

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

**RESOLUTION NO. 2023-**

**RESOLUTION TO FIND THAT EMERGENCY CONDITIONS EXIST THAT DO NOT PERMIT A DELAY RESULTING FROM A COMPETITIVE SOLICITATION FOR BIDS, AUTHORIZE THE CITY MANAGER TO AWARD AN EMERGENCY CONSTRUCTION CONTRACT TO MCGUIRE & HESTER FOR THE DEMOLITION AND REMOVAL OF THE HAAS STREET PEDESTRIAN BRIDGE AND OTHER DEBRIS IN THE AMOUNT OF \$227,500.00 PLUS UP TO AN ADDITIONAL 10% (\$22,750.00) IN CUMULATIVE CHANGE ORDERS FOR A TOTAL OF \$250,250.00, AND APPROVE A RE-APPROPRIATION OF \$250,250.00 FROM THE FY 2022-2023 TO THE FY 2023-2024 BUDGET IN ACCOUNT 010-38-903-5240 FOR THIS EMERGENCY PROJECT**

**WHEREAS**, in March 2023, City staff responded to storm damage in the San Leandro Creek that resulted in a fallen tree that damaged the pedestrian bridge linking Haas Avenue and Cary Drive beyond repair; and

**WHEREAS**, the City will be required to submit applications for permits from the regulatory agencies, and McGuire & Hester will be required to follow the conditions of those permits; and

**WHEREAS**, McGuire & Hester has experience in this type of work and has submitted a proposal to make the repairs; and

**WHEREAS**, to prevent significant adverse impacts to the flows of San Leandro Creek, staff sought assistance from McGuire & Hester to provide immediate remediation to the situation, and demolition, removal and hauling of the environmental protection (floating booms), demolition of the remaining structure, and disposal of the environmentally hazardous/creosote coated debris; and

**WHEREAS**, to complete the work in a timely manner to avoid creating a dangerous condition of public property, an attractive nuisance, and to mitigate the effects of upcoming winter storms in the interests of public health, safety, and welfare, the City Council must declare an emergency condition exists.

**NOW, THEREFORE**, the City Council of the City of San Leandro does **RESOLVE** as follows:

- That the Recitals above, and the matter as described in the associated staff report, are true and correct and adopted by the City Council; and
- That said City Council finds by four fifths vote that an emergency under Public Contract Code Section 22050 exists, based on substantial evidence set forth here and in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that this action is necessary to respond to the emergency; and
- That the City Manager or her designee is authorized to award an emergency construction contract to McGuire & Hester to demolish, remove, and haul the eucalyptus tree, pedestrian bridge and other debris as soon as can be done

upon approval by the regulatory agencies and the City's receipt of applicable permits; and

- That the City Manager or her designee is authorized to take all actions necessary to effect the intent of this Resolution, including all actions in the interests of public health, safety and welfare accruing from demolition, removal and hauling of the tree, pedestrian bridge and debris in San Leandro Creek resulting from storm damage and to take any directly related and immediate action required by this emergency, and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts, and
- That \$250,250.00 will be re-appropriated from the 2022-2023 to the 2023-2024 budget from account 010-38-903-5240 for the cost of the project.

Introduced by \_\_\_\_\_ and passed and adopted this 5<sup>th</sup> day of September 2023, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

\_\_\_\_\_  
Kelly B. Clancy, CMC  
City Clerk

DRAFT