

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

**RESOLUTION NO. 2023-XXX**

**RESOLUTION OF THE CITY OF SAN LEANDRO CITY COUNCIL TO FIND THAT EMERGENCY CONDITIONS EXIST THAT DO NOT PERMIT A DELAY RESULTING FROM A COMPETITIVE SOLICITATION FOR BIDS; TO APPROVE AND AUTHORIZE THE CITY MANAGER TO EXECUTE A NON-PROFESSIONAL SERVICES AGREEMENT WITH LIND MARINE, INC. FOR REMOVAL AND DISPOSAL OF BOATS FROM THE SAN LEANDRO MARINA FOR A TOTAL NOT TO EXCEED AMOUNT OF \$122,800.00; AND TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND APPROVE AMENDMENTS UP TO 20% (\$24,560.00) OF THE ORIGINAL CONTRACT AMOUNT**

**WHEREAS**, the San Leandro Marina (the Marina) ceased operations in January 2023; and

**WHEREAS**, the Marina has been subject to vandalism including theft of copper wire, theft of a 40' gangway, damage to building walls and windows, and burning of a 21,000-sf deck; and

**WHEREAS**, the City of San Leandro has taken ownership of several boats at the Marina; and

**WHEREAS**, the boats are an attractive nuisance and dangerous condition of public property; and

**WHEREAS**, the scope and fee for an agreement between the City of San Leandro and Lind Marine, Inc. for removal and disposal of boats was presented to the City Council; and

**WHEREAS**, amendments to agreements to respond to unforeseen conditions are a normal aspect of public contracting; and

**WHEREAS**, Lind Marine, Inc. has agreed to the terms of the contract pending Council approval; and

**WHEREAS**, the City Council is familiar with the contents of the agreement; and

**WHEREAS**, the City Manager recommends approval of said agreement.

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

- That removal of the boats at the Marina is of such an unusual and compelling urgency that the City would be seriously injured by the delay in time to competitively bid the work, such that per San Leandro Municipal Code Sec. 1-6-315, the Council finds that it is in the best interests of the City that the contract be let without competitive bidding; and
- That an agreement with Lind Marine, Inc., substantially in the form presented is hereby approved and execution by the City Manager is hereby authorized; and
- That the City Manager is authorized to negotiate and approve amendments up to 20% of the original contract amount.

Introduced by \_\_\_\_\_ and passed and adopted this 6<sup>th</sup> day of November 2023, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ATTEST:**

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

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