

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AMENDING RESOLUTION 2023-075, 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 EMERGENCY REPAIR OF THE NORTH AVENUE SEWER TRUNK MAIN TO INCREASE THE NOT TO EXCEED COST FROM \$3,200,000 TO \$4,200,000

WHEREAS, the sewer trunk main in North Avenue conveys an average of 11.5 million gallons of wastewater per day to the Regional Wastewater Treatment 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, the Department of Public Utilities (DPU) worked diligently to construct a realignment to the sewer main and repair the deteriorating infrastructure; and

WHEREAS, permitting delays and utility conflicts delayed the initiation of work for multiple years; 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, in response to the imminent threat to public health and property, Resolution 2023-075 was executed on March 30, 2023, authorizing the DPU to negotiate, enter into, and execute service agreements, materials purchase agreements, railroad

agreements, and construction contracts without competitive bidding for the emergency repair of the North Avenue sewer trunk main at a cost not to exceed \$3,200,000; and

WHEREAS, since the commencement of the emergency repair of the North Avenue sewer trunk main, unforeseen costs, construction efforts, and price escalations require that the cost not to exceed be increased; and

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

1. The cost not to exceed for which City Manager or designee is authorized to negotiate, enter into, and execute service agreements, materials purchase agreements, railroad agreements, and construction contracts for the emergency repair of the North Avenue sewer trunk main, subject to prior approval as to form by the City Attorney's Office, is increased from \$3,200,000 to \$4,200,000.
2. 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 _____ day of _____ 2023.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2023
Mayor Approval/No Return: _____, 2023
Mayor Veto: _____, 2023
Council Override Vote: _____, 2023

TODD STERMER, CMC
City Clerk

By: _____
Date

Deputy

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Brandon Collet Date
Supervising Deputy City Attorney