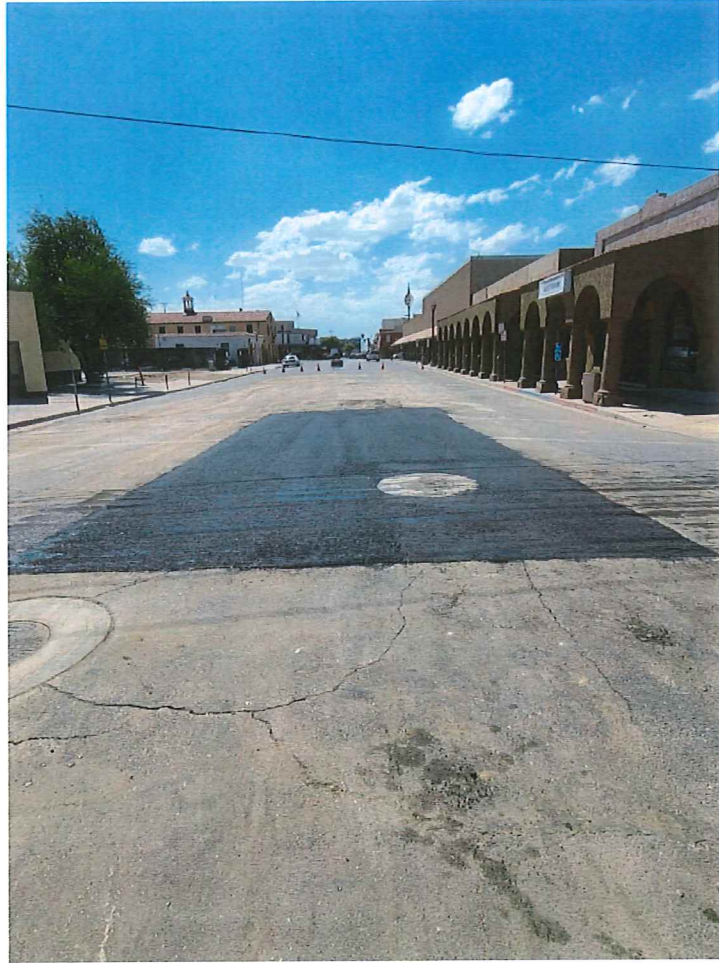
1. A Resolution of the City Council of the City of Calexico Pursuant to Public Contract Code (PCC) Section 22035 Finding that an Emergency Exists Due to the Need to Repair One (1) Sinkhole in the Intersection of First Street and Heber Avenue and Authorizing the City Manager to Execute a Contract Without Competitive Bidding Pursuant to PCC Section 22050 in the Amount of \$125,600.07 to fix the Sinkhole.
2. A&R Invoice No. 2444.

Picture(s):









RESOLUTION NO. 2023-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO PURSUANT TO PUBLIC CONTRACT CODE (PCC) SECTION 22035 FINDING THAT AN EMERGENCY EXISTED DUE TO THE NEED TO REPAIR ONE (1) SINKHOLE IN THE INTERSECTION OF FIRST STREET AND HEBER AVENUE AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITHOUT COMPETITIVE BIDDING PURSUANT TO PCC SECTION 22050 IN THE AMOUNT OF \$125,600.07 TO FIX THE SINKHOLE.

WHEREAS, pursuant to Public Contract Code (PCC) § 22035, the City of Calexico (“City”) Council may declare that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property in the case of emergency; and

WHEREAS, in accordance with PCC §§ 22035 and 22050, the City Council may repair or replace a public facility, take any 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; and

WHEREAS, under PCC § 1102 an emergency means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services; and

WHEREAS, the City provides storm drain services to its residents via the City's Wastewater Collection System; and

WHEREAS, the Wastewater Collection System has numerous storm drain lines that are used to house an access point for making connections or performing maintenance to the City’s sewer collection system; and

WHEREAS, Public Works staff recently discovered the significant operability problems with a sinkhole in the intersection of First Street and Imperial Avenue, which was an unexpected occurrence that posed a clear and imminent danger requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, and/or essential public services and constitutes an emergency; and

WHEREAS, City staff has identified a contractor, A&R Construction to repair the sinkhole for a reasonable price totaling One Hundred Twenty-Five Thousand Six Hundred and 07/100 Dollars (\$125,600.07); and

WHEREAS, sufficient funds exist in the City's wastewater operating fund to pay for the repair.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALEXICO HEREBY RESOLVES AS FOLLOWS:

Resolution No. 2023-_____

Section 1. The above-listed recitals are true and correct and incorporated herein.

Section 2. The City Council finds, determines and declares that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health and/or property at the City of Calexico's Wastewater Collection System due to sinkhole in the intersection of First Street and Heber Avenue. The City Council further finds that under these emergency conditions, the delay resulting from public bidding for the repair of the sewer manhole would imperil essential public services and pose a risk of loss or impairment of life, health, and property.

Section 3. Based on the foregoing, the City Council authorizes the City Manager to execute a purchase order and/or contract with A&R Control Systems Engineering, Inc. for the repair of one (1) sinkhole in the intersection of First Street and Heber Avenue totaling One Hundred Twenty-Five Thousand Six Hundred and 07/100 Dollars (\$125,600.07), in accordance with the specific terms set forth in the accompanying staff report.

Section 4. The City Council will review this emergency action at its next regularly scheduled meeting and at every regularly scheduled meeting thereafter until the work described above is completed. If necessary, the City Council must determine by a four-fifths vote that there is a need to continue the work at each meeting.

Section 5. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 18th day of October, 2023.

Raul Ureña, Mayor

Attest:

Veronica L. Alvarado, Interim City Clerk

Approved as to Form:

Carlos L. Campos, City Attorney

Resolution No. 2023-_____

State of California)
County of Imperial) ss.
City of Calexico)

I, Veronica L. Alvarado, Interim City Clerk of the City of Calexico, California, do hereby certify that the above and foregoing Resolution No. 2023-_____ was duly passed, approved and adopted by the City Council at its regular meeting held on the 18th of October, 2023, by the following vote, to-wit:

AYES:
NOES:
ABSENT:

Veronica L. Alvarado, Interim City Clerk