

DATE SUBMITTED March 30, 2022
 SUBMITTED BY Public Services
 DATE ACTION REQUIRED April 6, 2022

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

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: Adopt resolution declaring emergency, ratifying action taken and authorizing payment.

BACKGROUND/SUMMARY:
 On January 6 of this year, it was discovered that the supply line conveying potable water to the Aten Reservoir Tank developed a leak. Pictures are attached. Because of the age of the line and the cause of the leak being corrosion, there was concern that if the line were to fail completely, then water service to the area served by the tank would be compromised. The result would be impacts to public health and safety. Repair of the line was undertaken on an emergency basis with the approval of the City Manager. Parts were ordered and arrived on February 18. Replacement was completed on February 24, 2022. It is requested that the council approve the resolution which declares the emergency, ratifies action taken by staff to address the emergency and authorizes payment for the repair.

FISCAL IMPACT: \$49,428.12 to A & R Construction	FINANCE INITIALS _____
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STAFF RECOMMENDATION: Approve	DEPT. INITIALS _____
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MANAGER'S RECOMMENDATION: Approve	CITY MANAGER'S INITIALS <i>DHM</i>
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MOTION:

SECONDED: APPROVED () REJECTED ()
 AYES: DISAPPROVED () DEFERRED ()
 NAYES:
 ABSENT: REFERRED TO:

RESOLUTION NO. 2022-23

**RESOLUTION DECLARING AN EMERGENCY,
RATIFYNG ACTION TAKEN TO ADDRESS THE
EMERGENCY AND AUTHORIZING PAYMENT**

WHEREAS, the City operates and maintains a water conveyance and storage system, a portion of which is commonly referred to as the Aten Reservoir Tank; and

WHEREAS, the sole source of potable water to the Aten Reservoir Tank developed a leak; and

WHEREAS, given the age and appearance of the supply line, there was concern that the supply line could fail; and

WHEREAS, if the supply line were to fail, potable water delivery to the Aten Reservoir Tank would cease and potable water delivery to the area of the city served by the Aten Reservoir Tank would be compromised thereby creating a public health and safety hazard; 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 taken herein were necessary to respond to the emergency; and

WHEREAS, in order to safeguard the public health and safety, it was necessary to take immediate action to repair the supply line; and

WHEREAS, the City Council wishes to ratify action taken by staff and the City Manager to cause the supply line to be repaired and authorize payment for the emergency repair.

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 demanded the immediate expenditure of public money to safeguard life, health or property, and hereby ratifies action taken by staff and the City Manager to cause the supply line to be repaired on an emergency basis to safeguard life, health or property in accordance with Public Contracts Code Sections 20168 and 22050 and without otherwise complying with bid requirements required by law.

