

DATE SUBMITTED 2/10/2021
 SUBMITTED BY ACM
 DATE ACTION REQUIRED 2/17/2021

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

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: DECLARATION OF EMERGENCY AT BARIONI BOULEVARD WATERLINE IMPROVEMENT PROJECT 1. APPROVAL OF RESOLUTION NO. 2021 <u>08</u> DECLARING AN EMERGENCY, AUTHORIZATION AND RATIFICATION OF ACTION TAKEN BY CITY MANAGER AT THE BARIONI BOULEVARD WATERLINE IMPROVEMENT PROJECT	
DEPARTMENT INVOLVED: City Attorney, City Manager's Office, and Public Services Department	
BACKGROUND/SUMMARY: On November 2, 2020 the City of Imperial began work on the Barioni Pipeline Project located east and west of the Barioni/SR86 intersection. On December 9, 2020. Imperial County Fire Hazmat Unit responded to a suspected hazmat release. While the site was cleared and crews/contractors were allowed to resume the project, further testing revealed that the soil was contaminated. After review and discussions with the appropriate agencies, the City contacted EFR Environmental, Inc. to perform further testing and remove/dispose the contaminated soil. On January 20 th , Council acted to approve/authorize EFR to remove and dispose of the contaminated soil. The discovery of these materials has caused significant delays to the project. Leaving portions of Barioni Boulevard unpaved and closed, thereby continuing to interrupt the flow of traffic at one of the City's most traveled intersections, potentially exposing people and property to injury and damage, and places the protection of public property in jeopardy. We believe that such exposure constitutes an emergency under applicable law and would reasonably permit delays with a competitive solicitation for bids. Therefore, to safeguard the public health and safety, it is necessary to take immediate action to complete the street paving that would reopen the project site.	
FISCAL IMPACT: To Be Determined	ADMIN SERV INITIALS <u>JS</u>
STAFF RECOMMENDATION: It is staff's recommendation to declare the emergency and proceed as a matter of reducing the exposure to public health and safety	DEPT. INITIALS <u>AB</u>
MANAGER'S RECOMMENDATION: City Manager agrees with the recommended action.	CITY MANAGER'S INITIALS <u>JHM</u>
MOTION: SECONDED: APPROVED () REJECTED () AYES: DISAPPROVED () DEFERRED () NAYES: ABSENT: REFERRED TO:	

RESOLUTION NO. 2021-03

**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 2, 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, the unanticipated discovery of the contaminated soil resulted in significant delays and impacts to the Project, leaving portions of Barioni Boulevard unpaved and closed, thereby continuing to interrupt the flow of traffic at one of the City's most traveled intersections, 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 the street paving 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 the street paving 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 the street paving 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 17th day of February, 2021.

Karin Eugenio, Mayor

ATTEST:

City Clerk