



## Legislation Details (With Text)

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<b>Type:</b>	Resolution	<b>Status:</b>		Passed	
<b>File created:</b>	3/2/2022	<b>In control:</b>		City Council	
<b>On agenda:</b>	3/10/2022	<b>Final action:</b>		3/10/2022	
<b>Title:</b>	<p>Actions pertaining to entering into contracts for the demolition of dangerous structures:</p> <ol style="list-style-type: none"><li>1. Adopt a finding of a Statutory Exemption, per staff determination pursuant to Section 15269(c) of the CEQA Guidelines as this contract is for specific actions necessary to prevent or mitigate an emergency.</li><li>2. RESOLUTION - Declaring an urgent necessity for the preservation of life, health, and property and authorizing the City Attorney or designee to enter into and administer contracts for the demolition of dangerous structures, and the removal of hazardous materials. (Requires 5 votes)</li><li>3. Approve a requirements contract with David Knott Incorporated (DKI) for demolition services for a term of up to six months, with an amount not to exceed \$300,000.</li><li>4. Approve a requirements contract with JSA Inspections (JSA) for consultant and testing services for hazardous materials (i.e., lead and asbestos) for a term of up to six months, with an amount not to exceed \$100,000, and uphold the City Manager's determination that exigent circumstances exist to award without a RFP/RFQ process.</li><li>5. Approve a requirements contract with Centec Construction (Centec) for the removal of hazardous materials from the demolition site, for a term of up to six months, with an amount not to exceed \$250,000.</li><li>6. Approve authority for the City Attorney to sign the contracts.</li></ol>				
<b>Sponsors:</b>	City Attorney's Office				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Agreement With Centec.pdf, 2. Agreement With DKI.pdf, 3. Agreement With JSA.pdf, 4. Exigent Circumstances Memo signed by the City Manager.pdf, 5. Reso-Urgent necessity_001.pdf				

Date	Ver.	Action By	Action	Result
3/10/2022	1	City Council	ADOPTED	Pass

## REPORT TO THE CITY COUNCIL

**FROM:** DOUGLAS T. SLOAN, City Attorney  
**BY:** ERICA M. CAMARENA, Chief Assistant City Attorney, Code Enforcement  
**SUBJECT**

Actions pertaining to entering into contracts for the demolition of dangerous structures:

1. Adopt a finding of a Statutory Exemption, per staff determination pursuant to Section 15269(c) of the CEQA Guidelines as this contract is for specific actions necessary to prevent or mitigate an emergency.
2. RESOLUTION - Declaring an urgent necessity for the preservation of life, health, and property and authorizing the City Attorney or designee to enter into and administer contracts for the demolition of dangerous structures, and the removal of hazardous materials. (Requires 5

votes)

3. Approve a requirements contract with David Knott Incorporated (DKI) for demolition services for a term of up to six months, with an amount not to exceed \$300,000.
4. Approve a requirements contract with JSA Inspections (JSA) for consultant and testing services for hazardous materials (i.e., lead and asbestos) for a term of up to six months, with an amount not to exceed \$100,000, and uphold the City Manager's determination that exigent circumstances exist to award without a RFP/RFQ process.
5. Approve a requirements contract with Centec Construction (Centec) for the removal of hazardous materials from the demolition site, for a term of up to six months, with an amount not to exceed \$250,000.
6. Approve authority for the City Attorney to sign the contracts.

## **RECOMMENDATION**

City Attorney recommends Council approve a requirements contract with DKI, JSA, and Centec; adopt a resolution declaring an urgent necessity for these requirements contracts; and authorize the City Attorney to sign the agreements on behalf of the City.

## **EXECUTIVE SUMMARY**

When buildings burn, frequently they are then in a condition being extremely dangerous, as they could collapse and injure people nearby or who may have entered the building. Code takes on the responsibility to render the site safe for the public. We have experienced a large growth in the number of buildings burning. The three contracts referenced are necessary to safely and timely perform demolitions of dangerous buildings pending the Request for Proposals/Qualifications (RFP/RFQ) process for a long-term agreement, which we will return to Council within a few months.

If authorized, funding for the balance of FY22 could come from the Council projects fund in the City Attorney's Office budget. No additional appropriation would be required for FY22, unless the Council desires to direct otherwise.

If not approved, the City Attorney's Office will not be able to continue to perform demolitions.

## **BACKGROUND**

The City Attorney's Office, Code Enforcement, has been called upon to perform several demolitions per month over the last 12 months of both vacant and occupied buildings. This may be due to an increase in vacant and abandoned structures, often sitting for years without maintenance, oversight, or security. Some are the result of arson, which not only damage the structure, but also adjacent buildings. In other cases, severely damaged structures pose a significant threat of collapse as a result of natural dilapidation, fire due to faulty wiring, or other elements causing the structure to be uninhabitable and dangerous.

In most cases, a fire will occur after hours, in the middle of the night, or on a weekend; Code Enforcement is called out to the scene to assess whether the structure is at risk of collapsing. In instances where the structural integrity of the building is compromised, qualified Code Enforcement staff may make the decision to summarily demolish the structure.

The requirements contracts (contracting on an "as needed" basis) will allow City contractors to perform the services of demolition, testing for hazardous materials, and the removal of hazardous materials without delay. The inability to demolish dangerous structures could be a serious health and

safety threat. Further, these particular contractors have each been proven to be reliable, responsive, and very good to work with.

The City Attorney's Office will also work with the Purchasing Manager to issue a Request for Proposals or Qualifications seeking competitive bids for long-term requirements contracts.

### **ENVIRONMENTAL FINDINGS**

This contract is statutorily exempt under CEQA Guidelines section 15269(c), as it is for specific actions necessary to prevent or mitigate an emergency. This contract is for the demolition of buildings that create an imminent threat to public health, safety, and welfare. In instances where immediate demolition is necessary to avoid harm to the public, the anticipated period of time to conduct an environmental review would pose a threat to public health and safety, and therefore such actions are exempt.

### **LOCAL PREFERENCE**

Local preference was not applicable because this item is of urgent necessity. Nonetheless, local contractors are utilized

### **FISCAL IMPACT**

The General Fund is not immediately impacted by this expenditure, as the appropriations for these temporary contracts will be funded by Council Project Funds. However, for FY23 and beyond, we are proposing that demolitions have its own budget line item, as the cost for demolitions has a significant impact on the City Attorney's budget. In this fiscal year, the City Attorney's Office has already spent \$371,487 on demolitions. Much of this expense can ultimately be recovered through property assessments or collection suits, but those recoveries are deposited into the General Fund, not the CAO budget.

Attachments:

Attachment 1 - Resolution

Attachment 2 - Exigent Circumstances Memo signed by the City Manager

Attachment 3 - Agreement with DKI

Attachment 4 - Agreement with JSA

Attachment 5 - Agreement with Centec