

## **RESOLUTION NO. 2023 – XXX**

**ADOPT RESOLUTION FINDING EMEGENCY REPAIRS ARE NEEDED AND AUTHORIZING THE CITY MANAGER EXECUTE A CONTRACT WITH BOTHMAN CONSTRUCTION IN THE AMOUNT OF \$293,000 TO COMPLETE DIAMOND 3 REPAIRS AT CITY PARK; APPROPRAITING FUNDS IN THE AMOUNT OF \$293,000 FROM THE GENERAL FUND CAPITAL RESERVE FUND AND APPROVING A TOTAL PROJECT BUDGET IN THE AMOUNT NOT TO EXCEED \$351,600**

**WHEREAS**, the City of San Bruno desires to utilize the services of a well-qualified contractor to assist the City with repair services for the damage to Diamond 3; and

**WHEREAS**, the recent winter storm caused significant damage of the backstop, 3rd base line fence, 3rd base dugout and 3rd base bleachers; and

**WHEREAS**, replacement of the damaged infrastructure on the 3rd base line of Diamond 3 would create a significant difference as compared to the 1st base line infrastructure, it became apparent that the 1st base line fence, 1st base dugout, and 1st base bleachers will also need to be replaced; and

**WHEREAS**, due to the condition of the field, the extent of repair necessary to make it safe, and the need to complete the repair in an appropriate timeframe for the scheduled use of the field, immediate work is needed to repair the field to safeguard life and property. Deferring repair could result in serious injury to park visitors and prevents use of the field. The condition of the field constitutes an emergency requiring the City to waive the public bidding process to allow for immediate repair work; and

**WHEREAS**, this action is allowed under emergency authority municipal code section 2.44.120(A) and California Public Contract Code Section 20168 which authorizes the City Manager to take such action in an emergency; and

**WHEREAS**, Public Contract Code Section 20168 states that 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**, Public Contract Code Section 20168 states that: (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; and (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; and

**NOW, THEREFORE, BE IT RESOLVED**, that the San Bruno City Council hereby declares that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property; and

**AND BE IT FURTHER RESOLVED**, that the San Bruno City Council hereby finds, based on substantial evidence presented at this 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; and

**AND BE IT FURTHER RESOLVED**, that the San Bruno City Council hereby authorizes the City Manager to execute a construction contract with Bothman Construction in the amount of \$293,000 to complete the repairs to Diamond 3 at City Park, appropriating \$293,000 from the General Fund Capital Reserve Fund, and approving a total project budget in the amount of \$351,600.

Dated: May 23, 2023

ATTEST:

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Lupita Huerta, City Clerk

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I, Lupita Huerta, City Clerk, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of San Bruno this 23rd day of May 2023 by the following vote:

AYES: COUNCILMEMBERS: \_\_\_\_\_

NOES: COUNCILMEMBERS: \_\_\_\_\_

ABSENT: COUNCILMEMBERS: \_\_\_\_\_