



Legislation Text

File #: 23-508, **Version:** 1

Adopt a Resolution 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; and to Authorize the City Manager to Negotiate and Approve Amendments up to 20% (\$24,560) of the Original Contract Amount

COUNCIL PRIORITY

- Infrastructure
- Community & Business Development

SUMMARY AND RECOMMENDATIONS

Staff recommends that the City Council:

- Find that delay will harm the City.
- Authorize a contract with Lind Marine to remove boats from the Marina.
- Authorize contract amendments up to 20% of the original contract amount.

BACKGROUND

The San Leandro Marina ceased operations in January 2023, subsequently the area was closed to the public and posted with no trespassing signs. The Marina, including the abandoned yacht club buildings, boat yard, and parking lots will be redeveloped into a 13-acre park, hotel, and apartment building. However, redevelopment has not started, and this large area has been vacant for eleven months.

During this time, vandalism has become a problem at the Marina. Copper wires have been stolen from buildings and underground vaults, ultimately resulting in turning off the electricity and the removal of several electrical transformers by PG&E. The 21,000-sf deck of the former Blue Dolphin Restaurant burned to the ground resulting in an emergency contract for cleanup. The existing vacant buildings have been boarded up but are still repeatedly broken into, vandalized, and damaged. In addition to vandalism on land, a 40' gangway to the docks has been stolen. Present on site are several boats docked in the closed Marina, which are not permitted to be present. Within the Marina there are two sunken boats and ten floating boats that have been surrendered to the City; there are also several privately owned boats. Many of the boats, both City and privately owned, have people living in them.

The unused facilities at the Marina are an attractive nuisance and a dangerous condition of public property. The City has applied for permits from regulatory agencies for removal of the buildings and will bring a contract for that work to Council as soon as possible. The sunken boats are an environmental hazard as they potentially contain gasoline or other hazardous chemicals that could leak or leach into the bay. The City is working on an emergency contract with Lind Marine to remove them as soon as possible. The sunken boat removal contract is well within the \$100,000 contract authority granted to the City Manager and will not be brought to the City Council.

On October 16, 2023, the City Council authorized the execution of a grant from the State to partially offset the cost of boat removal. Staff expects to receive permission from the State to use these funds for boat removal in November.

Analysis

A contract for removal of the boats is not a construction contract subject to the Public Contract Code; however, it is subject to the City's purchasing guidelines, which state that a competitive bid shall be used except when emergency conditions exist that do not permit a delay resulting from a competitive solicitation for bids.

The conditions at the Marina are such that the area is not suitable for use by the public and the City's insurance provider has stopped coverage for the area. The Marina is no longer equipped to support people living on boats; there is no water, electricity, trash, or sewer service. The boats owned by the City are unsuitable for living aboard; the boats were surrendered to the City as junk suitable only for demolition. The City has no reason to believe the fuel, electric, and plumbing systems or the structure of the boat itself is safe. No trespassing notices posted at the Marina have been ineffective; removal of the City owned boats should end the illegal trespassing. Staff recommends finding that delay in removal of the boats will harm the City due to the increased risk of injury on public property.

The City has previously removed dilapidated boats from the Marina. A solicitation for bids in 2022 resulted in only one bid. The bidder, Lind Marine, successfully performed the work on the last contract and staff solicited a bid from them for the current group of boats. A scope of work and fee schedule for the work is attached to this staff report. Staff recommends awarding a contract to Lind Marine for the work.

There are several boats in the Marina that are privately owned. Staff will negotiate with the boat owners or users for their removal. If negotiations are successful, additional boats may be added to the boat removal contract with Lind Marine. Staff recommends the City Council authorize the City Manager to execute amendments to the agreement up to 20% of the original contract cost so that any additional work can be performed without delay.

Previous Actions

On October 16, 2023, via Resolution No. 2023-143 the City accepted a grant for disposal of surrendered and abandoned boats.

Fiscal Impacts

The estimated cost of this project is detailed below:

Proposed Contract with Lind Marine, Inc.	\$122,800
Contingency for amendments	\$ 24,560
Total	\$147,360

Funds included in the FY 2023-2024 budget for this project:

Shoreline Enterprise Fund account 597-57-177	\$150,000
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Additionally, upon execution of a grant agreement the following will be available:

State of California Grant	\$142,325
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Attachments

- A Reso Authorize NPSA Lind Marine
- B Scope of Work
- C Fee Schedule

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