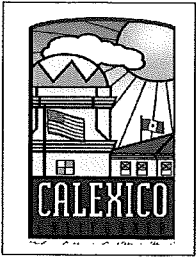


**AGENDA  
ITEM  
5**



# AGENDA STAFF REPORT

**DATE:** March 21, 2018

**TO:** Mayor and City Council

**APPROVED BY:** David Dale, City Manager *dh*

**PREPARED BY:** David Dale, City Manager

**SUBJECT:** Resolution of the City Council of the City of Calexico (City) Pursuant to Public Contracts Code (PCC) Section 20168 Finding the Continued Existence of an Emergency Due to the Need for a New Variable Frequency Drive at the Water Treatment Plant and Authorize Contracting without the need for Bidding Pursuant to PCC Section 22050

=====

**Recommendation:**

Adopt a Resolution of the City Council of the City of Calexico (City) Pursuant to Public Contracts Code (PCC) Section 20168 Finding the Continued Existence of an Emergency Due to the Need for a New Variable Frequency Drive at the Water Treatment Plant and Authorize Contracting without the need for Bidding Pursuant to PCC Section 22050.

**Background:**

Pursuant to authority under Public Contracts Code §§ 20168 and 22050, at the December 6, 2017, City Council meeting, the City Council voted to find that an emergency existed at the Water Treatment Plant due to the immediate and necessary replacement of a variable frequency drive (VFD). Based on this finding, the City Council authorized the execution of an agreement with Control Systems Engineering, Inc. for critical replacements and repairs at the plant.

**Discussion & Analysis:**

Pursuant to Public Contracts Code § 22050, the City Council shall continue to review emergency actions for contracts not publicly bid at regularly scheduled meetings until the emergency actions are completed. The circumstances at the plant still present emergency circumstances, necessitating the continued replacements and repairs. Staff thus recommends approval of the attached resolutions.

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**Fiscal Impact:**

No fiscal impact. Funds from the Water Operating Fund were previously authorized on December 6, 2017.

**Coordinated With:**

Public Works Department.

**Attachment(s):**

1. Resolution of the City Council of the City of Calexico (City) Pursuant to Public Contracts Code (PCC) Section 20168 Finding the Continued Existence of an Emergency Due to the Need for a New Variable Frequency Drive at the Water Treatment Plant and Authorize Contracting without the need for Bidding Pursuant to PCC Section 22050

**RESOLUTION NO. 2018-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO (CITY) PURSUANT TO PUBLIC CONTRACTS CODE (PCC) SECTION 20168 FINDING THE CONTINUED EXISTENCE OF AN EMERGENCY DUE TO THE NEED FOR A NEW VARIABLE FREQUENCY DRIVE AT THE WATER TREATMENT PLANT AND AUTHORIZING CONTRACTING WITHOUT THE NEED FOR BIDDING PURSUANT TO PCC SECTION 22050**

WHEREAS, pursuant to Public Contracts Code (PCC) § 20168, the City Council may declare that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property; and

WHEREAS, in accordance with PCC §§ 20168 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, pursuant to these codes, at the December 6, 2017 City council meeting, the City Council declared that the public interest and necessity demanded the immediate expenditure of public money to safeguard life, health or property for the replacement of a variable frequency drive (VFD) at the Calexico Water Treatment Plant; and

WHEREAS, based on that City Council authorization, City staff contracted with Control Systems Engineering, Inc., to for the purchase of the new VFD; and

WHEREAS, the City Council of the City of Calexico has reviewed the need to continue the previously approved emergency action and related repairs; and

WHEREAS, sufficient funds exist in the City's water operating fund to pay for the new Variable Frequency Drive (VFD) No. 1.

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

- Section 1. The above-listed recitals are true and correct and incorporated herein.
- Section 2. The City Council does hereby declare the extension of the period of the emergency through the next regular City Council meeting, April 4, 2018, unless sooner terminated.
- Section 3. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 21<sup>st</sup> day of March, 2018.

Resolution No. 2018-\_\_\_\_\_

\_\_\_\_\_  
Maritza Hurtado, Mayor

Attest:

\_\_\_\_\_  
Gabriela T. Garcia, City Clerk

Approved as to Form:

\_\_\_\_\_  
Carlos L. Campos, City Attorney

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

I, Gabriela T. Garcia, City Clerk of the City of Calexico, California, do hereby certify that the above and foregoing Resolution No. 2018-\_\_\_\_\_ was duly passed, approved and adopted by the City Council at its regular meeting held on the 21<sup>st</sup> day of March, 2018, by the following vote, to-wit:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Gabriela T. Garcia, City Clerk