



Legislation Text

File #: 19-810, **Version:** 1

Resolution determining the continued existence of an emergency and the need to continue emergency repairs for the Hillside (Terrabay) Field Light Replacement Project.

WHEREAS, on September 12, 2018, the City Council adopted a resolution delegating authority to the City Manager to order any emergency action and enter into necessary contracts pursuant to the provisions and restrictions of California Public Contract Code Section 22050; and

WHEREAS, in April 2019, pursuant to such delegated authority, the City solicited for and executed a contract with Interstate Grading and Paving, Inc. for the emergency repair and replacement of a light pole at the Hillside (Terrabay) Ballfield, located at 1400 Hillside Boulevard, South San Francisco; and

WHEREAS, the 70-foot tall light pole was damaged severely during the 2019 winter storms, resulting in damages to its base and causing it to lean significantly over a large portion of the ballfield, which poses a significant hazard for public health and safety in the event it collapses; and

WHEREAS, the emergency repair and replacement contract was executed with Interstate Grading and Paving, Inc. due to the nature of the pole damage and that all other contractors contacted by City staff have declined to perform the work due to the size of the pole and the specialized equipment and expertise needed for a project of such scale; and

WHEREAS, on August 28, 2019, the City Council adopted a resolution authorizing further continuation of emergency repair and replacement work to address the pole's condition at the Terrabay Ballfield;

WHEREAS, progress has been made on the emergency repair work including fabrication of a new, customized replacement pole, installation of new electrical conduit and rebar foundation, and construction of the concrete foundation; and

WHEREAS, if the work is terminated now and the project is subject to applicable bidding procedures, the additional time that it takes to locate a new contractor willing to undertake the project and allowing time for the contractor to commence installation would prolong the dangerous condition in which the pole currently stands; and

WHEREAS, the pole currently stands in a leaning position and remains in an extremely dangerous condition for the public and additional emergency repair work is still needed to eliminate the dangerous conditions.

FINDINGS

WHEREAS, the City Council of the City of South San Francisco hereby finds as follows:

A. Pursuant to California Public Contract Code Section 20168, the public interest and necessity demanded the immediate commencement of the above-described work at the Hillside (Terrabay) Field in the City and the expenditure of public money for such work to safeguard life, health and property; and

B. Pursuant to California Public Contract Code Section 22050 and the authority delegated by the City Council on September 12, 2018, and based on substantial evidence as set forth in the staff report prepared concerning this resolution, and as set forth in this resolution, establishes that the City Manager was authorized to order emergency repair work for the hazardous and threatening condition at the Hillside (Terrabay) Field in the City, and was authorized to execute a contract with Interstate Grading and Paving, Inc. for such work; the above-described emergency conditions and work would not permit additional delay resulting from competitive solicitation for bids due to the pole's condition and the lack of any contractors willing to undertake the project except Interstate Grading and Paving, Inc., and such work continues to be necessary to respond to the emergency conditions at the Hillside (Terrabay) Field and remediate the hazardous condition that the light pole is in; and

C. Terminating the emergency repair project now and let the remaining work at the Hillside (Terrabay) Field to competitive bidding would jeopardize public health, safety and welfare; risk additional damage to public and private property; and result in the public incurring additional expense, including, but not limited to, additional expense due to delay and further damage. Therefore, it remains that competitive bidding of such work would not produce an advantage for the public; and

D. The emergency work authorized at the Hillside (Terrabay) Field in the City continues to be statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15269, subparagraphs (b) and (c).

NOW, THEREFORE, the City Council of the City of South San Francisco hereby does resolve, by at least a four-fifths vote, as follows:

1. The above recitals are true and correct and hereby declared to be findings of the City Council of the City of South San Francisco.

2. The City Council determines that the emergency conditions at the Hillside (Terrabay) Field threatening public health and safety continue to exist and thus determines that the emergency repair work continues to be necessary to address the hazardous and threatening condition of the pole and related repairs.

3. City staff is directed, in accordance with California Public Contract Code Section 22050(c)(1), to place on future regular agendas of the City Council an item concerning the contracts authorized pursuant to this resolution so that the City Council may determine, by at least a four-fifths vote, whether there is a need to continue the emergency work described above or whether such work may be terminated.

4. This resolution shall become effective immediately.

5. Each portion of this resolution is severable. Should any portion of this resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, then the remaining resolution portions shall be and continue in full force and effect, except as to those resolution portions that have been adjudged invalid. The City Council hereby declares that it would have adopted this resolution and each section, subsection, clause, sentence, phrase and other portion thereof, irrespective of the fact that one or more section, subsection, clause

sentence, phrase or other portion may be held invalid or unconstitutional.

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