

RESOLUTION NO. 21-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA CONFIRMING AN EMERGENCY AT THE SHARP PARK PUMP STATION; APPROVING EMERGENCY GENERATOR REPAIR; AUTHORIZING PAYMENT TO CUMMINS SALES & SERVICE IN THE AMOUNT OF \$83,312.44; AND FINDING THE EMERGENCY REPAIR EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, on October 27th 2020, Public Works Department Wastewater Division staff discovered a major coolant leak to the emergency generator at Sharp Park Pump Station; and

WHEREAS, the City was faced with significant risks of injury to the public health and safety by not having a working emergency generator at Sharp Park Pump Station; and

WHEREAS, without a proper working coolant system, the emergency generator would overheat and shut down which would not be effective during a power outage; and

WHEREAS, without a working emergency generator, there is a significant risk of a catastrophic Sanitary Sewer Overflow (SSO) during a power outage; and

WHEREAS, due to the impending storm season, it was critical that the Pump Station have a working emergency generator in case a storm caused the power to be interrupted, which could result in an SSO; and

WHEREAS, the leaking coolant was concerning to staff because of the hazards that were created by the pooling coolant and the potential that it could leach into the ground area; and

WHEREAS, due to these unforeseen and sudden risks, the City Manager authorized the emergency repair of the generator by Cummins Sales & Service in the amount of \$83,312.44, which was completed on February 8, 2021; and

WHEREAS, Pursuant to Section 3-15.09 (A) of the Pacifica Municipal Code, in cases of an emergency the City Manager is authorized to proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts; and

WHEREAS, Public Contract Code 1102 defines "Emergency," as a "sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services"; and

WHEREAS, in conducting the emergency repairs, the City must comply with the emergency procedures in Public Contract Code section 22050. Public Contract Code section 22050(a)(1) provides that in the case of an emergency, a public agency pursuant to a four-fifths vote of its governing body, may repair or replace a public

facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.

NOW, THEREFORE, the City Council of Pacifica, State of California, does hereby resolve as follows:

1) This emergency repair is exempt from the provisions of the California Environmental Quality Act (CEQA), under Section 15061(b)(3) of the CEQA Guidelines (14 Cal. Code Regs. 15000 et seq.) because it can be seen with certainty that there is no possibility that this project will not have a significant effect on the environment. Additionally, emergency repairs are statutorily exempt from CEQA pursuant to Guidelines Section 15269(b); and

2) Based on the foregoing recitals, which are true and correct and incorporated herein by reference, the City Council finds based on substantial evidence in the record, that the failure of the emergency generator at the Sharp Park Pump Station was an “emergency” as that term is defined in Public Contract Code section 1102 and the emergency would not permit a delay that would result from competitive solicitation for bids. The action to repair the emergency generator without solicitation of bids was necessary to immediately address the imminent danger and immediate action was required to prevent or mitigate the loss or impairment of life, health, property, or essential public services. The repairs to the generator were completed on February 7, 2021, and thus the emergency conditions have terminated; and

3) The City Council hereby approves the repair of the emergency generator by Cummins Sales & Service and authorizes the payment to Cummins Sales & Service in the amount of \$83,312.44 and authorizes the City Manager to execute any documents necessary to effectuate the intent of this Resolution.

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 26th of April, 2021, by the following vote which satisfies the four-fifths requirement:

AYES, Councilmembers: Beckmeyer, Bier, Bigstuck, O'Neill, Vaterlaus.

NOES, Councilmembers: n/a.

ABSENT, Councilmembers: n/a.

ABSTAIN, Councilmembers: n/a.



Sue Beckmeyer, Mayor

ATTEST:



Sarah Coffey, City Clerk

APPROVED AS TO FORM:



Michelle Marchetta Kenyon, City Attorney