

DATE SUBMITTED 2/26/2021
 SUBMITTED BY ACM
 DATE ACTION REQUIRED 3/3/2021

COUNCIL ACTION (X)
 PUBLIC HEARING REQUIRED ()
 RESOLUTION (X)
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS [Signature]

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: AMENDED DECLARATION OF EMERGENCY FOR BARIONI BOULEVARD WATERLINE IMPROVEMENT PROJECT 1. ADOPTION OF RESOLUTION NO. 2021- 65 65 DECLARING AN EMERGENCY AT THE BARIONI BOULEVARD WATERLINE IMPROVEMENT PROJECT AND AUTHORIZING THE CITY MANAGER TO TAKE SUCH ACTION NEEDED IN RESPONSE THERETO.	
DEPARTMENT INVOLVED: <u>City Attorney/City Manager's Office/ Public Services Department</u>	
BACKGROUND/SUMMARY: Whereas the City Council acted during their regular meeting on February 17 th to declare an emergency at the Barioni Blvd. Waterline Improvement Project. Before you is a resolution to amend the previous declaration of emergency. In the course of repairs, it has come to our attention some action needed to be taken would not be covered by the previous declaration. The resolution before you amends that language.	
FISCAL IMPACT: To be determined	ADMIN SERV INITIALS <u>[Signature]</u>
STAFF RECOMMENDATION: It is staff's recommendation to approve the revised declaration of emergency so the City can appropriately and timely respond.	DEPT. INITIALS <u>[Signature]</u>
MANAGER'S RECOMMENDATION: Agrees with staff's recommendation.	CITY MANAGER'S INITIALS <u>[Signature]</u>
MOTION: SECONDED: _____ APPROVED () REJECTED () AYES: _____ DISAPPROVED () DEFERRED () NAYES: _____ ABSENT: _____ REFERRED TO: _____	

RESOLUTION NO. 2021-05

**RESOLUTION DECLARING AN EMERGENCY, AUTHORIZING THE CITY
MANAGER TO TAKE SUCH ACTION AS MAY BE NECESSARY IN RESPONSE
THERE TO AND RATIFYING ACTION TAKEN TO DATE**

WHEREAS, the City of Imperial (City) undertook the Barioni Boulevard Waterline Improvement Project (Project) for the installation of a water main under the Barioni - State Route 86 intersection, a major intersection for the City and community; and

WHEREAS, on September 2, 2020, and pursuant to a competitive bidding process through BID 2020-05, the City Council awarded the Project; and

WHEREAS, on November 2, 2020, the City began work on the Project, which necessitated the closure of the east and west portions of Barioni Boulevard at the Barioni - State Route 86 intersection, as well as excavation work on those portions of Barioni Boulevard; and

WHEREAS, on December 9, 2020, during work on the Project, the Imperial County Fire Hazmat Unit responded to a suspected hazardous materials release and subsequent testing revealed that certain soil was contaminated; and

WHEREAS, on February 3, 2021, due to the emergency nature of the discovery of the hazardous materials at the Project site, the City Council authorized the City Manager to contract for the removal and disposal of the contaminated soil associated with the Project; and

WHEREAS, on February 17, 2021, due to the unanticipated discovery of the contaminated soil resulting in significant delays and impacts to the Project, and portions of Barioni Boulevard being left unpaved and closed, the flow of traffic at one of the City's most traveled intersections continued to be interrupted, potentially exposing people and property to injury and damage, and places the protection of public property in jeopardy, the City Council declared the existence of an emergency and authorized the City Manager to take certain actions; and

WHEREAS, since that initial declaration, additional unanticipated impacts have been discovered at the Project site, including the deterioration of infrastructure providing electricity to the traffic lights at the Barioni – State Route 86 intersection, further potentially exposing people and property to injury and damage, and places the protection of public property in jeopardy; and

WHEREAS, the above described conditions constitute an emergency under applicable law and such emergency would not reasonably permit delays associated with a competitive solicitation for bids and the actions authorized herein are necessary to respond to the emergency; and

WHEREAS, in order to safeguard the public health and safety and to protect property, it is necessary to take immediate action to complete work necessary to complete work at the Project site; and

WHEREAS, the City Council wishes to delegate authority to the City Manager to take such action as may be necessary to complete work at the Project site, ratify actions already taken and otherwise address the emergency as described herein.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The above-referenced recitals are true and correct and are incorporated herein.
2. The City Council declares that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, and hereby delegates to the City Manager the authority to take such immediate action as may be necessary to safeguard life, health or property in connection with completing work at the Project site, in accordance with Public Contracts Code sections 20168 and 22050 and without otherwise complying with bid requirements required by law.
3. The City Council authorizes action set forth herein and further ratifies action authorized by the City Manager taken to date to address the aforementioned issue on the basis that the emergency described herein will not permit a delay resulting from a competitive solicitation of bids and the action is necessary to respond to the emergency.

APPROVED, PASSED, AND ADOPTED, at the regular meeting of the City Council this 3rd day of March, 2021.

Karin Eugenio, Mayor

ATTEST:

City Clerk