



Posted: Tuesday, December 13, 2016

NOTICE AND CALL OF A SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold a SPECIAL meeting on
WEDNESDAY, DECEMBER 14 2016 at 4:30 PM
In the Trinidad Town Hall, 409 Trinity Street, Trinidad, CA

PLEASE NOTE 4:30PM START TIME

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ADJOURN TO CLOSED SESSION - *No closed session scheduled.*
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES - *No minutes to approve.*
- VI. COUNCIL MEMBER REPORTS, COMMITTEE ASSIGNMENTS
- VII. ITEMS FROM THE FLOOR
(Three (3) minute limit per Speaker unless Council approves request for extended time.)
- VIII. CONSENT AGENDA - *No consent items.*
- IX. DISCUSSION/ACTION AGENDA ITEMS
 1. Consider resolution 2016-16 Authorizing Emergency Repair of Sediment Filters at Water Treatment Plant.
- X. ADJOURNMENT

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AGENDA ITEM

Date: December 14, 2016

ITEM: WTP FILTER REPLACEMENT RESOLUTION

Summary: The Water Treatment Plant relies on large sediment filters as a key step in the treatment process. There are three of them, both for redundancy, and because they need regular back-flushing to wash the sediment out of them. One was rebuilt in 2015; the other two have been operating since the 1970's.

One of the older filters has been performing poorly this fall, and staff started working on a bid package to rebuild it, while operating with the remaining two. Over the last week, the other old filter has also been operating poorly, leaving us with only one fully effective filter. By Monday, December 12, the Water Plant Supervisor determined that we are effectively down to only 1 filter performing optimally, and notified the City Manager that he considers this an emergency requiring immediate action.

The WTP can and is producing safe drinking water with the one new filter, but does not have an effective backup for this critical treatment step. If something goes wrong, the Water Plant could have difficulty meeting the drinking water standard. Staff sees this as an urgent situation that requires immediate action to initiate repairs. The cost for repair of Filter Trains 1 & 2 is estimated at approximately \$54,000. Going through the regular (state required) bid process will add at least six weeks to the timeline for getting it repaired.

The staff recommended resolution allows the City to initiate repairs immediately.

Staff recommends the Council pass a resolution to:

- Declare it is in the public interest and a necessity to demand the immediate expenditure of Water System reserve funds to repair filters 1 & 2 on an emergency basis. PCC 20168
- Find that the emergency will not permit a delay resulting from a competitive solicitation for bids;
- Delegate to the City manager the authority to order any action necessary to respond to the emergency, including entering into a contract with Whitson, Inc.;
- Authorize expenditure of an estimated \$54,000 from the Water Fund reserves to pay for the emergency repairs.

Detail:

During normal operations, the performance of the three sediment filters gradually decline as sediment particles are removed from the raw water. Performance of the filter trains is maintained by "backwashing" to remove the sediment and restore the performance to normal. Depending on the amount of sediment in the raw water, backwashing is needed from every day to more than 3 weeks. Storm season puts more demand on the filters due to greater amounts of

sediment in the raw water from Luffenholtz Creek. When a filter requires backwashing with increasing frequency in comparison with other filters, this indicates a repair is needed to restore the optimal performance and avoid a failure of the sediment filter train.

Filter 3 is working properly. Filter 2 has been performing poorly for a number of months, so staff has been in the process of putting together specifications for the repairs and a bid package. Storm season puts greater demand on the filters due to the higher sediment levels in the raw water, so with Filter 1 performing increasingly poorly, it is best practices to repair the filters as soon as possible. Once a repair contract has been executed, the repair process will take 7 – 9 weeks due to a long lead time for material delivery. Going through the bid process will add at least 4 weeks to that timeline.

GHD, the City Engineer recommends hiring Whitson, Inc. based on their history with the treatment plant, and because they recently performed the same type of filter repair, meaning the repair can be done before a detailed scope of work and specifications are completed.

The original filters are approximately 40 years old, a similar lifespan for the repaired filters could be assumed.

Staff has drafted a resolution following requirements in the applicable Public Contract Codes (20168 and 22050), included below, that allows the City to repair the filters on an emergency basis without going through the competitive bids process.

Public Contract Code – PCC 20168

In the case of an emergency, the legislative body may pass a resolution by a four-fifths vote of its members declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property. Upon adoption of the resolution, it may expend any sum required in the emergency without complying with this chapter. If notice for bids to let contracts will not be given, the legislative body shall comply with Chapter 2.5 (commencing with Section 22050).

PCC 22050 Emergency Contracting Procedures

(a) (1) In the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.

(2) Before a governing body takes any action pursuant to paragraph (1), it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.

