Legislation Text

File #: 21-729, **Version:** 1

Resolution determining the continued existence of an emergency and authorizing procurement for emergency remediation work relating to fire damage on Sign Hill in South San Francisco.

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, on October 16, 2020, a multi-alarm grass fire broke out on the western section of the iconic letters at Sign Hill in South San Francisco, where multiple recreational trails are located and frequently used by the public; and

WHEREAS, the wind pushed the fire quickly to the west across the southern face of the hill through the grasses and spread into the nearby tree groves, killing hundreds of trees which now pose a public safety hazard; and

WHEREAS, the fire burned over 16 acres of land and damaged a significant number of trees and trails; and

WHEREAS, at the November 24, 2020 Regular City Council Meeting, the City Council adopted a resolution determining the existence of an emergency as a result of the Diamond Fire, and authorized emergency repairs including removal of more than 1,500 trees directly impacted by the wildfire; and

WHEREAS, in order to remediate such dangerous conditions, City staff retained consultants and contractors to assess the scope of the damage, recommend corrective action, and undertake or contract for a substantial amount of tree removal and trail repair/remediation work in order to restore the trails and other features of Sign Hill to a safe condition as quickly as possible, and to subsequently re-open them to the public; and

WHEREAS, pursuant to the aforementioned delegated authority, the City solicited for and executed a contract with Davey Tree Expert Company, for the emergency removal of more than 1,500 damaged or hazardous trees for a contract total not to exceed $900,000; and

WHEREAS, in December 2020, the City solicited for and executed a contract with Acacia Environmental Construction, for the emergency mitigation of potential erosion hazards within fire damaged areas on Sign Hill; and

WHEREAS, the dead trees remain in a precarious and dangerous condition for the public and additional emergency mitigation 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. The above recitals are true and correct and incorporated herein by this reference.

B. Pursuant to California Public Contract Code Section 20168, public interest and necessity demand the immediate commencement of the above-described work at Sign Hill in South San Francisco and the expenditure of public money for such work to safeguard life, health and property.

C. 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 presented by the circumstances of the Sign Hill fire and City staff's assessments, including but not limited to those from the City's Fire, Police, and Parks & Recreation Departments, the staff report prepared concerning this resolution, and as set forth in this resolution, the City Manager would continue to be authorized to order emergency tree removal, trail repair and related work for the hazardous and threatening conditions at Sign Hill in South San Francisco.

D. Terminating the above-described emergency work and let the remaining work at Sign Hill 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, due to the dangerous conditions of the falling trees and damage to trails and other features of the Sign Hill area and such work is necessary to respond to the emergency conditions at Sign Hill. Therefore, it remains that competitive bidding of such work would not produce an advantage for the public.

E. Based on evidence presented in the record, the above-described emergency work 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 and findings are true and correct and hereby declared to be findings of the City Council of the City of South San Francisco.

2. The emergency conditions at Sign Hill in South San Francisco continue to exist and threaten public health, welfare and safety; thus, emergency repair work continues to be necessary to address the hazardous and threatening conditions of the falling trees and destructed trail improvements. The emergency work described in this resolution continues to be exempt from California Public Contract Code competitive bidding requirements pursuant to California Public Contract Code Sections 20168 and 22050.

3. The City Council continues to authorize City staff to procure contracts for the emergency work described in this resolution and the City Manager to execute such contracts on behalf of the City, as approved to form by the City Attorney, and to take any other related action necessary to further the intent of this Resolution.

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4. 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 emergency work 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.

5. This resolution shall become effective immediately.

6. 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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