



RESOLUTION NO. 2024-195

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 REMEDIATION PLAN TO MITIGATE GAS EMISSION EXCEEDANCES AT THE NORTH SIDE OF FRESNO SANITARY LANDFILL.

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 Perimeter Probe MMW5B was monitored and detected methane gas levels exceeding the explosive limits; and

WHEREAS, US EPA has directed the City to prepare and implement an emergency remediation plan to mitigate the exceedances; 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

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Date Adopted: 08/29/2024  
Date Approved: 09/04/2024  
Effective Date: 09/04/2024

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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 remediation of the Landfill Gas Collection and Control System, at a cost not to exceed \$611,679, with construction management cost not to exceed \$50,000, for a total cost of \$661,679, subject to prior approval as to form by the City Attorney's Office.

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 29th day of August, 2024.

AYES : Perea, Karbassi, Arias, Maxwell, Chavez, Bredefeld, Esparza  
NOES : None  
ABSENT : None  
ABSTAIN : None

Mayor Approval: September 4, 2024  
Mayor Approval/No Return: N/A, 2024  
Mayor Veto: N/A, 2024  
Council Override Vote: N/A, 2024

TODD STERMER, CMC  
City Clerk

By: [Signature] 9-9-2024  
Deputy Date

APPROVED AS TO FORM:  
ANDREW JANZ  
City Attorney

By: [Signature] 9/9/24  
Christine C. Charitar Date  
Deputy City Attorney



August 30, 2024


Council Adoption: 08/29/2024

Mayor Approval:

Mayor Veto:

Override Request:

TO: MAYOR JERRY DYER

FROM:  TODD STERMER, CMC  
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the City Council meeting of August 29, 2024, Council adopted the attached Resolution No. 2024-195 \*\*\***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 remediation plan to mitigate gas emission exceedances at the north side of Fresno Sanitary Landfill. (Requires 5 Affirmative Votes) (Subject to Mayor's Veto)** Item 2-K-2, File ID 24-1107, by the following vote:

Ayes : Perea, Karbassi, Arias, Maxwell, Chavez, Bredefeld, Esparza  
Noes : None  
Absent : None  
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before September 9, 2024. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10<sup>th</sup> day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

APPROVED /NO RETURN: \_\_\_\_\_

**VETOED** for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)



Jerry Dyer, Mayor

**COUNCIL OVERRIDE ACTION:**

Ayes :  
Noes :  
Absent :  
Abstain :

Date: 9/3/24

Date: \_\_\_\_\_

CITY OF FRESNO  
CITY CLERK'S OFFICE

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RECEIVED