

Regular Council Meeting

RECEIVED

January 30, 2025

2025 JAN 28 A 10:25

FRESNO CITY COUNCIL

CITY OF FRESNO
CITY CLERK'S OFFICE



Supplement Packet

ITEM(S)

2-R (ID 25-172)

***RESOLUTION - Declaring an urgent necessity for the preservation of life, health, property and authorizing the City Manager or designee, to enter into agreements without advertised competitive bidding for the emergency

[TITLE TRUNCATED FOR SUPPLEMENTAL PACKET COVER PAGE]

Contents of Supplement: Staff Report and Resolution

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

REPORT TO THE CITY COUNCIL

FROM: BROCK D. BUCHE, PE, PLS, Director
Department of Public Utilities

BY: AHMAD ALKHAYYAT, PE, MBA, Assistant Director
Department of Public Utilities – Solid Waste Management Division

SUBJECT

..Title

Actions pertaining to the emergency Landfill Gas Collection and Control System repairs and site security improvements at the Fresno Municipal Sanitary Landfill superfund site (Council District 3):

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15308 (Class 8) of the California Environmental Quality Act guidelines for the remedial action project for the Fresno Sanitary Landfill
2. ***RESOLUTION – Declaring an urgent necessity for the preservation of life, health, property and authorizing the City Manager or designee, to enter into agreements without advertised competitive bidding for the preparation and implementation of emergency landfill gas and collection system repairs and site security improvements at the Fresno Sanitary Landfill Superfund Site (Requires 5 affirmative votes) (Subject to Mayor's veto)

..Body

RECOMMENDATION

Staff recommends the City Council adopt findings of Categorical Exemption pursuant to Section 15308 (Class 8) and adopt a Resolution declaring an urgent necessity for the preservation of life, health, and property; and authorizing the City Manager or designee, to enter into agreements without advertised competitive bidding for the preparation and implementation of the emergency repairs and site security improvements for the Fresno Sanitary Landfill (FSL).

EXECUTIVE SUMMARY

On January 6, 2025, the FSL flare station was vandalized and caused severe damage to the electrical lines supplying power to the control panels and equipment. The damage caused the flare station to be out of service and needs to be back online as soon as possible.

A declaration of Urgent Necessity is now necessary for the preservation of the health and safety of the surrounding area. The Resolution will allow the Department of Public Utilities (DPU) to procure services without advertising for competitive bids and enter into various agreements for performing the necessary emergency repairs estimated not to exceed \$600,000 for the needed electrical, controls, and site security improvements.

BACKGROUND

In June 1998, the City of Fresno entered into an agreement with the United States Environmental Protection Agency (US EPA) to conduct the final cleanup of the FSL. Since 1998, the City has undertaken ongoing cleanup efforts of the FSL as required by its agreement with the US EPA, with the goal of the FSL being removed from the National Priority List.

As part of the ongoing cleanup efforts, Tetra Tech was recently contracted to performs regular maintenance and repairs of the Landfill Gas Collection and Control System (LFGCCS) equipment to keep the flare station running continuously to prevent landfill gas migration. During a routine monitoring event on January 6, 2025, it was discovered that the FSL flare station control panel and Motor Control Center (MCC) panel internals and wires were severely vandalized, and the flare station has been down since then.

Tetra Tech will perform the emergency electrical repairs and wiring at the flare station, replace the damaged control panels, and disconnect the existing malfunctioned LFGCCS Blowers #1 and #2 and coordinate the full repairs and installation of the blowers.

To further deter vandalism at the FSL flare station, parameter security improvements are necessary. Staff recommend the installation of security fence toppers to prevent individuals from jumping over the fence into the flare station site.

This imminent failure to operate presents a risk to the health and safety of the community and the essential operations of the LFGCCS of the FSL and requires a Declaration of Urgent Necessity (Declaration) for immediate repairs. The Declaration will authorize dispensing of the competitive bid process to expedite the procurement of contractor services for the preparation and implementation of remedial action plan for the FSL. The City Attorney's office has reviewed and approved the Resolution as to form.

ENVIRONMENTAL FINDINGS

This project is under the oversight of the US EPA and the California Department of Toxic Substances. The City of Fresno's FSL was placed on the National Priority List in 1989 due to migrating gases from years of receiving waste of all types at an unlined sanitary landfill.

Staff has determined that a Categorical Exemption is appropriate, based on Class 8 Section 15308 of the California Environmental Quality Act guidelines. This section exempts actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for the protection of the environment. This project involves compliance with requirements set forth by a regulatory agency for the protection of the environment.

LOCAL PREFERENCE

Local preference was not implemented because this action is being performed on an emergency basis.

FISCAL IMPACT

There is no impact to the General Fund. The project is located in Council District 3. Funding for this project is budgeted and funded through the City Landfill Post Closure Fund FY 2024 Budget. The City Landfill Post Closure Fund is funded equally by residential and commercial solid wastes resources.

Attachment:
25-172 – Resolution of Urgent Necessity

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, DECLARING AN URGENT NECESSITY FOR THE PRESERVATION OF LIFE, HEALTH, PROPERTY AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ENTER INTO AGREEMENTS WITHOUT ADVERTISED COMPETITIVE BIDDING FOR THE PREPARATION AND IMPLEMENTATION OF EMERGENCY LANDFILL GAS AND COLLECTION SYSTEM REPAIRS AND SITE SECURITY IMPROVEMENTS AT THE FRESNO SANITARY LANDFILL SUPERFUND SITE.

WHEREAS, the City of Fresno (City) owns and operates the Fresno Sanitary Landfill (Landfill) located at 1707 West Jensen Avenue; and

WHEREAS, the Landfill was placed on the National Priority List in 1989 due to migrating gases from years of receiving wastes of all types at an unlined sanitary landfill; and

WHEREAS, this project is under oversight of the United States Environmental Protection Agency (US EPA) and the California Department of Toxic Substances; and

WHEREAS, the Fresno Sanitary Landfill Flare Station was vandalized and caused damage to electrical feeder breaker and control panels; and

WHEREAS, US EPA was informed and has directed the city to prepare and mitigate the damage; and

WHEREAS, the continued operation of the Landfill Gas Collection and Control System is essential for the health and safety of the community; and

WHEREAS, further delays and proceeding through a formal bid process could have serious negative impact on the operation of the Landfill Gas Collection and

Control System and the health and safety of the surrounding area and community at large; and

WHEREAS, entering into agreements, without competitive bidding for various services, is necessary for the timely performance of the emergency remediation work.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The foregoing facts constitute an urgent necessity for the preservation of life, health, or property.
2. The requirement of advertising for bids is hereby waived pursuant to Charter Section 1208(a).
3. The City Manager or designee is authorized to negotiate, enter and execute service agreements, materials purchase agreements, and a construction contract for the emergency repairs and site security improvements of the Landfill Gas Collection and Control System at the Fresno Municipal Sanitary Landfill, at a cost not to exceed \$600,000, subject to prior approval as to form.
4. The Council finds the Project in the best interest of the City.
5. This resolution shall be effective upon final approval.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2025.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2025
Mayor Approval/No Return: _____, 2025
Mayor Veto: _____, 2025
Council Override Vote: _____, 2025

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Christine C. Charitar Date
Deputy City Attorney