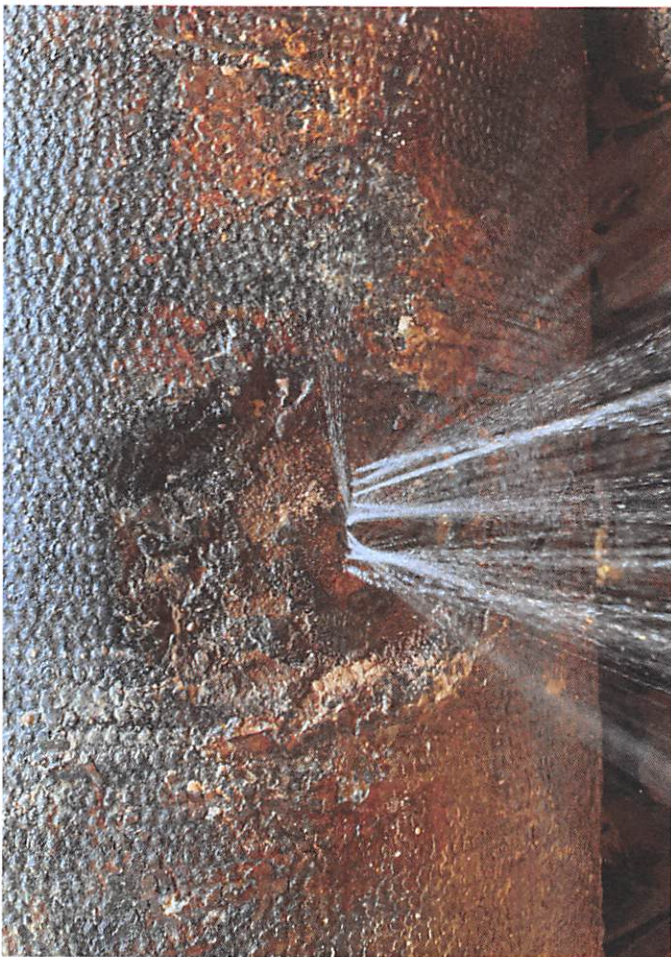
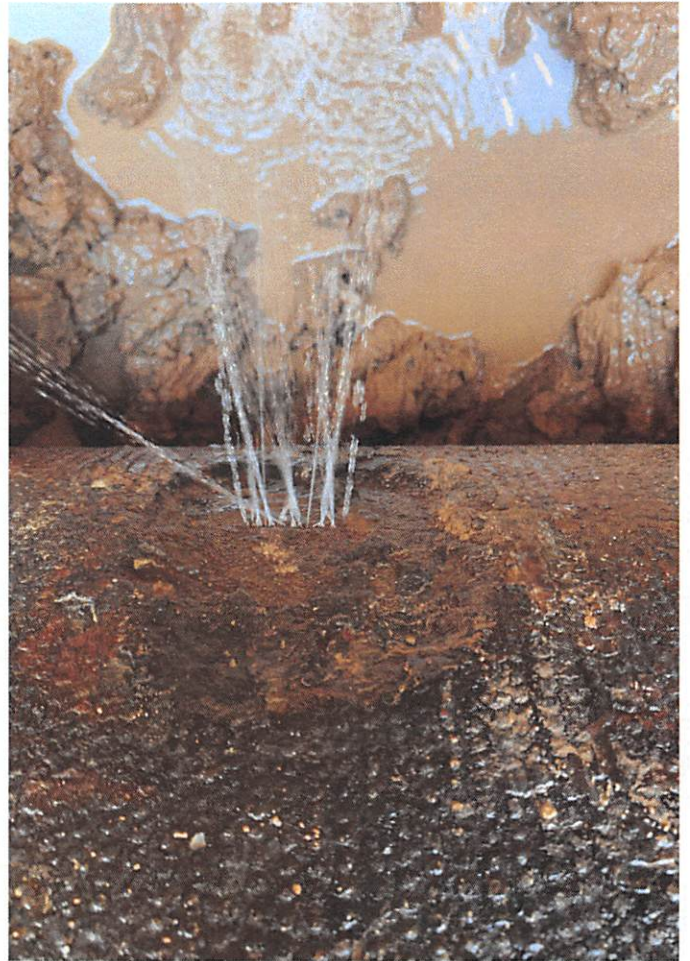
3. The City Council authorizes payment for repair of the supply line to A & R Construction in the sum of \$49,428.12.

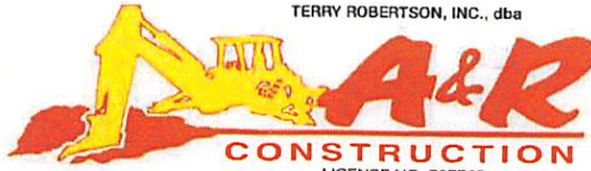
APPROVED, PASSED AND ADOPTED, at the regular meeting of the City Council
this 6th day of April, 2022.

