

RESOLUTION NO. 4855-2024

RESOLUTION OF THE FORT BRAGG CITY COUNCIL PROVIDING DIRECTION FOR EMERGENCY REPAIR OF A STORMDRAIN LINE ON NORTH MCPHERSON STREET AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACTS TO EFFECT THE REPAIRS

WHEREAS, a sinkhole was discovered on the 100 block of North McPherson Street; and

WHEREAS, after an initial assessment, it was discovered that approximately twelve feet of the stormdrain main line had collapsed; and

WHEREAS, if this compromised section of pipe is not repaired prior to onset of seasonal rains, as water escapes through the deteriorated storm drain, the soil around and beneath the roadway will continue to erode, weakening the material supporting the road surface, leading to a risk of public safety and property damage; and

WHEREAS, Lumos & Associates Inc. will prepare construction-ready plans and actively manage the project acting under the City's On-Call Engineering Services contract for a sum of \$5,300; and

WHEREAS, emergency contracting procedures are outlined in the Fort Bragg Municipal Code (FBMC) and the Public Contract Code (PCC) to expedite emergency repairs; and

WHEREAS, the Public Contract Code provides the following:

22050. (a) (1) 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.

(2) Before a governing body takes any action pursuant to paragraph (1), it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.

(b) (1) The governing body, by a four-fifths vote, may delegate, by resolution or ordinance, to the appropriate county administrative officer, city manager, chief engineer, or other nonelected agency officer, the authority to order any action pursuant to paragraph (1) of subdivision (a).

20168. In case of an emergency, the legislative body may pass a resolution by a four-fifths vote of its members declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property. Upon adoption of the resolution, it may expend any sum required in the emergency without complying with this chapter. If notice for bids to let contracts will not be given, the legislative body shall comply with Chapter 2.5 (commencing with Section 22050); and

WHEREAS, the Fort Bragg Municipal Code is consistent with the Public Contract Code by providing the following:

Section 3.20.030

D. In case of an emergency, when public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property.

G. When, by a four-fifths vote, the District Board specifically waives the procedures described in this chapter and authorizes staff to negotiate the purchase; and

WHEREAS, the proposed project is Categorically Exempt under the California Environmental Quality Act (CEQA) 15301(b), 15301(d), and 15302(c) as the project consists of the maintenance, repair, and minor alteration of existing facilities to rehabilitate 50 linear feet of damaged stormdrain main to provide public utility services and the replacement of existing utility systems involves negligible or no expansion of capacity; and

WHEREAS, based on all the evidence presented, the City Council finds as follows:

1. This project is eligible for funding using special street sales tax monies.
2. Special Street Sales Funds are available to complete the emergency project.
3. Competent contractors will be hired to complete the needed repairs.
4. This Project is categorically exempt from CEQA 15301(b), 15301(d), and 15302(c).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby direct the completion of emergency work according to the codes listed herein and authorize the City Manager to execute contracts and related paperwork to effect the repairs.

The above and foregoing Resolution was introduced by Peters, seconded by Vice Mayor Godeke, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 23rd day of September 2024, by the following vote:

AYES: Councilmembers Peters, Rafanan, Vice Mayor Godeke, and Mayor Norvell.
NOES: None.
ABSENT: Albin-Smith.
ABSTAIN: None.
RECUSED: None.

BERNIE NORVELL
Mayor

ATTEST:

Diana Sanchez
City Clerk