



RESOLUTION NO. 2023-075

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 EMERGENCY REPAIR OF THE NORTH AVENUE SEWER TRUNK MAIN

WHEREAS, the City of Fresno (City) owns and operates the Regional Wastewater Treatment Facility (Facility) located at West Jensen Avenue; and

WHEREAS, the sewer trunk main in North Avenue conveys an average of 11.5 million gallons of wastewater per day to the Facility; and

WHEREAS, the sewer trunk main experienced a localized structural collapse, on February 24, 2019, east of the Burlington Northern Santa Fe Railway and the Union Pacific Railroad, approximately 0.2 miles west of Maple Avenue; and

WHEREAS, on June 13, 2019, a prior declaration of urgent necessity was declared to repair the collapse; and

WHEREAS, the condition of the sewer trunk main was in such state of deterioration the contractor was only able to stabilize the soil in the collapse area and installed beams for placement of a temporary cover over the collapsed segment; and

WHEREAS, a design consultant has since prepared improvement plans for the North Avenue Realignment Project (Realignment Project) to replace the deteriorated sewer trunk main and said project has been bid and awarded; and

WHEREAS, the first order of work by the contractor was performing subsurface utility exploration which located utilities in conflict with the Realignment Project; and

1 of 4

Date Adopted: 03/30/2023
Date Approved: 04/04/2023
Effective Date: 04/04/2023

Resolution No. 2023-075



WHEREAS, the conflicting utilities require relocating in order for the Realignment Project to proceed, hence suspending project construction; and

WHEREAS, the utility relocations will require several months for completion by their respective owners; and

WHEREAS, on January 27, 2023, the deteriorated sewer trunk main experienced another structural collapse immediately adjacent to and west of the prior failure; and

WHEREAS, it is conceivable the structural failure of the remaining segment of sewer trunk main is eminent; and

WHEREAS, an emergency repair of the North Avenue sewer trunk main is essential for continued conveyance of wastewater to the Facility; and

WHEREAS, the continued operation of the North Avenue sewer trunk main is essential for the health and safety of the community, as a full collapse may cause sanitary sewer overflow; and

WHEREAS, further delays and proceeding through a formal bid process could have serious negative impact on the operation of the North Avenue sewer trunk main 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 repair 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, railroad agreements and a construction contract for the emergency repair of the North Avenue sewer trunk main, at a cost not to exceed \$3,200,000, 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.



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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 30th day of March 2023.

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

Mayor Approval: April 4, 2023
Mayor Approval/No Return: N/A, 2023
Mayor Veto: N/A, 2023
Council Override Vote: N/A, 2023

TODD STERMER, CMC
City Clerk

By: Briana Pena 4/18/2023
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: [Signature] 4/17/23
Brandon Collet Date
Supervising Deputy City Attorney



March 31, 2023

Council Adoption: 03/30/2023

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 March 30, 2023, Council adopted the attached Resolution No. 2023-075 *****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 repair of the North Avenue sewer trunk main (Subject to Mayor's Veto).** Item 1-LL-2, File ID 23-473, by the following vote:

Ayes : Perea, Karbassi, Maxwell, Chavez, Bredefeld, Esparza
Noes : None
Absent : Arias
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 April 10, 2023. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th 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.)



Date: 4/4/23

Jerry Dyer, Mayor

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes :
Noes :
Absent :
Abstain :

CITY OF FRESNO
CITY CLERK'S OFFICE

2023 APR - 04 PM 35

RECEIVED