Geoff Dale, Mayor

ATTEST:

City Clerk





OFFICE (760) 344-4653 • FAX (760) 344-4146
 1631 RIVER DRIVE • BRAWLEY, CA 92227-1747

CONTRACT INVOICE

TO: City of Imperial
 420 South Imperial Ave.
 Imperial CA 92251

Invoice#: 2177
Invoice Date: 03/18/2022
Due Date: 04/17/2022
Phase# 0

Description	Amount
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JOB# 2022-20

JOB NAME: Water Tank Fill Line Repair

JOB LOCATION: Aten Storage Tank

JOB DESCRIPTION: Replace leaking 16 inch ductile iron pipe with new 16 inch C-905 for approximately 160 Ft. Make connections to existing C-905 and above ground tank piping with new fittings and thrust blocks.

Equipment:

Equipment Trucking In/Out 6 hrs @ \$110/hour	660.00
Backhoe 7 hrs @ \$135/hour	945.00
330 Excavator 17.5 hrs @ \$250/hour	4,375.00
938 Loader 1 hr @ \$165/hour	165.00
Service Truck 25.5 hrs @ \$65/hour	1,657.50

Labor:

Foreman 14.5 hrs @ \$100/hour	1,450.00
Labor 57.5 hrs @ \$90/hour	5,175.00

Non-Taxable Amount:	23,939.18
Taxable Amount:	23,655.63
Sales Tax:	1,833.31
Retention:	0.00
Amount Due:	49,428.12

Please Pay This Amount

\$49,428.12

A service charge of 0.00 % per annum will be charged on all amounts overdue on regular statement dates.

Please make check payable to Terry Robertson, Inc. dba: A&R Construction

Thank You for your prompt payment!

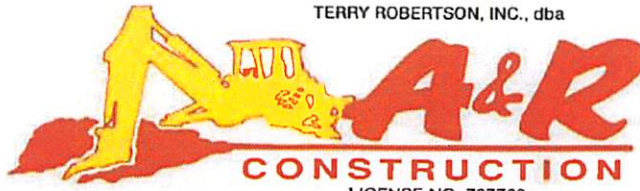
Contract Invoice

Continued...

Invoice # 2177

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Description	Amount
Materials:	
Crusher Fines 100 Tons @ \$18	1,800.00
Concrete	648.88
Demo Haul Off	160.00
Pipe	14,317.56
Fittings and Hardware	9,338.07
Freight	694.78
15% Overhead & Profit	6,208.02



TERRY ROBERTSON, INC., dba

OFFICE (760) 344-4653 • FAX (760) 344-4146
1631 RIVER DRIVE • BRAWLEY, CA 92227-1747

CONDITIONAL WAIVER AND RELEASE ON FINAL PAYMENT
California Civil Code Section 8136

NOTICE: THIS DOCUMENT WAIVES THE CLAIMANT'S LIEN, STOP PAYMENT NOTICE, AND PAYMENT BOND RIGHTS EFFECTIVE ON RECEIPT OF PAYMENT. A PERSON SHOULD NOT RELY ON THIS DOCUMENT UNLESS SATISFIED THAT THE CLAIMANT HAS RECEIVED PAYMENT.

IDENTIFYING INFORMATION:

Name of Claimant: Terry Robertson, Inc. dba: A&R Construction

Name of Customer: City of Imperial

Job Location: Water Tank Fill Line

Owner: City of Imperial

CONDITIONAL WAIVER AND RELEASE

This document waives and releases lien, stop payment notice, and payment bond rights the claimant has for labor and service provided, and equipment and material delivered, to the customer on this job. Rights based upon labor or service provided, or equipment or material delivered, pursuant to a written change order that has been fully executed by the parties to the date that this document is signed by the claimant, are waived and released by this document, unless listed as an Exception below. This document is effective only on the claimant's receipt of payment from the financial institution on which the following check is drawn.

Maker of Check: City of Imperial

Amount of Check: 49,428.12

Check Payable To: Terry Robertson, Inc. dba: A&R Construction

EXCEPTIONS:

This document does not affect any of the following:

Disputed claims for extras in the amount of: _____

SIGNATURE:

Claimant's Signature: Melina Plunkett

Claimant's Title: Office Personnel

Date of Signature: 03/18/22