City of Grass Valley
City Council
Agenda Action Sheet

Council Meeting Date: May 10, 2016  
Date Prepared: May 5, 2016

Prepared by: Alex Gammelgard, Police Chief
Timothy M. Kiser, PE, Public Works Director/City Engineer

Title: Wolf Creek Abatement Project

Recommended Motion: That Council; 1) approve the findings that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA); 2) adopt Resolution 2016-23 declaring the Wolf Creek Abatement Project work to be of an urgent necessity for the preservation of life, health, and property to allow for the procurement of services without a competitive bid process in accordance with City Charter Article XIII (requires 4/5 roll call vote); 3) authorize the City Manager to execute contracts to access and cleanup the project area, subject to legal review; and, 4) authorize the City Manager to approve contract change orders for up to 10% of the total contract amount.

Agenda: Consent

Background Information: Due to significant number of individual transient camps along Wolf Creek, a health, safety, property, and environmental issues have been created that need to be addressed before the conditions get any worse. The proposed project area is adjacent to Wolf Creek on the east side of the creek starting at the Highway 20 Crossing and extends downstream approximately 3800 feet. The project will gain access to the areas to remove transient camps waste (garbage, tents, human feces, etc.). It is estimate in access of 40 cubic yards of garbage, debris and waste needs to be removed. The terrain is remote and overgrown which makes this cleanup very difficult and will require clearing an access way to the various camps to allow for the hauling out of the debris.

The access and cleanup associated with this project is exempt from environmental review pursuant to Section 15269C “Emergency Projects” of the CEQA Guidelines.

Staff is requesting Council adopt the attached Resolution 2016-23 for the procurement of the necessary materials and services to complete the work as soon as possible.

Council Goals/Objectives: The Wolf Creek Abatement Project executes portions of work tasks towards achieving/maintaining Strategic Plan – Community Safety.

Funds Available: Yes  
Account #: Various

Reviewed by:  
City Manager

Agenda Item #12-1
RESOLUTION NO. 2016-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY DECLARING THE WOLF CREEK ABATEMENT PROJECT AN URGENT NECESSITY FOR THE PRESERVATION OF LIFE, HEALTH, AND PROPERTY AND TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ENTER INTO CONTRACTS RELATED THERETO

WHEREAS, it has come to the City’s attention that several transient camps both occupied and abandoned are present on public and private property adjacent to Wolf Creek south of Highway 20 and in terrain that is very difficult to access ("Transient Camps");

WHEREAS, the Transient Camps include personal property, large quantities of refuse, debris, and human waste, and open fires that immediately threaten the life, health, and property of those in and around the Transient Camps and the citizens of the City as well as the water quality of Wolf Creek ("Materials");

WHEREAS, more than 40 cubic yards Materials must be removed from the Transient Camps and an access way must be graded to allow for that removal ("Wolf Creek Abatement Project");

WHEREAS, Article XIII, subsection (a) of the City Charter authorizes the City Council to let contracts for public works without advertising for bids if it deems the work of urgent necessity for the preservation of life, health, or property;

WHEREAS, Article XIII, section (b)(2) of the City Charter authorizes the City Council to let contracts for supplies, materials, and equipment without advertising for bids if it finds the purchase may be made more economically by doing so, or the purchase is of urgent necessity for the preservation of life, health, or property;

WHEREAS, Section 3.08.150 of the Grass Valley Municipal Code authorizes the City Manager to procure supplies, equipment, services, or construction without advertising for bids to address a threat to public health, welfare, or safety

WHEREAS, City staff has reviewed options for the Wolf Creek Abatement Project and has determined the Wolf Creek Abatement Project is an urgent necessity for the preservation of life, health or property within the meaning of Article XIII of the City Charter; and

WHEREAS, due to the need to access the Transient Camps and remove the Materials, staff recommends the City Council find the Wolf Creek Abatement Project to be urgently necessary to preserve life, health, and property within the meaning of Article XIII of the City Charter, and thereby authorize the City Manager or his designee to contract for works, supplies, materials, and equipment for the Wolf Creek Abatement Project without advertising for bids.
RESOLUTION NO. 2016-23

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRASS VALLEY, as follows:

1. The foregoing statements are true and correct and incorporated herein by this reference.
2. The Materials represent an immediate threat to the environmental as well as to the life, health, and property of those in and around the Transient Camps within the meaning of Article XIII of the City Charter.
3. The Materials represent an emergency and threat to the public health, safety, and welfare within the meaning of Section 3.08.150 of the Grass Valley Municipal Code.
4. The Wolf Creek Abatement Project is an urgent necessity for the preservation of life, health, and property and to protect the public health, safety, and welfare.
5. The City Manager or his designee is hereby authorized to contract for works, supplies, materials, and equipment necessary or convenient for the Wolf Creek Abatement Project without advertising for bids.
6. The City Manager or his designee is hereby authorized to contract, subject to legal review by the City Attorney, with private property owners in and around the Transient Camps that may be necessary or convenient for the Wolf Creek Abatement Project. Such agreements shall provide for appropriate licenses, indemnification, insurance, remedies, and other provisions necessary or convenient for the Wolf Creek Abatement Project.
7. The Wolf Creek Abatement Project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15269(c) of the CEQA Guidelines (Emergency Projects) because the Materials include refuse, debris, human waste, and open fires that are an immediate threat to the life, health, and property of those in and around the Transient Camps and the citizens of the City and the public health, safety, and welfare. It is also categorically exempt under CEQA Guidelines sections 15304 (minor alterations to land), 15307 (protection of natural resources), 15308 (protection of the environment), 15330 (abatement of hazardous materials).
8. This Resolution shall take effect immediately upon its adoption.
RESOLUTION NO. 2016-23

ADOPTED as a Resolution by the City Council of the City of Grass Valley at a regular meeting thereof held on the 10th day of May 2016, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

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Jason Fouyer, MAYOR

ATTEST:

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Kristi K. Bashor, City Clerk

APPROVED AS TO FORM:

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Michael G. Colantuono, City Attorney