(b) (1) The governing body, by a four-fifths vote, may delegate, by resolution or ordinance, to the appropriate county administrative officer, city manager, chief engineer, or other nonelected agency officer, the authority to order any action pursuant to paragraph (1) of subdivision (a).

(2) If the public agency has no county administrative officer, city manager, chief engineer, or other nonelected agency officer, the governing body, by a four-fifths vote,

may delegate to an elected officer the authority to order any action specified in paragraph (1) of subdivision (a).

(3) If a person with authority delegated pursuant to paragraph (1) or (2) orders any action specified in paragraph (1) of subdivision (a), that person shall report to the governing body, at its next meeting required pursuant to this section, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency.

(c) (1) If the governing body orders any action specified in subdivision (a), the governing body shall review the emergency action at its next regularly scheduled meeting and, except as specified below, at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action. If the governing body meets weekly, it may review the emergency action in accordance with this paragraph every 14 days.

(2) If a person with authority delegated pursuant to subdivision (b) orders any action specified in paragraph (1) of subdivision (a), the governing body shall initially review the emergency action not later than seven days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action, and at least at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action, unless a person with authority delegated pursuant to subdivision (b) has terminated that action prior to the governing body reviewing the emergency action and making a determination pursuant to this subdivision. If the governing body meets weekly, it may, after the initial review, review the emergency action in accordance with this paragraph every 14 days.

(3) When the governing body reviews the emergency action pursuant to paragraph (1) or (2), it shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts.

(d) As used in this section, "public agency" has the same meaning as defined in Section 22002.

(e) A three-member governing body may take actions pursuant to subdivision (a), (b), or (c) by a two-thirds vote.

(f) This section applies only to emergency action taken pursuant to Sections 20133, 20134, 20168...

Staff Recommendation: Pass Resolution 2016-~~xx~~ Authorizing Emergency Repairs for Water Treatment Plant Filters 1 & 2.

Attachments:

Resolution 2016-~~xx~~



RESOLUTION 2016-16

RESOLUTION AUTHORIZING EMERGENCY REPAIR OF SEDIMENT FILTERS AT WATER TREATMENT PLANT

WHEREAS, the City operates the Treatment Plant for the Trinidad Water System CA, 1210018 including filtration to remove sediment as part of the water treatment process prior to distributing drinking water for public and private uses; and

WHEREAS, two of the three three sediment filters are in need of immediate repair; and

WHEREAS, with only one filter performing optimally, the City Engineer and Water Plant Superintendent recommend the immediate repair of these two filters to ensure adequate filter capacity for public health and reliable water supply; and

WHEREAS, in the case of an emergency, the City Council may pass a resolution, by a four-fifths vote, declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property; and

WHEREAS, in the case of an emergency, the City Council, pursuant to a four-fifths vote, may authorize repair or replacement of a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes without giving notice for bids to let contracts; and

WHEREAS, the City Water Enterprise Fund has reserves of approximately \$900,000 for purposes including the repair and maintenance of the Water Treatment Plant;

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

1. The Council finds, based on the substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay, resulting from a competitive solicitation of bids and that the action is necessary to respond to the emergency; and
2. The Council declares that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property.

BE IT FURTHER RESOLVED AND ORDERED, that the City Council authorizes repair or replacement of the Water Treatment Plant filters 1 and 2 and authorizes any directly related and immediate action required by the emergency and to procure the necessary equipment, services and supplies for those purposes, without giving notice for bids to let contracts; and

BE IT FURTHER RESOLVED AND ORDERED, that by this resolution, the **City Manager** is hereby delegated the authority to order any action to repair or replace the filters 1 and 2 and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts; and

BE IT FURTHER RESOLVED AND ORDERED, that the City Manager shall report to the Council at its next meeting the reasons justifying the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency; and

BE IT FURTHER RESOLVED AND ORDERED, that the Council shall review the emergency action at its next regularly scheduled meeting and at every regularly scheduled meeting thereafter until the action is terminated to determine, by a four-fifths vote, that there is a need to continue the action; and

BE IT FURTHER RESOLVED AND ORDERED, that if the City Manager, as delegated above, orders any action as resolved and ordered above required by the emergency, the governing body shall initially review the emergency action not later than seven days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action, and at least at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action, unless the City Manager has terminated that action prior to the governing body reviewing the emergency action and making a determination; and

BE IT FURTHER RESOLVED AND ORDERED, that when the governing body reviews the emergency action above, it shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts; and

BE IT FURTHER RESOLVED AND ORDERED, that the repairs be paid for with Water Enterprise Capital Reserve Funds.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the Trinidad City Council by the following vote:

- Ayes:
- Noes:
- Absent:
- Abstain:

Attest:

Gabriel Adams
Trinidad City Clerk

Dwight Miller
Mayor