Report to Mayor and City Council

Tuesday, September 01, 2020

Discussion

SUBJECT:

CONTINUE EMERGENCY ACTION CONCERNING NEW AIR FILTRATION AND HVAC SYSTEMS AT CITY FACILITIES (CITY COUNCIL)

I. SUMMARY

On August 4, 2020, after the City Council made the requisite findings for the City to operate under the Public Contract Code ("PCC") emergency procedures, the City Council authorized by at least a four-fifths vote implementation of emergency procurement procedures to enable staff to move forward with an initiative intended to help reduce the proliferation of the Covid-19 virus. The emergency procedures allow the City to dispense with the normal bidding requirements under the PCC for replacement of indoor air filtration systems, specifically, the HVAC systems at City Hall and the Community Center, which project will require design and construction work. As part of the PCC's emergency procedures, the City Council is now required to review the emergency action at all regularly scheduled City Council meetings following the August 4 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.

II. RECOMMENDATION

REVIEW the emergency action authorized during its August 4, 2020 meeting and determine by four-fifths vote that there is a need to continue the emergency action.

III. ALTERNATIVES

1. DO NOT DETERMINE that there is a need to continue the emergency action. However, this will require the City to halt the work that has begun and go out to bid for the project, thereby delaying any implementation.

2. TAKE another action the City Council deems appropriate and consistent with the requirements of the law.

IV. BACKGROUND

Caution has been expressed by the CDC and other credible medical sources that the Covid-19 virus may be transmitted via aerial as well as droplet method. Although the role of potential aerial spread of the virus is not clearly understood, the seriousness of the pandemic suggests that out of extreme caution, air filtration systems should be improved to include the most up to date technology to address the potential for virus transmission. Staff has determined that the indoor air quality systems, specifically the heating, ventilation, and air conditioning (HVAC) systems within City Hall and the Community Center, must be replaced to improve the air filtration systems. This will require design and construction work but, due to the emergency nature stemming from the pandemic, to achieve a significantly earlier project completion date, on August 4, 2020, the Council authorized implementation of emergency procurement procedures by at least a four-fifths vote that allowed the City to dispense with the normal bidding requirements under the PCC.

During that meeting, the City Council made the requisite findings for the City to operate under the PCC's emergency procedures and now is required by law to review the emergency action at all regularly scheduled City Council meetings following the August 4 meeting until the action is terminated to determine, by a four-fifths vote, that there is a need to continue the action.

Section 22050 of the PCC provides:

> (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.

On August 18, 2020, the City Council reviewed the emergency action and determined, by at least a fourth-fifths vote, that there was a need to continue the emergency action, recognizing that the project was in the beginning of the design phase authorized in a Memorandum of Understanding entered into between City and Trane Technologies that was approved by the City Council during its August 4, 2020 meeting. As Trane Technologies is still diligently working on the design phase, the emergency action authorized by the City Council is still ongoing. Based on the foregoing, City staff recommends that the City Council again review the emergency action authorized during its August 4, 2020 meeting and make the determination that there is still a need to continue

the emergency action.

V. FISCAL IMPACT

None. There is no cost associated with review of the emergency action authorized during its August 4, 2020 meeting and determining that there is a need to continue the emergency action.

VI. EXHIBITS

None.

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